



San Francisco
Water Power Sewer
 Services of the San Francisco Public Utilities Commission

(9/23/14) Board Meeting
 Draft Drinking Water Systems General Permit
 Deadline: 8/19/14 by 12:00 noon

525 Golden Gate Avenue, 13th Floor
 San Francisco, CA 94102
 T 415.554.3155
 F 415.554.3161
 TTY 415.554.3488

August 18, 2014

Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 1001 I Street, 24th Floor
 Sacramento, CA 95814



Subject: Comment Letter – Draft Drinking Water Systems General Permit and Resolution

Dear Ms. Townsend:

The City and County of San Francisco’s Public Utilities Commission (SFPUC) thanks you for the opportunity to comment on the State Water Resources Control Board’s (SWRCB) Draft NPDES General Permit for Drinking Water Systems Discharges to Surface Waters (Draft Permit) and the Draft Resolution Approving a Mitigated Negative Declaration and Exemptions to the Statewide Implementation Policy and California Ocean Plan (Draft Resolution). The SFPUC serves safe and reliable drinking water to approximately 2.6 million residential, commercial, and industrial customers and provides wholesale deliveries to 26 suburban agencies in Alameda, Santa Clara, and San Mateo counties. We thank SWRCB staff for its collaborative and cooperative efforts to develop a permit that will achieve consistent statewide regulation of drinking water discharges while protecting the environment and public health.

Enclosed are several suggestions and modifications to ensure water purveyors across the state have a clear understanding of the permit provisions. We appreciate the time and effort SWRCB staff have devoted to preparing this Draft Permit and to responding to the questions that the SFPUC has brought to your attention in recent months.

Sincerely,

Steven R. Ritchie
 Assistant General Manager
 SFPUC Water Enterprise

Edwin M. Lee
 Mayor

Vince Courtney
 President

Ann Moller Caen
 Vice President

Francesca Vietor
 Commissioner

Anson Moran
 Commissioner

Art Torres
 Commissioner

Harlan L. Kelly, Jr.
 General Manager



August 18, 2014

SFPUC Comments on Draft Permit released July 3, 2014 for Statewide General
NPDES Permit for Drinking Water Discharges

Cc: Diana Messina, State Water Resources Control Board
Bruce Wolfe, SF Bay Regional Water Board
Margaret Hannaford, SFPUC
David Briggs, SFPUC
Chris Nelson, SFPUC
Lori Schectel, SFPUC
Anna Fedman, SFPUC
Tim Ramirez, SFPUC
John Roddy, SFPUC CAO

Enclosures: Comments on the Draft Permit released July 3, 2014; Revisions to
the Draft Permit

SFPUC Comments on the Draft Permit

1. Regulatory Coverage for operational and maintenance activities.

Section I (p. 4) states that this Order provides regulatory coverage for discharges that are a result of mandatory activities to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, and the California Department of Public Health regulations. Often, however, discharging drinking water is an essential part of general maintenance activities and water supply operations and do not occur solely to comply with the regulations referenced in the permit. Section I should be revised to read as follows:

This Order provides regulatory coverage for short-term or seasonal discharges of drinking water from community drinking water systems that are a result of mandatory activities to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, the California Department of Public Health (CDPH) regulations, and/or as a result of essential operational and maintenance activities to provide reliable delivery of safe drinking water.

2. Discharge Definitions and Coverage of Raw Water.

Discharge Definitions

As the Permit is currently written, the discharge definitions are unnecessarily confusing and require additional clarification. Discharges are divided into three separate categories “treated drinking water,” “potable water,” and “raw water.” These discharge distinctions are unnecessary. All three of these definitions can be streamlined, as is proposed in the revisions below.

Raw Water

The coverage of raw water from transmission system pipelines, tunnels, or surface water reservoirs is outside the scope of the NPDES permitting program. Transfers of raw water that convey or connect waters of the U.S. without subjecting the transferred water to intervening industrial, municipal, or commercial use are not subject to regulation under the NPDES permitting program (see the Federal Water Transfer Rule 40 C.F.R. § 122.3[i]). The permit should be revised to delete any references to coverage of these types of raw water discharges.

The SFPUC proposes the following revisions to Section I.A-C and Section II.A (pp. 5-7) to address the above. (See also attached redlined strikeout version of Section I.A-C and Section II.A):

A. Facilities Authorized To Discharge Under This Order

This Order authorizes discharges of water from community drinking water systems (as defined in Table 1) that do not adversely affect or

impact beneficial uses of receiving waters. Authorized discharges to waters of the U.S. pursuant to this Order are those from drinking water facilities including, but not limited to, municipal supply wells, transmission systems, water treatment facilities, treated drinking water distribution systems, and storage facilities.

This Order covers both planned and emergency discharges of water from drinking water facilities. Planned discharges are defined as discharges resulting from a water purveyor's essential operations and activities undertaken to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, CDPH regulations and/or as a result of essential operational or maintenance activities to provide reliable delivery safe drinking water. Planned discharges include regularly scheduled, automated, and non- regularly scheduled activities that must take place to comply with mandated regulations that the water purveyor knows in advance will result in a discharge. Emergency discharges are defined as discharges that occur due to system leakage, system failures or other emergencies, and the water purveyor is not aware of the discharge until after the discharge has commenced.

For the purposes of this Order discharges may be for treated surface water or groundwater from drinking water aquifers.

B. Authorized Discharges

This Order authorizes planned and unplanned discharges of water from community drinking water systems, as defined above, due to activities mandated by law regarding the development, operation, maintenance, and rehabilitation of drinking water systems. Authorized discharges may include, but are not limited to, the following:

1. Planned Discharges:

- i. Water Treatment Plant (discharges of treated drinking water only).*
- ii. Distribution System Storage Tank or Reservoir releases.*
- iii. Distribution System Dewatering, Flushing, and Pressure Testing.*
- iv. Transmission system installation, cleaning, testing.*
- v. Fire Flow / Fire Hydrant Testing.*
- vi. Meter Testing.*
- vii. Automated Water Quality Analyzers.*
- viii. Pressure Relief Valves.*
- ix. Groundwater Supply Well Flushing.*
- x. Groundwater Well Development, Installation, Rehabilitation, and Testing.*
- xi. Groundwater Monitoring for purpose of Supply Well Development, Installation, Rehabilitation and Testing*
- xii. Other activities including unscheduled activities that must be undertaken to comply with mandates of the Federal Drinking Water Act and California Health and Safety Code.*

2. Emergency Discharges

- i. Emergency Drinking Water System Failures and Repairs including Transmission and Distribution System Failures and Repairs.*
- ii. Trench Dewatering due to an emergency failure.*
- iii. Catastrophic Events*

II. PERMIT COVERAGE AND APPLICATION REQUIREMENTS

A. Permit Coverage

This Order provides regulatory coverage to water purveyors with existing and potential discharges from a community drinking water system that do not adversely affect beneficial uses of the receiving water. Permit coverage may include discharges from work conducted by contractors on behalf of the water purveyor.

The following discharges are not covered by this Order:

- 1) Activities that convey or connect waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use (see Federal Water Transfer Rule (40 C.F.R. § 122.3[i]))*
- 2) Discharges of raw water from transmission system pipelines, tunnels, and surface water reservoirs.*
- 3) Discharges covered under a separate NPDES permit for discharges that the Regional Water Quality Control Board Executive Officer determines additional permit requirements are necessary to address Total Maximum Daily Loads (TMDL) with Waste Load Allocations (WLA) because the requirements of this Order are not consistent with the TMDL, or*
- 4) Discharges from other entities or individuals such as fire departments, construction and insurance companies that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S.*

- 3. Site Information.** Section II.B.c.vi (p. 8) requires that community water systems identify the portions of their system where discharges could occur within a 300-foot radius of receiving water(s). It would require significant staff time to identify every portion the SFPUC transmission and distribution system, which spans over a 150 mile distance within 300 feet of a receiving water, only to yield very little useful information. The Draft Permit already requires that we provide the appropriate Regional Board the exact discharge location and the corresponding receiving water three days prior, and thus we recommend that this requirement be deleted.

- 4. Inclusion of MCLs.** The SFPUC generally supports the analysis provided in the draft Resolution and the Initial Study/Mitigated Negative Declaration (IS/MND) that grants water purveyors statewide an exception to the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP)* and the *California Ocean Plan* for compliance with California Toxics Rule and Ocean Plan priority pollutant criteria/objectives. These exceptions will allow water purveyors statewide to proceed with mandated responsibilities to protect public health without conflicting restrictions or concern of violating elements of the California Toxics Rule (CTR).

The exceptions are granted to all CTR and Ocean Plan criteria for which the pollutant criteria are more stringent than an associated MCL, or do not have a current MCL. This approach appears to be responsible for the Draft Permit including requirements in several places for discharges to comply with all primary and secondary MCLs and/or to not cause receiving waters to exceed primary and secondary MCLs. Broadly referencing compliance with MCLs, particularly secondary (aesthetic) MCLs could have unintended compliance implications. For example, receiving waters themselves may not always comply with MCLs. Certain water purveyor discharges may not always comply with secondary MCLs. The SFPUC requests that State Board staff review the Draft Permit's references to MCLs and whether they need to be retained, particularly for secondary MCLs. The SIP and Ocean Plan exceptions only appear to address primary MCLs.

- 5. Superchlorinated discharges.** Section V.B. (p. 15) includes a final effluent limitation for superchlorinated discharges, but the term "superchlorinated" is not defined. It would be helpful for the State Board to provide a definition in this section and in Attachment A- Definitions for clarification.
- 6. Total Residual Chlorine Compliance Determination.** The SFPUC supports the 0.10 mg/L compliance determination level for total residual chlorine. Section V.B.1., Section V.D.1, and Section V.E.1 (p. 16) set forth a total residual chlorine effluent limit of 0.019 mg/L or 0.008 mg/L. We recommend adding a footnote in each of these sections to reference the compliance determination level. Each footnote could read as follows:

The ML used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.10 mg/L shall be deemed out of compliance with the chlorine effluent limitation.

- 7. Turbidity Limits.** The Fact Sheet to the Draft Permit does not provide a rationale for the turbidity effluent limit included in Section V.C (p. 16) – either for having an effluent limit in general or for the 10 NTU numerical limit determined. The SFPUC supports a narrative turbidity limit instead of a numerical one.

- 8. pH Level Receiving Water Limitations.** In Section VII.A. (p. 17) The words “lowered below” should be substituted with the word “outside” and thus, it should read as follows:

The pH level to be outside the pH receiving water objective range in a corresponding Regional Water Board basin plan.

- 9. Twenty-Four Hour Reporting.** Attachment D Section V.D.1 (p. D-5) specifies that the Discharger shall report any noncompliance that may endanger health of the environment orally within 24 hours. However, this section does not specify which agency should receive this oral report; either the appropriate Regional Water Board or the State Water Board. Please clarify.

- 10. Effluent Monitoring Program.** Attachment E Section II and Section III specifically address effluent requirements, so we suggest adding the word effluent to these section headings. The headings should read “Effluent Monitoring Locations and Sampling” and “Effluent Discharge Constituent Monitoring Requirements.”

Table E-2 Footnote 4 (p. E-4) states that the term “event” is defined in Section II, however, this definition could not be found. Please provide a definition of an “event” and how it applies to monitoring of planned direct and indirect discharges.

The SFPUC supports the inclusion of representative monitoring within the Draft Permit’s effluent monitoring program, however, we request additional clarification as to what is considered representative and ask that you provide additional details regarding representative monitoring frequency.

- 11. De Minimis Threshold for Direct Discharges.** The SFPUC supports establishing either a volumetric or flow rate threshold for de minimis discharges for direct planned discharges under the Draft Permit’s effluent monitoring program, considering that drinking water discharges have been recognized as low threat to receiving waters.

- 12. Statewide Consistency.** The Draft Permit (Attachment E Section II.E. (p. E-4)) allows the State Board or a Regional Board, at any time, to increase monitoring frequency to ensure the protection of the beneficial uses of the receiving water. The State Board has indicated that one of the primary goals of having a statewide permit versus nine distinct regional permits, is to ensure consistent regulation across regional boundaries. If the Regional Boards are able to increase the monitoring requirements for a permittee at any time, the result will be inconsistent regulation across regional boundaries, contrary to the State Board’s goal. The monitoring requirements should be consistent given that the permit regulates similar discharges across all regions – discharges from drinking water systems. The approach to regulate all water purveyors uniformly across the

state is efficient and will support successful implementation of the requirements for those water purveyors that span multiple regional board jurisdictions and may otherwise face conflicting requirements for similar discharges. Additionally, there is no provision in the Draft Permit describing the process and procedure for increasing monitoring requirements, which could lead to additional inconsistencies.

13. Receiving Water Monitoring. Attachment E Section IV (p. 5) requires that visual monitoring be conducted using telephoto lenses and binoculars. Visual monitoring methods should not be prescribed. Specifically requiring use of telephoto lenses and binoculars is excessive, costly, and not practical given field conditions. The SFPUC recommends that this requirement be deleted from the Draft Permit.

14. Post-Notification of Emergency Discharges. Attachment E Section V (p. 5) requires notification to the California Governor's Office of Emergency Services (CalOES) within 24 hours after a discharger becomes aware of a discharge from its drinking water system that may adversely affect or impact beneficial uses of a receiving water body. This requirement is unsupported in the Fact Sheet and does not comport with the intent of CalOES regulations. Please confirm the State Water Board's legal authority to require dischargers to notify CalOES for these releases of drinking water.

Redline Strikeout Version of Section I.A-C and Section II.A (pp. 5-7)

A. Facilities Authorized To Discharge Under This Order

This Order authorizes discharges from community drinking water systems (as defined in Table 1) that do not adversely affect or impact beneficial uses of receiving waters. Authorized discharges to waters of the U.S. pursuant to this Order are those from drinking water facilities including, but not limited to, municipal supply wells, transmission systems, water treatment facilities, treated drinking water distribution systems, and storage facilities.

~~B. Discharge Definitions~~

This Order covers both planned and emergency discharges. Planned discharges are defined as discharges resulting from a water purveyor's essential operations and activities undertaken to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, ~~and CDPH regulations~~ and/or as a result of essential operational and maintenance activities to provide reliable delivery of safe drinking water ~~in order to provide reliable and safe drinking water~~. Planned discharges include regularly scheduled, automated, and non- regularly scheduled activities that must take place to comply with mandated regulations and that the water purveyor knows in advance will result in a discharge. Emergency discharges are defined as discharges that occur due to system leakage, system failures or other emergencies, and the water purveyor is not aware of the discharge until after the discharge has commenced.

~~1. Treated Drinking Water~~

~~For the purposes of this Order, treated drinking water refers to treated ground or surface water and water from drinking water distribution systems, that has been treated by a water treatment facility, and is suitable for human consumption in accordance with the drinking water regulations in Titles 17 and 22 of the California Code of Regulations, including compliance with the CDPH Primary Maximum Contaminant Levels (MCLs) and secondary MCLs as a running annual average). (sections 64431, 64444, and 64449, California Code of Regulations, title 22, division chapter 15, articles 4, 5.5, and 16).~~

~~2. Potable Water~~

~~For the purposes of this Order, potable water is defined as groundwater that may or may not have received treatment, and meets the following criteria:~~

- ~~a) Is suitable for human consumption,~~
- ~~b) Complies with the primary and secondary MCLs as a running annual average~~

~~3. Raw Water~~

~~For the purposes of this Order, raw water is defined as untreated or partially treated surface water or ground water dedicated for drinking water supply but is not suitable for human consumption. To be eligible for coverage under this Order, discharge of raw water may not cause or contribute to the receiving water exceeding a primary or secondary drinking water MCL, on a running annual average basis.~~

For the purposes of this Order discharges may be treated surface water or groundwater from drinking water aquifers.

BC. Authorized Discharges

This Order authorizes planned and ~~unplanned emergency~~ discharges of ~~raw, and potable or treated drinking water and drinking~~ water from community drinking water systems, as defined above, due to activities mandated by law regarding the development, operation, maintenance, and rehabilitation of drinking water systems. Authorized discharges may include, but are not limited to, the following:

1. Planned Discharges:

~~a. Treated Drinking Water~~

- i. Water Treatment Plant (discharges of treated drinking water only).
- ii. Distribution System Storage Tank or Reservoir releases.
- iii. Distribution System Dewatering, Flushing, and Pressure Testing.

iv. Transmission system installation, cleaning, testing

- iv.** Fire Flow / Fire Hydrant Testing.
- vi.** Meter Testing.
- vii.** Automated Water Quality Analyzers.
- viii.** Pressure Relief Valves.

ixviii. Other activities including unscheduled activities that must be undertaken to comply with mandates of the Federal Drinking Water Act and California Health and Safety Code.

~~b. Potable or /Raw Water~~

- xi.** Groundwater Supply Well Flushing
- xiii.** Groundwater Well Development, Installation, Rehabilitation, and Testing
- xiii.** Groundwater Monitoring for purpose of Supply Well Development, Installation, Rehabilitation and Testing.

iv. ~~Transmission system installation, cleaning, testing.~~

v. ~~Other activities including unscheduled activities that must be conducted to comply with mandates of the Federal Drinking Water Act and California Health and Safety Code.~~

2. Emergency Discharges

~~a. Treated Drinking Water, and Potable Water, and Raw Water:~~

- i. Emergency Drinking Water System Failures and Repairs including Transmission

- and Distribution System Failures and Repairs.
- ii. Trench Dewatering due to an emergency failure.
- iii. Catastrophic Events.

II. PERMIT COVERAGE AND APPLICATION REQUIREMENTS

A. Permit Coverage

This Order provides regulatory coverage to water purveyors with existing and potential discharges from a community drinking water system that do not adversely affect beneficial uses of the receiving water. Permit coverage may include discharges from work conducted by contractors on behalf of the water purveyor.

~~This Order does not apply to discharges:~~

The following discharges are not covered by this Order:

1) Activities that convey or connect waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use (see Federal Water Transfer Rule (40 C.F.R. § 122.3[i]))

1)2) Discharges of raw water from transmission system pipelines, tunnels, and surface water reservoirs.

3)4) Discharges covered under a separate NPDES permit for discharges that the Regional Water Quality Control Board Executive Officer determines additional permit requirements are necessary to address Total Maximum Daily Loads (TMDL) with Waste Load Allocations (WLA) because the requirements of this Order are not consistent with the TMDL, or

4) Discharges from ~~2) From~~ other entities or individuals such as fire departments, construction and insurance companies that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S.

