

Lila Tang, Chief
NPDES Permits Division
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

September 18, 2006

Dear Ms. Tang:

Thank you for the opportunity to comment on the tentative order for the proposed NPDES permit reissuance for the North San Mateo County Sanitation District (permit number CA0037737). EPA's main concerns are related to bacteriological indicator limits and compliance schedules.

Bacteriological Indicator Limits

The California Ocean Plan (COP) lists numeric bacteriological water quality objectives adopted by the State Water Resources Control Board for ocean waters used for contact recreation. These numeric objectives apply within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further, and in areas outside this zone used for water contact sports, as determined by the Regional Board (i.e., waters designated as REC-1), but including all kelp beds. Because the Regional Board's Basin Plan designates REC-1 beneficial uses for the State waters of the Pacific Ocean, the COP numeric objectives apply at the point of discharge for the North San Mateo County Sanitation District outfall. Therefore, we believe it is appropriate to calculate an effluent limit based on the numeric objectives. We recommend the use of the enterococcus objective to derive limitations, as enterococcus has been shown to be a good indicator of gastrointestinal illness for marine waters.

The draft permit as written contains total coliform limitations (2,400 MPN/100 ml and 24,000 MPN/100 ml), but explains only that these numbers were carried over from the previous permit, and provides no information regarding the technical basis for the limitations. The draft permit then proposes to suspend this limit for the duration of a study, and to put in place interim receiving water limits. The proposed receiving water limits are based on an out-dated version of the COP, and as written, would not be enforceable because the monitoring and reporting program does not require data collection to determine compliance. For the above reasons, we do not support the permit limitations as proposed in the draft permit.

Compliance Schedule for Heptachlor

Page 23 of the fact sheet states “the Ocean Plan allows for the establishment of time schedules for compliance with its requirements, but because the Basin Plan’s provisions for the establishment of compliance schedules are more prescriptive, those provisions are applied in this Order.” Please explain the basis for the statement that the Ocean Plan allows compliance schedules, as the Ocean Plan does not appear to contain a compliance schedule provision. Additionally, as the Basin Plan is not applicable to this discharge, we believe it is inappropriate to apply Basin Plan provisions to this discharger. Based on information presented in the permit, we do not believe a compliance schedule in the permit can be granted.

Sanitary Sewer Overflows Language

Section VI.C.4.b, regarding the Sanitary Sewer Overflows and Sewer System Management Plan, should be amended to include the new standard language incorporated into the permits adopted by the Board in August.

Thank you for your consideration of these comments. We appreciate your efforts to reissue this permit, however, we are compelled to notify you, in accordance with 40 CFR 123.44(b) and the 1989 NPDES Memorandum of Agreement, that the EPA may object to the final permit, if necessary, based on EPA’s concerns described in these comments. If you have any questions, please contact me at (415) 972-3535.

Sincerely,

Douglas E. Eberhardt, Chief
CWA Standards and Permits Office