



October 13, 2017

James Parrish
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

VIA EMAIL: jparrish@waterboards.ca.gov

Subject: Tentative Order Amending Discharge Permits

Dear Mr. Parrish:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide comments on the Tentative Order containing an Amendment of Waste Discharge Requirements for Municipal and Industrial Dischargers. 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 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

Overall, we are pleased with the updates to Attachment G, which simplify the Standard Provisions, and move Stormwater Provisions to a new Attachment S. We also appreciate that the Regional Water Board is updating the Toxicity Equivalency Factors for dioxin in Attachment F. This letter addresses issues in Attachment G pertaining to the requirement to sample during bypass events, to duplicate sample reporting, and to reporting results not yet available. We also have one proposed minor addition to Attachment S.

1. Bypass sampling

- a. Bypass sampling should only be required for bypass events that last longer than two hours.*

Attachment G, Section III.A.3.b.v (pg. G-5) requires dischargers to collect and analyze samples for all constituents with effluent limitations on a daily basis for the duration of the bypass. In many cases, bypass events are short lived (e.g. less than two hours) and are

caused by effects of equipment starting and stopping suddenly and without warning. Taking samples during short bypass events is problematic for several reasons:

- Plant staff will typically focus on fixing the equipment problems when a bypass occurs without warning. Diverting staff to take samples in short term bypass events may unnecessarily lengthen the bypass conditions.
- Many constituents with effluent limitations require grab samples rather than composite samples (e.g. dioxin, cyanide, oil and grease). Taking a grab sample of effluent during a short term bypass event is problematic since it is not always possible to predict when the bypassed portion of the discharge passes under the sample location.
- Most effluent limitations are maximum daily effluent limits. Grab samples taken during a short term bypass event are not necessarily representative of the daily discharge as a whole.

b. Acute toxicity testing in a bypass should only be required if the bypass event is greater than 24 hours.

BACWA is concerned about the practicality and reasonability of requiring acute toxicity testing during bypass events. If an unplanned bypass event occurs, it is extremely difficult to initiate an acute toxicity test within the 72-hour hold time even when samples are taken during the bypass. Unless a flow-through acute toxicity test is being done at the same time as an unanticipated bypass by chance, the discharger must quickly get 32 to 40 liters of sample during the bypass and figure out how to get the test done. Several logistical issues then must be overcome as noted below:

- In-house laboratories must obtain their test species, acclimate them, and set up a test for static renewals within 72 hours.
- Use of outside laboratories is an option, but they may have similar issues with access to the right test species and may or may not have enough equipment to initiate another test.
- An unanticipated bypass that occurs on a weekend makes it even harder to get all of the staff and equipment ready to initiate a test within 72 hours.
- If conducting static renewals instead of flow-through testing, effects from unionized ammonia are likely since pH can drift more in a static test than a flow-through test.

c. Constituents with limits due to bioaccumulation should be exempted from bypass sampling

Most dischargers have limits for dioxin, mercury, and PCBs because they are bioaccumulative, and not because they pose an acute toxicity risk at concentrations where they are likely to be present in wastewater effluent, even during bypass. BACWA recommends that these three constituents be exempted from the bypass monitoring requirements.

To address issues 1a, 1b, and 1c, we recommend the following changes to pg G-5, Section III.A.3.b.v, of the Tentative Order:

v. Bypass. Except as indicated below, if a Discharger bypasses any portion of its treatment facility for a period of two hours or greater, it shall monitor flows and collect samples at affected discharge points and analyze samples for all constituents with effluent limitations on a daily basis for the duration of the bypass, with the exception of dioxin-TEQ, mercury, PCBs, and PCB congeners. The Discharger need not accelerate chronic toxicity monitoring. The Discharger need not accelerate acute toxicity unless the bypass is greater than 24 hours. The Discharger may satisfy the accelerated acute toxicity monitoring requirement by conducting a flow-through test or static renewal test that captures the duration of the bypass (regardless of the method specified in the MRP). If bypassing disinfection units only, the Discharger shall only monitor bacteria indicators daily.

2. Language on duplicate sampling should exempt batch Quality Control duplicates

Attachment G, V.C.1.d.iii (Pg G-9) requires that dischargers report the average of duplicate sample analyses when reporting a simple sample result, or the geometric mean when reporting bacteria indicators. Agency ELAP certified laboratories and contract laboratories often conduct sample batch QC duplicate analysis using samples collected for regulatory compliance to demonstrate analytical precision. Contract laboratories do not currently identify duplicate batch sample results for clients, but do provide sample batch precision analysis. As such, BACWA recommends that the duplicate samples language be revised to the following.

iii. Duplicate Samples. The Discharger, except in the case of batch QC duplicates, shall report the average of duplicate sample analyses when reporting for a single sample result (or the median if one or more of the duplicates is DNQ or ND [see Provision V.C.1.e.d.ii, above]). For bacteria indicators, the Discharger shall report the geometric mean of the duplicate analyses (or the median if one or more of the duplicates is DNQ or ND [see Provision V.C.1.d.ii, above]).

3. “Results Not Yet Available” reporting should not be required for analytes that are monitored less frequently than monthly

For constituents that are monitored on a monthly or more frequent basis, it is reasonable to expect the Discharger to report a justification in their Monthly SMR if results are not yet available. However, for constituents that are monitored less frequently, it does not make sense to require them to report if results are not available for that month’s report, and creates an unnecessary reporting burden. BACWA recommends the following addition to the language in Attachment G, Section V.C.1.e, on pg. G-10.

e. Results Not Yet Available. The Discharger shall make all reasonable efforts to obtain analytical data for required parameter sampling in a timely manner. Certain analyses

may require additional time to complete analytical processes and report results. In these cases, and where the monitoring frequency requirement is at least monthly, the Discharger shall describe the circumstances in the self-monitoring report and include the data for these parameters and relevant discussions of any violations in the next self-monitoring report due after the results are available.

4. Attachment S exemption should not apply to agencies enrolled in the Small MS4 permit

In addition to agencies that are enrolled in the Industrial General Order, Attachment S should also not apply to agencies with flows that are too small for coverage under the Industrial General Order and have therefore obtained coverage under the Small Municipal Separate Storm Sewer Systems General Order. BACWA recommends the following changes to Attachment S, Applicability (pg. S-1):

These stormwater provisions only apply to facilities that do not direct all stormwater flows from process areas to a wastewater treatment plant headworks; or do not enroll in NPDES Permit No. CAS000001 (General Permit for Stormwater Discharges Associated with Industrial Activities); or are not enrolled NPDES Permit CAS000004 (General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems) and have developed a Stormwater Pollution Prevention Plan for the facility under Provision E.11.

We appreciate your attention to our comments. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

David R. Williams

David R. Williams
Executive Director

Cc: BACWA Executive Board
Chris Dembiczak, BACWA Permits Committee Chair
Robert Wilson, BACWA Permits Committee vice-Chair