

November 1, 2011

Vincent Christian
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
vchristian@waterboards.ca.gov
Submitted via electronic mail

Re: Comments on the Proposed NPDES Permit for the Central Contra Costa Sanitary District Wastewater Treatment Plant and Collection System

Dear Mr. Christian:

Thank you for the opportunity to comment on the tentative permit for the Central Contra Costa Sanitary District Wastewater Treatment Plant and Collection System (“Plant”), NPDES Permit No. CA0037648 (“Draft Permit”). San Francisco Baykeeper (“Baykeeper”) submits these comments on behalf of our 2,300 members that live, work, and recreate in and around the San Francisco Bay. Baykeeper is a 501(c)(3) non-profit organization with the mission of protecting and enhancing the water quality of the San Francisco Bay for the benefit of its ecosystems and surrounding communities. Please address the following concerns to ensure that the Draft Permit adequately protects water quality.

1. The Draft Permit Must Include Effluent Limitations for Residual Chlorine and Settleable Matter.

The Draft Permit is insufficient because it fails to include the necessary effluent limitations for several pollutants. The Water Quality Control Plan for the San Francisco Bay Basin (“Basin Plan”) mandates all NPDES permits for wastewater treatment facilities to protect beneficial uses by limiting residual chlorine discharges to 0.0 mg/L, and settleable matter discharges to a maximum of 0.2 ml/1-hour per day and 0.1 ml/1-hour per on average over 3 days. Basin Plan, Table 4-2. Therefore, the Draft Permit must be revised to contain effluent limitations for residual chlorine and settleable matter in order to comply with the Basin Plan.

2. The Draft Permit Must Conduct a Complete Reasonable Potential Analysis that Fully Addresses Pharmaceuticals, Chemicals from Personal Care Products, and Sediment Toxicity.

The Permit is inadequate because its reasonable potential analysis (“RPA”) is incomplete – the RPA does not address all of the pollutants discharged from the Plant that could potentially impair the water quality of Suisun Bay. The CWA requires NPDES permits to include effluent limitations for all pollutants that may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of narrative or numeric water quality standards. 40 CFR

122.44(d)(1)(i). However, the Draft Permit ignores several pollutants that are most likely present in the Plant's wastewater, including antibiotics, contraceptives, various medicines, nanoparticles from sunscreen, and chemical fragrances. The active ingredients of these products are typically not removed by wastewater treatment processes because standard treatment plants are not designed to remove a wide variety of compounds.¹ Even though the impacts of these substances are not widely known, many cause severe ecological and human harm.² For example, studies show that triclosan, the active ingredient in many antibacterial products that has been detected in the San Francisco Bay, is acutely and chronically toxic to aquatic organisms and bioaccumulates at an extremely high rate.³ Since the Draft Permit does not consider the presence of any of these substances in the Plant's wastewater, the Permit must be revised. At the very least, the Draft Permit should require the Plant to independently monitor and test for chemicals from pharmaceuticals and personal care products in its wastewater to ensure that there are no exceedances of narrative water quality standards. Also, according to the third trigger for a RPA, the Plant must conduct a RPA if monitoring results show a potential for adversely impacting beneficial uses. *See* Draft Permit, F-14.

The RPA also fails to analyze the potential for impairing sediments in Suisun Bay. According to the Sediment Quality Objectives ("SQO") for enclosed bays and estuaries, sediments may not have pollutants in quantities that are harmful to benthic communities, wildlife, resident finfish, or human health. SQO Policy, 3. Despite this mandate, the Draft Permit dismisses the SQOs because "there is no evidence directly linking compromised sediment conditions to the discharges subject to this Order." Draft Permit, F-18. Instead, the Draft Permit should explicitly require the Plant to monitor sediment pollutants in order to gather the evidence necessary for a RPA during the next permit cycle. This provision would ensure that the Plant is following the CWA's process for determining when effluent limitations are needed to comply with water quality standards. 40 CFR 122.44(d)(1).

Thank you for considering Baykeeper's comments. If you have any questions, please feel free to contact Abigail Blodgett at (415) 856-0444, extension 109.

Sincerely,



Abigail D. Blodgett
Legal Fellow, San Francisco Baykeeper

¹ For more information on this topic, *see* Christian G. Daughton and Thomas A. Ternes, *Pharmaceuticals and personal care products in the environment: Agents of subtle change?* 107(6) ENVIRONMENTAL HEALTH PERSPECTIVES, 907-938 (1999).

² M.D. Hernando et al., *Environmental Risk Assessment of Pharmaceutical Residues in Wastewater Effluents, Surface Waters and Sediments*, 69(2) TALANTA, 334-342 (2006) (discussing the scientific consensus on the toxic effects of some antibiotics, anti-inflammatory drugs, lipid regulators, beta blockers, anti-epileptic drugs, and steroids).

³ Santa Clara Basin Watershed Management Initiative, *Environmental Emergence of Triclosan* (2006); Daniel Oros, *Identification and Evaluation of Previously Unknown Organic Contaminants in the San Francisco Estuary*, San Francisco Estuary Regional Monitoring Program for Trace Substances (2003).