



March 20, 2018

Submitted via electronic mail to waterqualitypetitions@waterboards.ca.gov

State Water Resources Control Board
Office of Chief Counsel
Adrianna M. Crowl
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

Subject: Request for Review and Resolution of Issues Raised in Petition of the Ross Valley Sanitary District, et. al.

Dear Ms. Crowl:

The California Association of Sanitation Agencies (CASA) and Bay Area Clean Water Agencies (BACWA) request that the State Water Resources Control Board accept for review the petition of the Ross Valley Sanitary District, et. al. (*In the Matter of the Petition of Ross Valley Sanitary District, San Rafael Sanitation District and Southern California Alliance of POTWs for Review of Action and Failure to Act by the California Regional Water Quality Control Board, San Francisco Bay Region, in Adopting Order No. R2-2018-0003 for the Central Marin Sanitary Agency*)

CASA and BACWA previously commented on the permit that is the subject of this Petition, No. R2-2018-0003 NPDES, No. CA0038628 for Central Marin Sanitation Agency, San Rafael Sanitation District, Sanitary District No. 1 of Marin County, and Sanitary District No. 2 of Marin County Marin County. The order was adopted on January 10, 2018 without the changes urged by CASA and BACWA in our comments on the Tentative Order. The State Water Board should take up the Petition and address the issues raised by the Petitioners for the following reasons:

The NPDES Permit was not the Appropriate Vehicle for Imposing Requirements on the Satellite Agencies

In our comments on the Tentative Order, we noted our concern about the inclusion of the satellite collection systems in the NPDES permit. Under the circumstances presented, we suggested it would be more appropriate to approach the requirements placed on the satellite agencies as a blueprint for collection system improvements over the next five years, not as provisions within the regional treatment agency's NPDES permit. We also suggested that there were other adequate mechanisms available to regulate the satellites' activities pertaining to inflow and infiltration (I/I) reduction, including those already available under the Sanitary Sewer Systems Waste Discharge Requirements (SSS WDR) or a supplemental non-NPDES WDR. None of these alternatives were adequately considered or pursued by the Regional Water Board. We cannot identify any benefit to stakeholders or the environment from pursuing this approach in this case, other than it being the Regional Board staff's preference for administrative convenience.

The “Blending” Provisions of the Permit Do Not Justify Including Satellite Agencies

One stated reason for inclusion of the collection system agencies in the Permit was to address “blending” at the treatment facility. For the reasons set forth by Petitioners, this is inappropriate. Federal courts have ruled that blending is not an illegal bypass subject to the United States Environmental Protection Agency’s bypass prohibitions and rules. By including the collection system agencies in the permit, with the justification of reducing I/I and blending, the Regional Water Board is essentially regulating upstream and internal waste streams, and controlling the operation of the treatment works by imposing requirements prior to discharge. The State Water Board should take up this Petition in order to clarify that addressing blending is not a sufficient justification for inclusion of satellite collection system agencies in an NPDES permit. The issues related to bypass are of interest to the municipal wastewater industry as a whole and should be taken up even if other issues in this Petition are ultimately resolved.

The Prescribed List of “Tasks”, and Level of Specificity in Requirements and Timetables for Satellite Agency Actions, is not Appropriate in an NPDES Permit

The NPDES Permit includes 38 individual tasks for the three collection system agencies. For the reasons set forth in the Petition, this is inappropriate. All of these very specific tasks are on rigid time schedules established in the permit. Because they are part of an NPDES permit, none can be modified without formal notice, comment and hearing. These lists micromanage the activities of the collection system agencies in an unreasonable manner that is neither necessary nor authorized by law. The specific “checklist” nature of these requirements is inappropriate for an NPDES permit, and the State Water Board should take up the Petition to address this issue.

Feel free to contact me at alink@casaweb.org or (916) 446-0388 with any follow-up questions or concerns.

Sincerely,



Adam D. Link
Director of Government Affairs, CASA



David R. Williams
Executive Director, BACWA

cc: Roberta Larson, Executive Director, CASA
Melissa Thorne, Downey Brand LLC
David Williams, BACWA Executive Director