

**Central Contra Costa Sanitary District Comments on the
Tentative Order for the Municipal Regional Permit
Tentative Order R2-2008-XXXX
NPDES Permit No. CAS612008**

Although Central Contra Costa Sanitary District (CCCSD) is not named in the Municipal Regional Permit (MRP), many of the provisions identified in the Tentative Order have bearing on CCCSD's operations and could adversely affect CCCSD's compliance status under the Clean Water Act, Porter-Cologne Act, and the NPDES Permit issued to CCCSD. The order of the comments follows the order of the MRP and does not represent CCCSD's priority ranking of the issues and recommendations.

C.2.c Street Road Repair and Maintenance

Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal to the sanitary sewer system of concrete slurry or pavement cutting can contribute solids and pollutants that are not acceptable unless pretreated. CCCSD does allow these wastes to be discharged to the sanitary sewer provided that appropriate standards are met (e.g. pretreatment, obtain Special Discharge Permit (SDP) for larger projects).

Recommendation: Add text to defer to the standards and approval authority of the sanitary sewer agencies' when instructing permittees to direct these wastewater-generating sources to the sanitary sewer.

C.2.d Sidewalk/Plaza Maintenance and Pavement Washing

Issue: CCCSD accepts the discharges from this process activity provided that the standards are met (e.g. pretreatment, obtain SDP). Using the sanitary sewer system for disposal is a more significant issue for other surfaces that could be cleaned by mobile washers (e.g. parking structures). The BASMAA Mobile Surface Cleaner Program BMPs allow sidewalk/plaza wash water to be discharged to the storm drain system if dry clean-up methods are used first and the water is screened (no mesh size specified) prior to discharge. This contradiction can cause confusion about proper management of wash water generated from cleaning these surfaces.

Recommendation: Establish appropriate scope of activities that apply to this standard (e.g. include parking structures) and ensure that inconsistent standards are not set by referencing existing programs that do not meet the objective of the MRP.

C.2.e. Bridge and Structure Maintenance and Graffiti Removal

Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal of cleaning solutions should be prohibited from discharge to sanitary sewer. In addition, solids and potential metals from paint pigments should not be discharged to sanitary sewer.

Recommendation: Identify that the residuals generated from this process activity need to be properly disposed.

C.2.f. Catch basin or Storm Drain Inlet Inspection and Cleaning

Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal of the aqueous phase of these residuals to the sanitary sewer is acceptable provided that significant contamination is not present (e.g. used oil dumping event contaminating solids in a catch basin, presence of pesticides). Solids should not be discharged to sanitary sewer.

Recommendation: Identify that the residuals generated from this process activity need to be properly disposed.

C.2.i. Corporation Yard BMP Implementation

Issue: The condition states, “Plumb vehicle and equipment wash areas to the sanitary sewer after coordination with local sewer agencies and equip with a pretreatment device (if necessary) in accordance with the requirements of the local sewer agency”, and also includes a reference to disposing of pressure wash wastewater to the sanitary sewer “...in accordance with the requirements of the local sewer agency.” Ensuring these wastewater flows are prevented from discharge to the storm drain system and disposed of to the sanitary sewer is acceptable. CCCSD supports this practice of deferring to a local sanitary sewer agencies requirements and encouraging coordination between the municipality and the sewer authority.

Recommendation: Additional text to defer to the sewer agencies’ standards and/or approval authority should be included whenever the MRP instructs the permittees to divert discharges from the stormwater system to the sanitary sewer system.

C.3.a.i.6. – New Development and Redevelopment Performance Standard Implementation

Issue: The reference to disconnecting roof downspouts without identifying alternative management strategies for the water collected in the roof downspouts could create significant problems for CCCSD. There may be an incentive by certain developers to connect roof leaders to the sanitary sewer system that is prohibited by CCCSD and most, if not all, of the sanitary sewer agencies in the SF Bay Area.

Recommendation: Add language to this instruction regarding disconnecting roof downspouts to include instructions not to direct the water to the sanitary sewer system.

C.3.a.i.7. New Development and Redevelopment Performance Standard Implementation

Issue: Several discharges are identified that are to be directed to the sanitary sewer without consideration of whether they would be acceptable to the sanitary sewer agencies. Several of the wastewater generating practices can and should be directed to the sanitary sewer system (e.g. mat/equipment/hood filter wash racks, covered trash enclosure and compactor enclosures) provided that they meet CCCSD standards (e.g. appropriate pretreatment equipment, rainwater exclusion). Some of the water generating sources may not be acceptable for discharge to the sanitary sewer (e.g. passive drains from swimming pools, direct connections to divert fire sprinkler test water). Fire sprinkler test water is equivalent in water quality, if not cleaner, than discharges from fire hydrant test/flush water

that is included in the conditional exemptions of the MRP. In addition, the discharge rate from fire sprinkler test water could be significantly higher than the capacity of the sanitary sewer system under certain circumstances (e.g. more than one large fire sprinkler test events occurring in areas with older infrastructure).

Recommendation: Add text that was used in Condition C.2.i. regarding coordinating with a sanitary sewer agency to meet their standards if permissible. Some of these same discharges are identified in Condition C.3.c.i.(1)(a) Low Impact Development yet the section ends with "...where allowed by the local sanitary sewer agency". This deference to a sanitary sewer agency's standards and authority should be used during most, if not all, of the references to directing discharges to the sanitary sewer system.

C.11.d.i. (mercury) and C.12.d.i. (PCBs) Pilot Projects to Evaluate and Enhance Municipal Sediment Removal and Management Practices

Issue: Street flushing and capture with potential routing to the sanitary sewer could be a significant concern to CCCSD depending on the flow rates, solids level, and pollutant loading. CCCSD's ability to comply with NPDES standards could be in jeopardy from accepting this type of wastewater without use of appropriate treatment and oversight. These MRP Conditions are drafted as if the stormwater jurisdiction is responsible for the sanitary sewer system unlike other sections of the MRP.

Recommendation: Use similar text as noted above about coordinating with the sanitary sewer agency to determine if feasible and under what conditions [e.g. MRP Conditions C.2.i. and C.3.c.i.(1)(a)].

C.11.f. (mercury) and C.12.f. (PCBs) Diversion of Dry Weather and First Flush Flows to Publicly Owned Treatment Works (POTWs)

Issue: The MRP directs permittees to work with POTWs to evaluate the feasibility of diverting certain stormwater flows to the sanitary sewer system. CCCSD does not consider this proposal to be feasible due to:

- Structural limitations related to capacity of infrastructure;
- Risk of maintaining compliance with the NPDES Permit; and
- Risk of maintaining compliance with the Waste Discharge Requirements regarding controlling Sanitary Sewer Overflows (SSOs).

In addition, accepting this type of flow would consume available capacity of the CCCSD treatment plant's permitted capacity that would restrict residential and commercial development in the CCCSD service area.

The standards incorporated into CCCSD's NPDES Permit are very strict for certain pollutants (e.g. mercury, dioxin compounds, copper). Accepting uncontrollable sources of stormwater flows could jeopardize CCCSD's ability to comply with the current effluent limits. A significant amount of CCCSD's source control and pollution prevention program resources are used to control sources of pollutants from commercial, industrial and residential users. Adding stormwater flows with unknown and potentially variable pollutant loadings without requiring pretreatment technologies to be employed and/or without any

relief in the NPDES standards would set back many years of progress in identifying and controlling pollutant loading to the CCCSD treatment plant.

The increasing expectations for CCCSD, and other POTWs, are to reduce SSOs from the collection system. Accepting stormwater flows would significantly increase the risk for SSOs occurring during the diversion of stormwater flows to the CCCSD collection system.

Recommendation: Revise these Conditions to redirect the emphasis on having POTWs accept these stormwater flows to having the Permittees conducting studies of the pollutant loadings from specific areas in order to conduct multi-year trend analysis to evaluate the effectiveness of the many control strategies that are specified in the MRP. Obtaining this data would enable more thorough evaluation of alternative management strategies in the future.

C.13.a.i. Manage Waste Generated from Cleaning and Treating of Copper Architectural Features, Including Copper Roofs, during Construction and Post-Construction

Issue: Disposal of wastes for the cleaning, treating, and washing of architectural copper surfaces is referenced without specifying the proper disposal. Without clear instructions regarding proper disposal, a significant risk exists for these wastes to be discharged to the sanitary sewer without pretreatment. Disposal of these wastes to the sanitary sewer is not acceptable to CCCSD due to the impact on our ability to meet discharge requirements for copper.

Recommendation: The instructions should direct generators of this waste to manage the wastes generated as a hazardous waste unless a legal alternative (not the sanitary sewer) is identified.

C.13.b. Manage Discharges from Pools, Spas, and Fountains that Contain Copper-Based Chemicals

Issue: CCCSD accepts the discharge of pool, spa, and fountain water into its system that is not contaminated with copper-based chemicals. Water that is contaminated with copper-based chemicals would likely exceed the CCCSD copper local limit and could contribute to CCCSD not being able to comply with the effluent limit if significant volumes were discharged during a short period of time. The direction to require a sanitary sewer discharge connection for pools, spas, fountains and filter backwash is not acceptable if it involves a passive connection to allow rainwater discharges during peak rainfall events. The reference to obtaining a proper permit from the POTW is a positive element of this condition.

Recommendation: Distinguish between the disposal options for pool, spa, and fountain water that is contaminated with copper-based chemicals and not contaminated since some sanitary sewer agencies may not be able to accept this wastewater without significant adjustments to the NPDES Permit effluent limits for copper. Making this distinction of disposal options will also discourage the use of copper-based chemicals in pool, spa, and fountains. Clarify the requirement to connect pools, spas, and fountains to the sanitary sewer involves locating a drain in the area for draining events and is not intended to direct overflow from pools, spas, and fountains to the sanitary sewer.

C.14.a. Control Program for PBDEs, Legacy Pesticides, and Selenium

Issue: The potential presence of these pollutants in stormwater runoff increases the concern about diverting stormwater flows to the CCCSD system without proper pretreatment to protect the CCCSD operations. Increasing the contribution of these pollutants in the treatment plant loading could result in these pollutant parameters reaching a level that constitutes Reasonable Potential to exceed water quality standards. Additional pollutant parameters could be added to the District's NPDES Permit as a result of this additional wastewater source.

Recommendation: See above comments on issue of diverting dry season and first flush stormwater flows to the sanitary sewer system.

C.15.b. Conditionally Exempted Non-Stormwater Discharges

Issue: Condition i.(1)(h) of this section identifies that Pumped Groundwater, Foundation Drains, Water from Crawl Spaces Pumps and Footing Drains qualify for the exemption if there is "no other feasible disposal alternative (e.g. disposal to sanitary sewer)." These discharges are not acceptable to CCCSD because it essentially enables uncontaminated groundwater discharges to be permanently connected to the CCCSD system. This type of discharge is prohibited by CCCSD's Source Control Ordinance and would unnecessarily consume available capacity of the CCCSD operations and add to the volume of Inflow and Infiltration (I&I) that CCCSD needs to manage. Unless this water is contaminated, it is essentially groundwater that would eventually enter the natural creek system. If the water is contaminated, it should be managed using an appropriate treatment system to remove the pollutants before being discharged to either the stormwater or sanitary sewer systems.

Recommendation: Remove the qualifier for this condition that references disposal to the sanitary sewer system as a potentially feasible alternative for disposing of these sources of water.

C.15.b.ii. Air Conditioning Condensate

Issue: The MRP requires diversion to sanitary sewer for commercial and industrial air conditioning units and recommends diversion for new small commercial and industrial units. Air conditioning condensate is unpolluted and does not need to be discharged to the sanitary sewer. This type of discharge is expressly prohibited in the Source Control Ordinance from being discharged to CCCSD.

Recommendation: Remove the text from this condition that requires and recommends diversion of this water to the sanitary sewer system. Alternatively, add text to defer to the standards and approval authority of the sanitary sewer agencies' regarding potential disposal of this wastewater to the sanitary sewer [e.g. condition C.3.c.i.(1)(a)].

C.15.b.iii.(3)(b) Emergency Discharge Required BMPs

Issue: Fire fighting water flows are identified as needing to be redirected from the storm drain system and provide for the "... proper disposal of water according to the jurisdictional requirements." Although not explicitly stated, this reference to proper disposal may mean disposal to the sanitary sewer. Disposal of this type of wastewater to the

sanitary sewer on an emergency basis could create problems for CCCSD due to variable locations and potential high flow rates in smaller lines.

Recommendation: Direct permittees to conduct studies during the term of the MRP on this wastewater source to determine types and level of pollutants present, flow rates produced, and feasibility for disposal options other than to the stormwater system.

C.15.b.v. Swimming Pool, Hot Tub, Spa, and Fountain Water Discharges

Issue: As noted above accepting filter backwash water and discharges from these sources is acceptable provided that certain standards are met (e.g. no copper discharges above local discharge limit for copper, flow rate controls). However, the requirement in condition c) to require new or remodeled pools, spas, and fountains to be connected to the sanitary sewer is not acceptable because it creates large surface areas that are exposed to rainfall that will discharge excessive rainwater to the sanitary sewer system.

Recommendation: Remove this requirement to require new or remodeled pools, spas, and fountains to be connected to the sanitary sewer from the MRP, or qualify the requirement to only apply if permitted by the POTW.

General Comments Not Related to Wastewater Operations

CCCSD has been conducting stormwater inspection and enforcement services for the cities in central Contra Costa County for more than eleven years under a Service Agreement with the Contra Costa Clean Water Program. Through this experience, CCCSD is offering the following comments on the MRP that do not have direct bearing on CCCSD's operations as a POTW.

C.3.d.iv.(2)(d) Limitations on Use of Infiltration Devices in Stormwater Treatment Systems

Issue: This condition establishes a limitation on use of carwashes when infiltration is the chosen strategy for stormwater quality protection. This wastewater management strategy has been considered a BMP by many stormwater agencies when the volume of cars washed is low (e.g. wash cars over gravel driveways or parking areas). An alternative management strategy for charity carwashes to dispose of the wastewater generated is often considered to be discharging the wastewater to landscape areas. It is not clear if this condition is to be an absolute prohibition on the use of percolation areas to treat carwash wastewater from the activities described above or if it is intended to apply to businesses operating carwash facilities.

Recommendation: Clarify the scope of this restriction as it applies to carwash operations if the standard is not intended to serve as a strict prohibition. Consider the implications on small-scale carwash activities and charity carwash events if a strict prohibition is the standard being proposed.

C.4.b.ii.(1)(c) Industrial and Commercial Business Inspection Plan, Implementation Level

Issue: A variety of mobile sources are identified that do have a potential to generate and discharge pollutants to the storm drain systems. However, under the structure of the MRP, these mobile sources are treated as independent operations that would require individual oversight by each permittee. These mobile sources could feasibly work in all jurisdictions of a county. In Contra Costa County with 19 cities and the unincorporated areas, an individual mobile service provider could be subject to 20 different inspections for each cycle (annually, every three years, every five years depending on the frequency that is established). In almost all cases, a mobile service provider can be engaged at the same frequency as a fixed facility source and so requiring all jurisdictions to treat mobile sources independently will result in significant duplication of effort.

Recommendation: This requirement should enable regional coverage of regulating (both inspections and enforcement) this type of mobile service provider. Countywide coordination and information sharing would be needed to successfully implement this strategy.

C.4.b.ii.(4) Industrial and Commercial Business Inspection Plan, Implementation Level, Inspection Frequency

Issue: Inspection frequencies for different types of businesses are set that could result unnecessary use of resources. Under the CWP Service Agreement, Contra Costa County POTWs conduct inspections for 16 cities that involve a five-year cycle for the targeted group of business types (e.g. food service, vehicle service, nurseries). Certain types of food service facilities (e.g. cold sandwich delis, espresso style coffee shops) do not need to be routinely inspected more frequently than once every five years while other types of food service facilities do warrant more frequent oversight (e.g. fast food facilities). The same can be said for vehicle service facilities: smog check facilities don't need frequent inspections while quick lube change facilities and body shops do warrant more frequent inspections. If inspection frequencies are arbitrarily set, inspection resources are unnecessarily directed to conduct fieldwork that does not contribute to protecting water quality.

Recommendation: The MRP should not be used to establish minimum across the board inspection frequencies. The MRP can establish criteria and guidelines to be used to set appropriate inspection frequencies. The permittees could be required to evaluate the inventory of businesses located in their respective jurisdictions and establish inspection frequencies that are protective of stormwater quality that are appropriate for each subgroup of business activity.

C.4.c.iii. Enforcement Response Plan, Reporting (Recordkeeping)

Issue: The requirement for the permittees to maintain adequate records of inspections, follow-up work, and enforcement actions is reasonable. The MRP as drafted is not clear that a service provider such as CCCSD (other POTWs do provide inspections services in order to comply with the commercial/industrial inspection program) can maintain records on behalf of permittees under a Service Agreement.

Recommendation: No change may be needed to the MRP language provided that the RWQCB allows other agencies providing inspection and enforcement services on behalf of

the permittees to maintain records for the inspection and enforcement actions provided that the same public and agency access to these records is available.

C.5.b.i.(3)(c) Create and Maintain ERP, Enforcement Authorities must differentiate Between Categories of Violations

Issue: This condition apparently requires permittees to notify the Water Board within 48 hours of "...a Tier One violation that **does not** (emphasis added) enter the municipal conveyance...". It is not clear why this type of notification of the Water Board is needed for a condition that does not reach the municipal conveyance system. It appears the notification is intended for Tier One violations that do reach the municipal conveyance.

Recommendation: Consider editing the notification requirement.

C.15.b.i.(1)(d) Conditionally Exempted Non-Stormwater Discharges, Required BMPs/Control Measures

Issue: This condition requires the analysis of water samples to be analyzed by methods that are not approved Water/Wastewater methods listed in 40CFR Part 136 (e.g. USEPA Method 8260 is a solid waste analytical method). In the wastewater field, use of methods that are not approved Water/Wastewater methods can result in non-compliance for the agency either using them, or allowing them to be used in a self-monitoring program.

Recommendation: Specify that water samples used to demonstrate compliance be analyzed using approved Water/Wastewater methods.