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June 19, 2014

Sent Via Electronic Mail

Susan Glendening, Environmental Specialist
San Francisco Estuary Partnership/San Francisco Regional Water Board
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Dear Ms. Glendening:

Subject: Comments Submittal - NPDES Tentative Order for Discharges of Water from
Drinking Water Supply Distribution, Transmission, and Groundwater Systems

The Alameda County Water District (ACWD) serves safe and reliable drinking water to approximately 330,000 customers throughout the cities of Fremont, Newark, and Union City. One of ACWD's missions is to plan, design, and operate district facilities efficiently, effectively, and safely, bearing in mind our responsibilities to be a good neighbor and a good steward of the environment.

Since 2011, ACWD has been working with the San Francisco Regional Water Quality Control Board (SFRWQCB) in crafting the NPDES permit for potable water discharges and is one of the eight member agencies funding the permit writer position at the SFRWQCB office. ACWD believes that the draft NPDES permit can be both protective of the environment and not constrain water purveyors' operations provided certain modifications are included. ACWD staff's comments and suggested revisions on the Tentative Order (TO) are provided in Attachment A.

ACWD appreciates the SFRWQCB's consideration of its comments on the Region 2 General Waste Discharge Requirements for Discharges of Water from Drinking Water Supply Distribution, Transmission and Groundwater Systems. We look forward to our continued collaboration with you on our common goal of protecting our region's water quality. If you have any comments or questions regarding the content of this letter, please feel free to contact Greg Buncab at gregorylee.buncab@acwd.com or (510) 668-6531.

Ms. Susan Glendening

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Thank you.

Sincerely,



for Walter L. Wadlow
General Manager

gb

Attachment

cc: Lila Tang, SFRWQCB
Claudia Villacorta, SFRWQCB
Steve Peterson, ACWD
Jeannette Kelley, ACWD

ATTACHMENT A

Alameda County Water District Comments re: SFRWQCB's General Waste Discharge Requirements for Discharges of Water from Drinking Water Supply Distribution, Transmission and Groundwater Systems

1. COMMENTS REGARDING TECHNICAL ISSUES:

ISSUE:

Pages 10-14 VII. Provisions C. Special Provisions 4. The Best Management Practices (BMP) contains an unwarranted amount of detail and can be interpreted as dictating how a water utility should operate.

COMMENT:

Water industry standards for potable water discharge BMPs is typically a combination of administrative (training) and structural (dechlorination, sediment control) BMPs. ACWD recommends removing the detailed requirements from within this section and focusing the BMP section on the implementation of administrative and structural BMPs. ACWD recommends referencing current guidelines or manuals such as:

- Best Management Practices Manual for Drinking Water System Releases (CA-NV AWWA)
- Guidance Manual for the Disposal of Chlorinated Water (Tikkanen et. al.)

Section 4.e. Copper Management is redundant since there is already a Statewide general NPDES permit to address the application of algacides and herbicides; Water Quality Order No. 2013-0002-DWQ General Permit No. CAG990005. ACWD recommends removing this section in its entirety.

The Region 2 (R2) staff has consistently stated that specific BMP provisions are required per the State Implementation Plan however, ACWD recommends R2 staff grant an exception to this requirement based on the fact that the protection of public health and safety, per the federal Drinking Water Act and California Health and Safety Code, is held paramount when there is a conflict with compliance with other water quality objectives.

ISSUE:

Use of a Numeric Action Level (NAL) of 500 NTU for turbidity.

COMMENT:

At this time ACWD recommends removing the turbidity NAL and require appropriate BMP deployment to the maximum extent practicable, documentation of such deployment and make all records of deployment available for regulatory review.

Implementation of the NAL for turbidity is not feasible or appropriate. Due to high variability in the flow rate, duration, and sediment load in these *de minimis* discharges, individual site constraints and limited data make it difficult with any certainty to determine a reasonable action level that can be achieved with present BMP technology. It would be more effective to adopt an iterative, adaptive approach, whereby permittees

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implement mechanisms to evaluate the performance of BMPs, formally document their use and make adjustments as necessary to protect water quality.

It is ACWD's understanding that the NAL of 500 NTU in the TO was established from the Construction General Permit. ACWD feels strongly that this is an inappropriate application since potable water discharges and discharges from construction sites are completely different scenarios. A construction site is typically a controlled environment, fenced off from the public domain, larger than an acre in size where engineering controls are planned and implemented proactively to manage discharges. This is not the case for unplanned discharges from potable water purveyors.

To require a discharger to reduce pollutants to levels consistently below a numeric action level using BMPs is to require the implementation of technology-based practices that is not readily available to the industry.

ISSUE

Definition of "Receiving Water" needs clarification.

COMMENT:

For the purposes of this permit and to avoid unnecessary monitoring for short-term and seasonal discharges related to potable water, ACWD recommends clearly defining "receiving waters." Under Attachment A - Definitions, "Receiving Water" is defined as an "...inland surface water, enclosed bay or estuary." Under Attachment E – Monitoring and Reporting Requirements, Table E-1 defines Receiving Waters as a "river or creek" and a "reservoir or bay." Also in Attachment E, under Section III – Effluent Monitoring, the Order states "Receiving water does not include storm drains or other conveyances constructed specifically for stormwater." The variability of the definition of "receiving water" in the TO is confusing, and ACWD believes that if this were to be given clarity it would improve compliance with the permit.

ACWD has a number of flood control channels that meander through its service area and the main concern is that flood control channels would be considered receiving waters. Monitoring of discharges into flood control channels would place an increased demand on ACWD staff yielding no direct measurable benefit to the environment.

ISSUE:

All super-chlorinated (original total chlorine residual concentration >4.0 mg/L) discharges require monitoring.

COMMENT:

In ACWD's service area, there may be many miles of urban storm drainage and conveyance facilities (conduits, culverts, open channels, etc.) between any potential discharge location and the nearest bay, estuary, river, creek or reservoir. Different parts

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of this complex system of urban storm drainage facilities are owned and operated by multiple agencies and property owners. In most areas within ACWD's service boundaries, it is simply not possible to determine (1) **where** a discharge that enters the urban storm system will emerge into a "receiving water," nor (2) **when** it will emerge such that representative receiving water monitoring is possible for discharges made miles away.

The TO requires discharges of any waters that once had chlorine concentrations greater than 4 mg/L be monitored at the receiving water. Such discharges would result from most disinfection operations, even though the discharge had been properly dechlorinated in accordance with American Water Works Association standards. For example, water flushed from a new water main installation after it had been disinfected in accordance with California Department of Public Health requirements would be dechlorinated in accordance with AWWA Standard C-651 prior to discharge to a storm drainage facility. Regardless of the residual concentration after application of BMPs, the water would need to be traced to its ultimate outfall into a receiving water, and the monitoring required in Tables E-1 and E-3 of the Order would be required. Not only is it questionable whether water remains a potential threat to the environment following application of dechlorination and other BMPs, but attempting to monitor the effects of such a discharge at such distance places an increased demand on ACWD staff yielding no direct measurable benefit to the environment. Travel time and impoundment, contamination within the storm system, the influence of other inflows into the system and other factors make such monitoring infeasible and any results would be questionable and not representative of the actual discharge.

ACWD asks R2 staff to consider alternative ways to structure the monitoring requirement to avoid these problems. For example:

- Extend the 300' monitoring threshold to include monitoring for waters with "Original Chlorine Total Residual Concentration" greater than 4 mg/L (thereby mitigating the proximity problem); or,
- Apply the receiving water monitoring requirement (Tables E-1 and E-3) only to those discharges with an actual chlorine concentration (at the time and point of discharge) which exceed 4 mg/L - not to waters which were previously "Super-chlorinated".

ISSUE:

Requirement for biologist certification that beneficial uses are no longer being actively being impacted.

COMMENT:

ACWD recommends using the same rationale provided by the SWRCB in the draft Statewide NPDES permit for potable water discharges in regards to the requirement for a biologist certification. The SWRCB has determined that the biologist certification is a

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mitigation measure required “*upon completion of the project.*” The SWRCB concludes that discharges from water purveyors are mandatory system-development and system-maintenance activities and are essential operations to comply with the federal Safe Drinking Water Act and the California Health and Safety Code for providing reliable and safe drinking water. The R2 TO treats every discharge as individual “projects” requiring a biologist certification that beneficial uses are no longer being actively impacted for each discharge resulting in adverse water quality impacts. Alternatively, the SWRCB has determined that potable water system operations and related discharges are ongoing “projects” and not considered complete unless the water purveyor ceases discharges from its system or when the State and/or Regional Water Board terminates NPDES permit coverage for the discharge(s), whichever is sooner. Thus, according to the SWRCB certification by a qualified biologist must be submitted after a water purveyor completely and permanently stops discharging from a drinking water system.

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2. COMMENTS REGARDING FORMATTING & REVISIONS TO LANGUAGE:

ISSUE:

Page 9 Section VII. Provisions C. Special Provisions 3.a.ii currently states, "*The Discharger shall notify the Regional Water Board as soon as possible and no later than 24 hours after becoming aware of a discharge resulting in noncompliance with the Effluent Limitations in Provision V or Receiving Water Limitations in Provision VI of this Order.*"

COMMENT:

It would be challenging for permittees to determine if and when a BMP listed in Provisions VII.C.4 and VII.C.5 is not being adequately implemented. This is not an efficient use of staff time to immediately notify the Regional Board (RB) if a BMP is non-compliant. ACWD recommends changing the language in this section and any other similar references throughout the permit to read:

"The Discharger shall notify the Regional Water Board as soon as possible and no later than 24 hours after becoming aware of a discharge resulting in noncompliance with the Effluent Limitations in Provision V.B or Receiving Water Limitations in Provision VI of this Order."

If the aim of the permit is to address adverse water quality impacts focusing on the effluent limitation for notification requirements should suffice to meet that objective.

ISSUE:

Page B-2 Section G. FORSEEABLE MAJOR DISCHARGES

COMMENT:

Section G on page B-2 of the TO requires that NOI applicants provide a list and the anticipated schedule of foreseeable planned discharges with a flow rate of at least 250,000 gallons per day or 500,000 gallons or more through December of the next calendar year. This same information is required on page 8 of the Tentative Order in Section VII.2.a as part of the notification process to the Regional Water Board. ACWD recommends removing Section G from the NOI as this information is required elsewhere in the TO.

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ISSUE:

Page E-4 Table E-2 Effluent Monitoring. Turbidity language should be removed (see comment below on turbidity). The footnotes for Table E-2 do not match with the citations within the Table.

COMMENT:

ACWD recommends the language for turbidity in Table E-2 be removed to be consistent with the recommendation that the NAL for turbidity be removed as well. See comments below on turbidity for further details.

Correct the footnotes so they coincide with the corresponding citations.

ISSUE:

Page E-6 Section V.3. Report Contents. References to Provisions VII.C.5.g and VII.C.5.h do not match to any previous section in the permit. The lettering is not sequential.

COMMENT:

Correct references to provisions so they reference the correct permit language. Correct letters "b" through "g" so that lettering is sequential.

ISSUE:

Inconsistent language regarding annual reporting.

COMMENT:

Section VII.C.5.b.iii on page 14 of the TO states, "Turbidity monitoring data shall be kept on file and made available to the Executive Officer upon request." However Section V.B.3. - Report Contents of the MRP requires a summary of performance and compliance which includes, "each parameter for which the Order specifies a limit or action level, the number of samples taken during the monitoring period, and the number of samples that exceed a limit or action level."

ACWD requests that the MRP clearly state that turbidity monitoring data is not included in the Annual SMR and instead is kept on file and made available upon request (consistent with Section VII.C.5.b.iii).

Section V.B.3.g on page E-6 of the MRP needs to be revised to be consistent with Table E-2. There are three columns that appear in Table E-2 that specify the sampling frequency for three distinct discharge types. The tabular summaries in the Annual Self-Monitoring Reports should mirror the discharge types present in Table E-2. ACWD therefore recommends deleting Section V.B.3.g.iii, "Discharges from trench dewatering operations, and well operations in unpolluted drinking water aquifers."