



March 13, 2019

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

**Subject:** Comments on the Tentative Order for NPDES No. CA0037834, Palo Alto Regional Water Quality Control Plant

Dear Mr. Burrell:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Order for NPDES No. CA0037834, Palo Alto Regional Water Quality Control Plant (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 7.1 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.

Historically, most NPDES permits in the San Francisco Bay Region implement enterococcus objectives as an end-of-pipe limit, irrespective of the fact that contact recreation does not take place within the outfall's mixing zone. This results in overprotective bacterial effluent limits, requiring overuse of chlorine, and therefore sodium bisulfite to dechlorinate the effluent, with ancillary environmental impacts in terms of chemical production, transport, and disinfection byproduct production. BACWA is engaged with the Regional Water Board in an effort to amend the Basin Plan to reduce unnecessary chemical use associated with disinfection.

This Tentative Order is potentially the first NPDES permit in the San Francisco Bay Region where the State Water Resource Control Board's *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP)– Part 3, Bacteria Provisions and a Water Quality Standards Variance Policy* (Bacterial Objectives) is to be implemented. On page F-27 of the Tentative Order, it states that enterococcus limits are not calculated via the SIP procedure. While Palo Alto uses UV, rather than chlorine, for disinfection, and will therefore not increase chemical dosing due to the new objectives, this order establishes a strategy for implementing the Bacterial Objectives for other POTWs in our Region who do use chlorine. As such, BACWA requests that the Regional Water Board calculate the water quality based effluent limit for enterococcus using the SIP procedure.

Based on conversations with Regional Water Board staff, there may not be appropriate existing background monitoring data to use for enterococcus. Much of the sampling in the Region has been done via beach sampling, which is expected to have higher levels of enterococcus due to surface runoff compared to samples collected mid-Bay. BACWA is developing a sampling plan to generate new background data that can give more accurate representation of the San Francisco Bay's assimilative capacity for enterococcus.

If the Regional Water Board is unable to perform the SIP calculations for enterococcus due to lack of background data, BACWA requests that a note be made in the Fact Sheet stating that the Regional Water Board finds that Water Quality Based Effluent Limits are appropriate for enterococcus, but that Bacteria Objectives are being applied as end-of-pipe limits due to lack of information on the assimilative capacity of the receiving water. Recalculation of limits in future permits is appropriate when such data become available.

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

Respectfully Submitted,

*David R. Williams*

David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Executive Board  
Karin North, City of Palo Alto