



February 1, 2016

Lila Tang  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

VIA EMAIL: [ltang@waterboards.ca.gov](mailto:ltang@waterboards.ca.gov)

**Subject:** Alternate Monitoring and Reporting Requirements for Municipal Wastewater Dischargers for the Purpose of Adding Support to the San Francisco Estuary Regional Monitoring Program

Dear Ms. Tang:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Order for the Alternate Monitoring and Reporting Requirements (Alternate Monitoring Requirements) for Municipal Wastewater Dischargers for the Purpose of Adding Support to the San Francisco Estuary Regional Monitoring Program (Tentative Order). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA supports the concept captured by the Tentative Order of reallocating resources from low-value effluent testing to the Regional Monitoring Program (RMP). The RMP has faced declining funding in recent years, and is in need of additional support to address important questions about water quality in the San Francisco Bay, which will in turn inform policy decisions.

The Tentative Order proposes reductions in monitoring frequencies for testing via EPA Methods 608 (PCBs as arochlors, and chlorinated pesticides), 624 (volatile organic compounds), 625 (base neutral acids), and 1613 (dioxins) for agencies that seek coverage under the Alternate Monitoring Requirements. BACWA's member agencies collect hundreds of effluent samples annually, in aggregate, to monitor constituents via EPA Methods 608, 624, and 625. These constituents posed a water quality concern decades ago before they were incorporated into the California Toxics Rule. In recent years, most of these constituents have rarely been detected in effluent, and when they are detected, they are at levels much lower than would pose a water quality concern. As described in the Tentative Order, the Regional Water Board has decades of data on dioxins via EPA Method 1613 on which to base any future management decisions. POTW funds are much better used to support emerging contaminants research through the RMP than continuing routine monitoring of historical pollutants in effluent.

Besides reducing monitoring via the tests listed above, the Tentative Order eliminates the requirement for routine chronic toxicity sensitive species screening for agencies seeking coverage under the Alternate Monitoring Requirements. Sensitive species screening for chronic toxicity testing is extremely expensive at approximately \$30,000 per screen, and does not yield useful information in most cases. If there is no change in effluent quality, then any change in the most sensitive species will be due to the inherent noise in the test, not actual changes in effluent toxicity.

As noted in the Tentative Order, the analytical costs identified therein represent the upper end of the range of actual costs. BACWA notes that the surcharge for most agencies will be greater than what they would be actually be spending on analytical testing. This is particularly true for agencies that do many of these analyses in their in-house laboratories. Nevertheless, BACWA recognizes the value of using consistent figures for all agencies, and the benefit of maximizing funding to the RMP via this mechanism. Additionally, the surcharge will be partially offset by staff time not spent on sample collection and data management.

Besides our general comments described above, BACWA has the following specific recommendations pertaining to the Tentative Order:

- 1. PCB Congener monitoring should be reduced upon reissuance of the Mercury/PCB Watershed Permit**

While BACWA supports the approach of strategically trading decreased effluent monitoring for increased RMP funding, as described in the Tentative Order, we urge the Regional Water Board to continue to scrutinize the routine testing requirements to ensure that they represent the best expenditure of public funds. When the Mercury/PCB Watershed Permit is reissued in 2017, the Regional Water Board will have ten years of PCB congener data via the unpromulgated Method 1668C. Each of these tests costs approximately \$1,000, and the informational value of these tests is outweighed by their high cost. **BACWA recommends that the Regional Water Board reduce the frequency of PCB congener monitoring via Method 1668C upon reissuance of the Mercury/PCB Watershed Permit.**

- 2. The Regional Water Board should work with agencies to ensure the Tentative Order captures the correct monitoring frequencies.**

Several of our member agencies have mentioned anecdotally to BACWA staff that the monitoring frequencies for individual POTWs listed in Tables F-2 and F-3 of the tentative order are incorrect. Since the current monitoring frequencies are used to calculate the level of funding to be transferred to the RMP, it is essential that they be correctly represented. Our member agencies will contact the Regional Water Board individually to supply the correct frequencies. **BACWA recommends that the Regional Water Board work with individual agencies to ensure that their current monitoring frequencies listed in the Tentative Order are correct.**

- 3. The reporting deadline for the Alternate Monitoring Requirements should be harmonized with agencies' Annual Reports**

The Tentative Order currently requires that “*The Discharger shall, either individually or in collaboration with other dischargers, submit or cause to submit, on October 1 of each year, a report that shows an accounting of each Discharger’s payment to the RMP.*” Each year, BACWA works with the RMP to submit a letter to the Regional Water Board certifying which agencies have paid their RMP dues for the previous year. This letter is submitted in January so that it may be incorporated by reference into agencies’ Annual Reports. **BACWA recommends that the reporting deadline for participation in the Alternate Monitoring Requirements be changed to February 1 to avoid duplicative reporting.**

**4. Costs increases should be tied to increases in analytical costs, not RMP cost adjustment, and costs should be constant over the five-year opt-in period.**

In Section VI.C.1.a (page 5) the Tentative Order states that adjustments to the surcharge paid to the RMP may be “*based on changes in contract laboratory costs or pegged to RMP annual cost adjustments*”. By being pegged to annual RMP cost adjustments, POTWs who opt in to the Alternate Monitoring Requirements may then spend more than continuing with the existing tests, which usually don’t increase in cost substantially. The commercial environmental testing market is very competitive; often there is no cost increase from year-to-year, and costs sometimes even decrease. For example, the cost for dioxin by EPA Method 1613 has been stable at \$1,000 for the past six to seven years, and no increases are expected for the next three to four years.

Agencies are required to opt into the Alternative Monitoring Requirement for a five-year term. When agencies are deciding whether to opt in, they need to understand the cost tradeoff for the full five-year period. It is unfair to increase the costs for agencies after they commit to a certain surcharge amount. Therefore, any cost increases that are implemented by the Executive Officer should not go into effect for an agency until they opt into the subsequent five-year term.

**BACWA recommends that Section VI.C.1.a be edited as follows:**

*The Discharger shall provide to the RMP, by July 1 of each year for minimum terms consisting of 5 consecutive years, the amount of funds listed for the Discharger in Attachment C of this Order. The costs shall be constant for an agency over the five-year opt-in period. Starting in 2017, the Executive Officer is authorized, but not required, to adjust these amounts annually by April 30 (to be effective for that calendar year), to reflect changes in analytical costs consistent with the assumptions used for Attachment C. These adjustments may be based on changes in contract laboratory costs as surveyed by BACWA ~~or pegged to RMP annual cost adjustments~~. The Executive Officer shall provide a 30-day public comment period on proposed adjustments and consider comments received prior to putting proposed adjustments into effective. The new costs will come into effect for agencies when they next opt into a new five-year term.*

In addition to the comments herein, BACWA has reviewed the letter submitted by SFEI recommending that the following language be added to Section VI.C.1.a in the TO: *The intended use of these funds is for monitoring and special studies for contaminants of emerging concern.*

Alternate Monitoring Requirements TO Comments

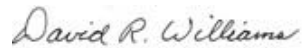
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*However, the Steering Committee of the RMP shall have the authority to allocate these funds to other types of studies at its discretion.”* BACWA has no objections to this addition.

BACWA appreciates the opportunity to comment on this Tentative Order and thanks you for considering our concerns.

Respectfully Submitted,

A handwritten signature in cursive script that reads "David R. Williams".

David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Board  
Amanda Roa, BACWA Permits Committee Chair