

**Central Contra Costa Sanitary District Comments on the  
Tentative Order for the Municipal Regional Permit  
Tentative Order R2-2009-XXXX  
NPDES Permit No. CAS612008  
April 3, 2009**

Central Contra Costa Sanitary District (CCCSD) provided substantial input to Bay Area Clean Water Agencies (BACWA) for the development of their comments, but also wanted to provide our own comments on the revised Municipal Regional Permit (MRP). Although CCCSD is not named in the 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.

**General Comment on Revisions Regarding Diverted Flows to Sanitary Sewer**

The current revised Tentative Order dated February 11, 2009 was significantly modified from the initial draft TO dated December 14, 2007 in the sections that direct Permittees to divert flows from the stormwater collection system to the sanitary sewer system. In some cases, proposed diversions have been consolidated together in the MRP. In all cases, the MRP defers to the sanitary sewer agency's authority to accept, condition the acceptance (e.g. issue permit, require pretreatment, regulate flow), or reject the proposed diversion. The MRP requires Permittees to coordinate and/or communicate with sanitary sewer agencies to meet appropriate standards and/or to determine the feasibility of the proposed diversions within their respective jurisdictions. These modifications will promote positive communications between MRP Permittees and sanitary sewer agencies and enable them to coordinate actions that affect their common business and residential customers.

At no time should CCCSD, or any sanitary sewer agency, be compelled to accept a diverted flow from the stormwater system that would jeopardize its ability to comply with the standards to prevent/control sanitary sewer overflows (SSOs) or the standards in its NPDES Permit. If accepted, the sanitary sewer agencies' costs for accepting and treating diverted flows need to be reimbursed by the business or Permittee responsible for diverting the approved flow.

**C.5.a.ii. – Legal Authority (Illicit Discharge Detection and Elimination)**

**Issue:** Permittees are required to have adequate legal authority to address stormwater and non-stormwater pollution; several examples are identified, with the first being sewage. This implies that stormwater agencies are being given legal authority over public sanitary sewers. This reference to sewage does not distinguish between sources originating from a private system versus a sanitary sewer system operated by a public agency. SSOs from public agencies' sanitary sewer systems are adequately regulated by federal and state agencies, and potentially third party lawsuits, under the Clean Water Act and California laws. The MRP should not create another layer of regulatory oversight at the local level for the public sanitary sewer agencies.

**Recommendation:** Modify the text to clarify that the legal authority for Permittees to regulate sewage as a pollutant under the MRP is limited to releases from privately owned and operated laterals and collection systems.

**C.11.d.ii. and C.12.d.ii. – Pilot Projects to Evaluate and Enhance Municipal Sediment Removal and Management Practices (for Mercury and PCBs)**

**Issue:** Several management practices are identified to control potential mercury and PCB sources of pollutants including "...consideration of street flushing and capture, collection or routing to the sanitary sewer as a potential enhanced management practice in coordination and consultation with local sanitary sewer agency." Other pollutants (e.g. copper from brake pads, dioxin compounds from air deposition) would be controlled by this alternative management practice and potentially diverted to sanitary sewer systems. CCCSD is receptive to working with Permittees on this project versus the concept of diverting dry season and first flush stormwater flows (addressed below). The discharges from street flushing activities are controllable with regards to timing the discharges to occur when adequate capacity exists in the CCCSD sanitary sewer system and pretreatment can be specified to remove pollutants (e.g. solids separation). If this alternative management practice becomes widespread, CCCSD considers this diversion of potential stormwater pollutants to its system to be a change in sources that should enable the RWQCB to incorporate allowances into the CCCSD NPDES Permit (e.g. process a SSO based copper limit in lieu of current final limit, current and future allocations of pollutants regulated through Total Maximum Daily Loads).

**Recommendation:** No modifications required to current MRP text. Consider issues identified above in order to facilitate acceptance by CCCSD and other sanitary sewer agencies.

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

**Issue:** The MRP is modified to clarify that the scope of these projects are limited to feasibility analyses and limited pilot projects in each of the counties subject to the MRP. CCCSD continues to have significant concerns about this strategy to shift the burden of treating potentially polluted stormwater flows through the sanitary sewer systems which are designed and operated to manage wastewater generated from residential, commercial and industrial customers. The trend over the past several decades has been to operate segregated sanitary sewer and stormwater collection systems. In areas that operate combined systems, the movement nationally is to separate the stormwater systems from the sanitary sewer systems to avoid the impacts from Combined Sewer Overflows (CSOs).

The MRP directs permittees to work with POTWs to evaluate the feasibility of diverting certain stormwater flows to the sanitary sewer system and to conduct limited pilot projects to divert dry season flows from "...industrially-dominated catchments where elevated PCB concentrations are documented." CCCSD will work with Permittees to evaluate the feasibility of these stormwater system diversions. However, CCCSD does not consider these proposed diversions to be feasible due to:

- Structural limitations related to collection system capacity;
- Risk of maintaining compliance with our NPDES Permit; and

- Risk of maintaining compliance with the Waste Discharge Requirements regarding controlling Sanitary Sewer Overflows (SSOs).

In addition, accepting these flows 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 pretreatment 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 without any allowances in the NPDES standards would set back many years of progress in identifying and controlling pollutant loading to the CCCSD treatment plant.

RWQCB and US EPA expectations for CCCSD, and other POTWs, are to reduce, if not eliminate, SSOs from the collection system. Accepting stormwater flows would significantly increase the risk of SSOs occurring during the diversion of stormwater flows to the CCCSD collection system.

**Recommendation:** Revise these Conditions to redirect the emphasis away from POTWs accepting these stormwater flows to having the Permittees implement appropriate pollution prevention measures to control mercury and PCB sources, and then conduct studies of the pollutant loadings to evaluate multi-year trends. Limit the use of dry season and first flush diversions to sanitary sewer agencies for temporary discharges to enable abatement of known contaminated sources of mercury and/or PCBs runoff from specific locations for limited durations.

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

**Issue:** CCCSD continues to have concerns that wastewater generated during post-construction cleaning, treating, and washing of architectural copper features could be disposed to the CCCSD system. The MRP text has been modified to instruct Permittees to develop BMPs on how to manage the wastes generated from post-construction activities. CCCSD will work with the Permittees in our service area to ensure that a coordinated message of proper waste management from these activities is developed to protect sanitary sewer discharges in addition to protecting stormwater systems. Proper waste management might include collection of the solutions and disposing of them at a household hazardous waste collection facility under a small business program.

**Recommendation:** Consider adding text to instruct Permittees to work with sanitary sewer agencies when developing the disposal BMPs for these wastes.

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

**Issue:** CCCSD continues to have concerns that the MRP requires Permittees to direct pool, spa, and fountain water containing copper-based chemicals to the sanitary sewer as a first implementation strategy to prevent discharges to the stormwater system. CCCSD acknowledges that the MRP does reference the need for dischargers to obtain a permit from the POTW (see recommendation below on how to clarify this reference) but a significant risk exists that dischargers of pool water containing copper-based chemicals will not seek a permit before conducting the discharge. Alternatives to copper-based chemicals exist and are commercially available. The MRP implementation strategies should identify these alternatives as a primary strategy and discharge to sanitary sewer systems with a permit as being the last choice.

**Recommendation:** Add use of non copper-based chemicals as a primary implementation strategy to avoid having to employ more restrictive, and potentially more costly, strategies. Reorder the implementation strategies so that discharge of water with copper-based chemicals to sanitary sewer with a permit is the last option. Modify text to remove reference to connection to sanitary sewer and change it to discharge to sanitary sewer with a permit from the POTW. If the reference to connecting to the sanitary sewer is retained at this location, use the same text C.15.b.iv.(1)(c) to clarify that the connection is to facilitate draining events.

### **C.15.b.i.(1)(h) Pumped Groundwater, Foundation Drains, Water from Crawl Spaces Pumps and Footing Drains (Conditionally Exempted Non-Stormwater Discharges)**

**Issue:** This sections text has been modified to reference that Permittees are to encourage discharge from these sources to "...landscape area, bioretention unit, or sanitary sewer if allowed by local sanitary sewer agency." These modifications address many of CCCSD's concerns provided that the Permittees do defer to CCCSD's acceptance standards. A significant issue for these sources of water is that the MRP assumes the water is contaminated until proven otherwise when, in practice, the vast majority of subsurface drains do not intercept contaminated water. If the reference to directing the flows to the sanitary sewer was limited to known or suspected contamination, then CCCSD would be able to accept most of the discharges on a temporary basis while the source of contamination is abated.

**Recommendation:** Retain the text encouraging discharge to landscape areas or bioretention unit. Modify text referencing encouraging discharge to sanitary sewer to limit to cases where contamination is known or suspected while the contamination is abated.

### **C.15.b.ii. Air Conditioning Condensate**

**Issue:** CCCSD acknowledges the modified text to reference diversion to the sanitary sewer, if allowed by the sanitary sewer agency, is a positive change. Air conditioning (AC) condensate is unpolluted and does not need to be discharged to the sanitary sewer. It actually serves as a valuable resource that can supplement potable water use for landscape irrigation in the dry season. CCCSD has already reviewed construction plans that identified proposed discharges of AC condensate to sanitary sewer drains that needed to be redirected to landscape areas. These revisions to plans would be minimized if the primary standard were to discharge AC condensate to landscape and that discharge to

sanitary sewer (if allowed by sanitary sewer agency) was secondary only if discharge to landscape was not an option.

**Recommendation:** Modify the text in subsection (1)(c) to require discharge from larger AC units to landscape areas and only discharge to sanitary sewer if landscape not feasible and these discharges are allowed by the sanitary sewer agency.

### **General Comments Not Related to CCCSD Operations**

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

**Issue:** This condition requires the analysis of water samples 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.