

California Regional Water Quality Control Board San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the Tentative Order for
Vallejo Flood and Wastewater District
Wastewater Treatment Plant and its collection system,
Vallejo, Solano County

The Regional Water Board received written comments from the Vallejo Flood and Wastewater District, on a draft NPDES permit (tentative order) distributed for public comment on December 9, 2022. The comments are summarized below in *italics* (paraphrased for brevity), followed by staff's response. For the full content and context of the comments, please refer to the comment letter. To request a copy of the letter, see the contact information provided in Attachment F, section 8.7, of the Revised Tentative Order.

Revisions are shown with ~~striketrough~~ text for deletions and underline text for additions. The Revised Tentative Order also contains minor editorial and formatting changes to the tentative order distributed for public comment.

District Comment 1

The District requests that we delete Table 3, Task 11, of the tentative order, which would require the District to develop a private sewer lateral inspection ordinance (PSL ordinance) appropriate to its service area and present the ordinance to its board for consideration. The District says it cannot both continue to provide grants to homeowners through its upper lateral program and implement a PSL ordinance due to cost and administrative burdens. The District also says implementing a PSL ordinance would not be an effective use of the District's limited funds because only about 25 percent of upper laterals inspected would be deficient. The District notes that the City of Vallejo, where the District's service area is located, is one of the poorest in the San Francisco Bay area.

Response

We did not revise the tentative order. The tentative order would approve the District's blending of primary-treated and biologically-treated wastewater prior to discharge to Carquinez Strait when wet weather inflow to the District's treatment plant exceeds the plant's biological treatment capacity and all storage is exhausted. The tentative order can only approve such bypasses if the District meets the conditions set forth in federal regulations (see Standard Provisions, Attachment D, section 1.7). Federal regulations prohibit bypasses but allow permitting authorities, such as the Regional Water Board, to approve them under the following circumstances:

- they are unavoidable to prevent loss of life, personal injury, or severe property damage;

- there are no feasible alternatives such as use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and
- the discharger submitted notice.

For the Regional Water Board to find that there are no feasible alternatives to a bypass, the District must demonstrate that it has done everything feasible to prevent the bypass. In the case of a bypass necessitated by excessive stormwater and groundwater infiltration and inflow into the collection system, that includes everything feasible to reduce infiltration and inflow. It is generally understood that in the Bay Area that faulty private sewer laterals contribute significantly to infiltration and inflow; thus, many dischargers implement PSL ordinances. We conclude, therefore, that it is feasible for the District to implement a PSL ordinance.

We also support the District's upper lateral program, which defrays a homeowner's expense of upper lateral replacement whether the title to the property is being transferred or not. The District's upper lateral program directly targets deficient upper laterals. However, it is less effective than a PSL ordinance would be at reaching a substantial portion of the District's service area over time because it is voluntary, whereas a PSL ordinance would be compulsory. Inspections under a PSL ordinance would also reach a larger number of upper laterals before their condition became critical, resulting in repair or replacement of laterals that the District's upper lateral program would not have reached.

Table 3, Task 8, of the tentative order would require the District to continue and, if possible, expand its upper lateral program. We disagree that the District could not implement both its upper lateral program and an appropriate PSL ordinance. The City of Richmond implements a Sewer Lateral Grant Program (www.ci.richmond.ca.us/2130/Sewer-Lateral-Grant-Program) that reimburses homeowners for private lateral replacement and a PSL ordinance ([City of Richmond Ordinance No. 16-14 N.S.](#)) that requires lateral inspection and repair at point of sale. Like Vallejo, Richmond is a relatively low-income community, which demonstrates that implementing both types of programs is feasible.

District Comment 2

The District requests that we delete the sentences of Table 3, Task 4.a, of the tentative order pertaining to sanitary sewer segments with high infiltration and inflow, and inflow from storm drain areas prone to flooding. The District states that it addresses sanitary sewer segments with high infiltration and inflow under its Sanitary Sewer Collection System Master Plan and inflow from storm drain areas prone to flooding under its Flow Monitoring Assessment Program. It does neither under its Asset Management Program.

Response

We partly agree. Rather than deleting the requirements to address sanitary sewer segments with high infiltration and inflow, and inflow from storm drain areas prone to flooding, we revised Table 3 to place these requirements under more appropriate tasks, renumbering the tasks where necessary:

Task	Compliance Date
<p>1. Report Annually on Implementation of 10-Year Sanitary Sewer Capital Improvement Plan (CIP) Report progress implementing projects with the potential to reduce peak wet weather flows to the plant as identified in the 10-year CIP, including progress identifying project funding and an updated implementation schedule. <u>Report progress implementing projects to repair or replace sanitary sewer segments with the highest potential to reduce infiltration and inflow, as identified in the Collection System Master Plan.</u></p>	<p>With annual SMR due February 1 each year</p>
<p>:</p>	<p>:</p>
<p>3. Report Annually on Reducing Infiltration and inflow Due To Flooding <u>Report progress assessing collection system condition and implementing plan to reduce infiltration and inflow from areas identified in the Storm Drain Master Plan as large sources due to flooding.</u></p>	<p>With annual SMR due February 1 each year</p>
<p>3 4. Continue Collection System Rehabilitation and Replacement Complete collection system rehabilitation and replacement costing at least \$1.25 million per year, including but not limited to collection system improvements listed in the 10-year CIP. Report project descriptions and expenditures.</p>	<p>With annual SMR due February 1 each year.</p>
<p>4 5. Continue Implementation of Asset Management Program a. Continue implementation of Asset Management Program for critical plant, pump station, and collection system assets based on U.S. EPA's Asset Management Framework. The Asset Management Program shall identify sanitary sewer segments with the highest potential to reduce inflow and infiltration. It shall also include an assessment of collection system condition and an implementation plan to reduce inflow from areas identified in the Storm Drain Master Plan as large sources due to flooding.</p>	<p>Report with annual SMR due February 1 each year.</p>
<p>:</p>	<p>:</p>

District Comment 3

The District requests that we remove the requirement to combine sewer main / lower lateral projects in high infiltration and inflow areas with upper lateral projects under the Upper Lateral Program from Table 3, Task 8.b, of the tentative order. The District also requests that we require assessment of possible combined sewer main / lower lateral projects in conjunction with the Asset Management Program required by Table 3, Task 4. The District states that it cannot efficiently combine repair and replacement of sewer mains and lower laterals, which the District owns, with repair and replacement of upper laterals, which the District does not own. The District further states that requiring assessment of sewer main / lower lateral work in conjunction with the Asset Management Program better reflects the District's current program.

Response

We agree and revised Table 3, Task 8.b, as follows:

<p>§ 9 Continue and Expand Upper Lateral Program</p> <p>a. ...</p> <p>b. Promote the program to commercial and residential customers directly and through community groups and local media. Such outreach shall include targeted outreach to introduce the Upper Lateral Program to realtors and to property sellers and buyers at the point of sale. <u>Assess possible</u> Also target combined sewer main / lower lateral / upper lateral repair projects at portions of service area with high infiltration and inflow <u>in conjunction with Task 4.</u></p> <p>c. ...</p>	<p>Report with annual SMR due February 1 each year.</p>
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District Comment 4

The District requests that we revise MRP sections 5.2.1.1 and 5.3.1.1 to allow the District to use a single composite sample for static-renewal toxicity tests provided that the composite sample is properly stored, consistent with 40 C.F.R. part 136, Table II, Footnote 4, which states “For static-renewal toxicity tests, each grab or composite sample may also be used to prepare test solutions for renewal at 24 hours, 48 hours, and/or 72 hours after first use, if stored at 0-6 °C, with minimum head space.”

Response

We agree and made the following revision to MRP, section 5.2.1.1:

Sampling. *The Discharger shall collect 24-hour composite effluent samples at Monitoring Location EFF-001 or EFF-002 for critical life stage toxicity testing as indicated below. Effluent samples may be collected before disinfection for toxicity tests. ~~For toxicity tests requiring renewals, the Discharger shall collect 24-hour composite samples on consecutive or alternating days.~~ For static-renewal toxicity tests, the Discharger may use a composite sample to prepare test solutions for renewal in accordance with 40 C.F.R. part 136, Table II, Footnote 4.*

We made the following revision to MRP, section 5.3.1.1.:

Sampling. *The Discharger shall collect 24-hour composite effluent samples at Monitoring Location EFF-001 or EFF-002 for critical life stage toxicity testing as indicated below. Effluent samples may be collected before disinfection for toxicity tests. ~~For toxicity tests requiring renewals, the Discharger shall collect 24-hour composite samples on consecutive or alternating days.~~ For static-renewal toxicity tests, the Discharger may use a composite sample to prepare test solutions for renewal in accordance with 40 C.F.R. part 136, Table II, Footnote 4.*

District Comment 5

The District requests that we clarify whether, when conducting concurrent routine and surveillance monitoring for aquatic toxicity, the permit would allow both bioassays to use the same set of control samples. The District points out that, after U.S. EPA approves the Toxicity Provisions, the tentative order would require routine and surveillance monitoring at the same frequency (twice per year) and allow both tests to be done

concurrently (see MRP § 5.3.4.3). The District states that using a single set of control samples for both tests save costs without affecting the test results.

Response

We agree and revised MRP section 5.3.4.3 as follows:

Surveillance Monitoring Frequency. *Surveillance monitoring shall be conducted twice per year. Surveillance monitoring tests may be conducted concurrently with routine monitoring and one set of control samples may be used for the concurrent tests. If a surveillance monitoring result is “fail,” the Discharger shall conduct an additional surveillance monitoring test no later than the next calendar month in which there is sufficient effluent flow. If the result of the second test is “fail,” the Discharger shall conduct a TRE*