

March 16, 2006

Ms. Lila Tang  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay St. Suite 1400  
Oakland, CA 94612

Subject: LAVWMA Draft TO for Intermittent Wet Weather Discharge  
Comments from LAVWMA, EBDA, DSRSD, and Livermore

Dear Ms. Tang:

With this letter, LAVWMA formally submits comments on the Tentative Order (TO) for the LAVWMA wet weather permit, as discussed in our March 6, 2006 letter on the same topic, included as Attachment A.

We understand that RWQCB staff is preparing a response to each of the 300+ comments that were listed in the March 6 letter and discussed in detail on March 7, 2006. We look forward to receiving these responses.

If you have any questions, please contact me at 925-627-4111.

Sincerely,



Vivian Housen  
General Manager

March 6, 2006

Ms. Lila Tang  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay St. Suite 1400  
Oakland, CA 94612

Subject: LAVWMA Draft TO for Intermittent Wet Weather Discharge  
Comments from LAVWMA, EBDA, DSRSD, and Livermore

Dear Ms. Tang:

Enclosed are the following documents presenting over 300 comments from LAVWMA, its member agencies, and EBDA related to the draft Tentative Order that is currently available for public comment:

1. General comments on Draft Tentative Order and attachments
2. Detailed comments on Draft Tentative Order
3. Detailed comments on Attachment B
4. Detailed comments on Attachment C
5. Detailed comments on Attachment E
6. Detailed comments on Attachment F

Despite numerous discussions between LAVWMA and its member agency staff and the permitting engineer over the past 22 months, it is clear that there is a significant lack of understanding regarding the interrelationship between LAVWMA and its members, the operation of LAVWMA facilities, the emergency discharge requirements including purpose and flow rates, and the applicability or inapplicability of standard discharge permit requirements as applied to an intermittent, wet weather discharge. The proposed Tentative Order, as drafted, contains many errors and unjustified requirements. LAVWMA strongly believes that this Tentative Order requires significant rewriting before it is ready to be presented to the Water Board members.

LAVWMA plans to submit these comments by March 16, as required. However, we also have a meeting scheduled on March 7 to discuss these comments, and other issues and solutions. Representatives from LAVWMA, EBDA, DSRSD, and Livermore will be in attendance at this March 7 meeting. We look forward to having a productive discussion with you regarding this matter.

If you have any questions, please contact me at 925-627-4111.

Sincerely,



Vivian Housen  
General Manager

Livermore-Amador Valley Water Management Agency  
 Draft Tentative Order and Attachments

March 6, 2006 Summary of Comments from LAVWMA, DSRSD, Livermore, and EBDA

I. General Comments on Tentative Order. Please see marked up draft for detailed comments.

Section	Comment
Entire Document	Delete DSRSD and Livermore as applicants and permit holders. DSRSD and Livermore do not discharge from the LAVWMA facilities. DSRSD and Livermore flows mix at the entrance to LAVWMA facilities and become LAVWMA's responsibility, in accordance with the Exercise of Joint Powers agreement. LAVWMA is solely responsible for decisions as to when, where, and how to discharge emergency overflows. DSRSD and Livermore hold separate and independent permits related to continuous discharge from their facilities.
Entire Document	Change receiving bodies from "San Lorenzo Creek or San Lorenzo Creek and Alamo Canal" to "San Lorenzo Creek or Alamo Canal." The two discharge locations are separate and independent. San Lorenzo Creek discharge depends on EBDA capacity. Alamo Canal discharge depends on the volume of inflow as compared to pumping and onsite storage capacity. San Lorenzo Creek discharge is NOT required for Alamo Canal discharge to occur.
Entire Document	LAVWMA has no treatment works or treatment facilities. Delete all references to such facilities owned or operated by LAVWMA.
Entire Document	Discharge is for intermittent <u>peak wet weather</u> , as described in Order No. 99-023 currently held by LAVWMA.
Entire Document	Delete reference / requirements related to groundwater recharge, impacts, monitoring, and reports. The LAVWMA Permit is for intermittent, emergency wet weather discharge. This discharge is only allowed after ACWD dams are lowered, and would occur after ground is saturated and are at high flow. There is no opportunity for groundwater recharge.
Entire Document	LAVWMA's onsite basins are for storage, and, as a result of recent construction, are no longer flow equalization basins, as described. The pump station wet well is used for flow equalization.
Table 4	Rob Fowler is the <u>Contract Operations Manager</u> . In the future, the facilities could be operated by an entity other than DSRSD.
Table 4	Facility permitted flow is N/A; LAVWMA does not hold a continuous discharge permit.
Page 4, II.A.	Correct discharge requirements. San Lorenzo Creek discharge is limited to 21.5 mgd. Alamo Canal discharge is limited to that discharge that results from a 20-year flow event. Alamo Canal discharge is NOT limited to 21.5 mgd.
Page 5, II.H.	The basin plan does not designate uses for Alamo Canal. Uses were assigned based on the tributary rule.
Page 5, II.H.	Delete references to groundwater recharge, which will not occur. See above.
Page 6	LAVWMA Alamo Canal Beneficial Uses - COLD and WARM are not designated in the basin plan. Include a rational in the Fact Sheet for the listed uses.

Livermore-Amador Valley Water Management Agency  
 Draft Tentative Order and Attachments  
 March 6, 2006 Summary of Comments from LAVWMA, DSRSD, Livermore, and EBDA

I. General Comments on Tentative Order (continued). Please see marked up draft for detailed comments.

Section	Comment
Page 7, II.O.	Delete any discussion / requirements related to discharge of "extracted groundwater or groundwater concentrate", i.e., brine. The LAVWMA permit is not for continuous discharge, and any such discharge would need to be handled under a member agency continuous discharge permit. Also, any such discharge would only occur during dry weather, and the LAVWMA permit is for intermittent wet weather flows.
Page 7, III.C.	The Draft TO requires San Lorenzo Creek overflow before or concurrently with Alamo Canal Overflow. These two discharges are not related, and one should not be required as a condition of the other. Alamo Canal overflow, if it occurs, would likely occur without the San Lorenzo Creek overflow.
Page 8, III.E.	San Lorenzo Creek and Alamo Canal flow limitations are different. Alamo Canal is not limited to 21.5 mgd. See above.
Table 6	Discharge will be intermittent and short-term. Weekly and Monthly limitations do not apply and have been deleted. Daily limitations have been adjusted to reflect current permit requirements.
Table 6	List fecal coliform instead of total coliform to be consistent with EBDA discharge requirements.
Table 6	CBOD and TSS limitations do not apply as LAVWMA does not treat wastewater.
Table 6	96-hour biological assay does not apply as discharge will be short term and intermittent.
Page 10, V.A.2.d.	Annual median measurement does not apply to intermittent, wet weather discharge.
Page 11, C.1.	Inserted reopener text from current permit.
Page 12, VII. C. & D.	AMEL and AWEL limitations do not apply to an intermittent, short-term wet weather discharge.

II. General Comments on Attachment B. Please see marked up draft for detailed comments.

Section	Comment
Map	Discharge Outfall M-001 Location and Callout corrected
Map	LAVWMA Export and Storage Facilities Named

III. General Comments on Attachment C. Please see marked up draft for detailed comments.

Section	Comment
Flow Schematic	Emergency Overflow to DSRSD Dedicated Land Disposal site is no longer available; agreement for this use ended upon completion of the Export Pipeline Facilities Project.

Livermore-Amador Valley Water Management Agency  
 Draft Tentative Order and Attachments  
 March 6, 2006 Summary of Comments from LAVWMA, DSRSD, Livermore, and EBDA

IV. General Comments on Attachment E. Please see marked up draft for detailed comments.

Section	Comment
I.B.	Change "mainly" to "only"
II. Table E-1	Monitoring location applies to the period when the discharge is occurring.
IV. Table E-3	Change "Total Coliform" to "Fecal Coliform"
IV. Table E-3	Monitoring for metals and most other constituents does not apply for an intermittent discharge. Delete.
V.	Toxicity testing does not apply to intermittent discharge. Delete.
X.B.1.	Added option to submit monitoring reports electronically.
X. Table E-6	Monitoring period reduced to one day, since discharge will be intermittent and short-term.

V. General Comments on Attachment F. Please see marked up draft for detailed comments.

Section	Comment
Entire Document	Delete DSRSD and Livermore as permit holders, applicants, or as responsible for communications with the RWQCB. LAVWMA is the permit holder, applicant, and is responsible for communications. See comments on TO, above.
Entire Document	Change "Total Coliform" to "Fecal Coliform"
Entire Document	BOD, TSS, Bioassay, WQBELs do not apply to intermittent, wet weather discharge.
Entire Document	Groundwater recharge will not occur. Delete requirements related to groundwater recharge. See comments on TO.
I.A.	Basins are not used for flow equalization. Rerword.
I.C.	Not appropriate to include WDRs until they are approved. WDRs are not expected to be approved by April.
Table E-1	Measurements take place when discharge is occurring, as this would be an intermittent discharge.
II.B.e.	Note that San Lorenzo Creek and Alamo Canal flows are independent, and governed by difference events. See comments in TO.
II.C Table F-1	Total Chlorine Residual changed to 0.0 to reflect Basin Plan Table 4-2.
II.C Table F-1	Reference to "operational goals" deleted - does not apply to intermittent wet weather discharge.
IV. A. Prohibition III.B.	Delete requirements for discharge of extracted groundwater. Does not apply to intermittent wet weather discharge. See comments on TO.
IV. A. Prohibition III.D.	Paragraph and Table 4-1 on dry weather discharges does not apply. This is a holdover from pre-1979 conditions. Delete.

V. General Comments on Attachment F (continued). Please see marked up draft for detailed comments.

Section	Comment
IV. B. 2	DSRSD and Livermore will not send tertiary treated water to LAVWMA. This is incorrect. Delete.
IV. B. 2. a	Average monthly and weekly limits do not apply to an intermittent, short-term discharge. Delete.
IV. C. 2.	Need to include a rationale for the uses for Alamo Canal.
VI. A. Table F-3	Deleted parameters that do not apply to intermittent wet weather discharge.

**California Regional Water Quality Control Board**

San Francisco Bay Region  
 1515 Clay Street, Suite 1400  
 (510) 622-2300 • Fax: (510) 622-2460  
<http://www.waterboards.ca.gov>

The following Discharger ~~iss-are~~ subject to waste discharge requirements as set forth in this Order:

**Table 1. Dischargers Information**

<b>Dischargers</b>	<del>Livermore-Amador Valley Water Management Agency (LAVWMA)<sup>1</sup>, Dublin San Ramon Services District (DSRSD), and City of Livermore</del>
<b>Name of Facility</b>	LAVWMA Export and Storage Facilities
<b>Facility Address</b>	7176 Johnson Drive Pleasanton, CA 94588 Alameda County

**Comment [VH1]:** DSRSD and Livermore do not discharge from the LAVWMA facilities. LAVWMA is solely responsible for decisions as to when, where, and how to discharge emergency overflows. DSRSD and Livermore hold separate and independent permits related to discharge from their facilities.

The Discharge by LAVWMA, ~~Dublin San Ramon Services District (DSRSD), and City of Livermore~~ from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

**Table 2. Discharge Location**

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
San Lorenzo Creek Outfall M-002	Intermittent <del>peak wet weather</del> discharge of secondary treated, disinfected, and dechlorinated effluent	37°, 40', 30"N	122°, 09', 14"W	San Lorenzo Creek
Alamo Canal Outfall M-003	Intermittent <del>peak wet weather</del> discharge of secondary treated, disinfected, and dechlorinated effluent	37° 41' 10"N	121° 54' 54"W	Alamo Canal

**Table 3. Administrative Information**

This Order was adopted by the Regional Water Board on:	<Adoption Date>
This Order shall become effective on:	<Effective Date>
This Order shall expire on:	<Expiration Date>
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Dischargers shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than <Submittal Date>, which is 180 days in advance of the Order expiration date, as application for issuance of new waste discharge requirements. In case of a discharge to both San Lorenzo Creek and Alamo Canal, the Dischargers shall submit two separate applications one for each outfall.	

IT IS HEREBY ORDERED, that this Order supercedes Order No. 99-023 except for pending enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water

<sup>1</sup> Member agency flows enter the LAVWMA facility at the LAVWMA junction structure, where they are combined and distributed to either the pump station wet well or LAVWMA holding basin. Livermore and DSRSD relinquish control of their flow after it leaves the Livermore Water Reclamation Plant and DSRSD Wastewater Treatment plant, respectively. The LAVWMA Exercise of Joint Powers Agreement holds LAVWMA fully responsibility for all flows from the time these flows leave the member agency treatment facilities.

| Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **<Adoption Date>**.

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Bruce H. Wolfe, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
REGION 2, SAN FRANCISCO BAY REGION**

ORDER NO. R2-2006-XXXX  
NPDES NO. CA0038679

**WASTE DISCHARGE REQUIREMENTS FOR THE  
LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY (LAVWMA);  
~~DUBLIN SAN RAMON SERVICES DISTRICT (DSRSD), AND CITY OF LIVERMORE;~~  
LAVWMA EXPORT AND STORAGE FACILITIES  
~~INTERMITTENT PEAK WET WEATHER DISCHARGE~~  
TO THE SAN LORENZO CREEK OR ~~SAN LORENZO CREEK AND~~ ALAMO CANAL**

**Comment [VH2]:** Discharge conditions for San Lorenzo Creek and Alamo Canal are separate and independent. Either discharge could occur without the other

**I. FACILITY INFORMATION**

The following Discharger ~~iss are~~ subject to waste discharge requirements as set forth in this Order:

**Table 4. Facility Information**

WDID	2019129001
Dischargers	Livermore-Amador Valley Water Management Agency (LAVWMA); <del>Dublin San Ramon Services District (DSRSD), and City of Livermore</del>
Name of Facility	LAVWMA Export and Storage Facilities
Facility Address	7176 Johnson Drive Pleasanton, CA 94588 Alameda County
Facility Contact, Title and Phone	Rob Fowler, <del>Contract</del> Operations Manager, 925-846-4565
Authorized Person to Sign and Submit Reports	Rob Fowler, <del>Contract</del> Operations Manager, 925-846-4565
Mailing Address	7051 Dublin Blvd, Dublin CA 94568
Billing Address	Same as mailing address
Type of Facility	Publicly owned <del>treatment works</del> , export, and storage facilities
Major or Minor Facility	Minor
Threat to Water Quality	Category 2 (based on three categories 1, 2, and 3)
Complexity	Category B (based on three categories A, B, and C)
Pretreatment Program	Not Applicable
Reclamation Requirements	Not Applicable
Facility Permitted Flow	<del>21.5 MGD</del> Not Applicable
Facility Design Flow	41.2 MGD
Watershed	San Lorenzo Creek and Alameda Creek Watersheds
Receiving Water	San Lorenzo Creek, <del>and Alamo Canal, and recharged groundwater basins.</del>
Receiving Water Type	Surface Water <del>and Groundwater</del>

**Comment [VH3]:** LAVWMA has no treatment works

**Comment [VH4]:** LAVWMA does not hold a continuous discharge permit from the RWQCB. These permits are held by the individual treatment plant owners

**Comment [VH5]:** Discharge would only occur during extreme wet weather events, and only after ACWD dams are lowered. There is no opportunity for groundwater recharge. Further, the west side of the Valley, including Alamo Canal, are underlain with thick clay layers that do not allow recharge

## II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Water Board), finds:

**A. Background.** Livermore-Amador Valley Water Management Agency (LAVWMA) is currently subject to waste discharge requirements under Order No. 99-023, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038679. LAVWMA is a Joint Powers Agency; its member agencies include Dublin San Ramon Services District (DSRSD), City of Livermore (Livermore), and City of Pleasanton (Pleasanton), including two publicly owned treatment works owned by the Dublin San Ramon Services District (DSRSD) and City of Livermore Water Reclamation Plant (City of Livermore). DSRSD and the City of Livermore separately own and operate collection and treatment facilities for domestic, commercial, and industrial wastewater. DSRSD and City of Livermore are currently regulated by NPDES No. CA0037613 and NPDES No. CA0038008, respectively. City of Pleasanton is also a member of LAVWMA but does not own or operate a wastewater treatment plant. DSRSD is responsible for treating the wastewater collected by the City of Pleasanton sanitary sewer collection agency. LAVWMA, DSRSD, and City of Livermore are hereinafter named as Dischargers. LAVWMA submitted a Report of Waste Discharge, dated April 27, 2004, and applied for a NPDES permit renewal to discharge, intermittently in case of a 20-year flow event extreme storm event (as explained in Attachment H), up to 21.5 MGD of secondary treated, disinfected, and dechlorinated wastewater to San Lorenzo Creek and flow in excess of a 20-year flow event to or San Lorenzo Creek and Alamo Canal. The dischargers submitted five supplements to the application dated May 3, 2005, May 23, 2005, November 28, 2005, December 13, 2005, and December 20, 2005. The application was deemed complete on December 20, 2005.

**Comment [VH6]:** LAVWMA does not own any treatment works

**Comment [VH7]:** Only LAVWMA controls water on site, and through its facilities, including through emergency discharge locations

**Comment [VH8]:** Only San Lorenzo Creek has a 21.5 MGD limitation. Emergency overflow to Alamo Canal is measured by statistical wastewater flow event, and not flow rate. Alamo Canal and San Lorenzo Creek overflows are separate and independent

**Comment [VH9]:** These "supplements" were actually answers to questions, many of which were repetitive, to provide clarification to Farhad Azimzadeh regarding operations of the LAVWMA facilities. Despite these numerous discussions, the "complete" application continues to inaccurately reflect facility operations and discharge parameters. Almost all of the comments herein were already submitted in earlier comments to the draft TO

**Comment [VH10]:** LAVWMA receives the water at the LAVWMA "Junction Structure." Upon entry to this structure, the flows are consolidated and become the property of LAVWMA. They are diverted to storage ponds or to a wet well at the pumping station. LAVWMA does not receive the flow at its storage ponds (which are not used as and incorrectly labeled as equalization reservoirs)

**Comment [VH11]:** The Alamo Creek discharge point is to relieve capacity issues at the LAVWMA pump station. The San Lorenzo Creek discharge point is to relieve capacity issues within the EBDA interceptor. These discharges are separate and independent. Discharge at San Lorenzo Creek will not relieve excess flows incoming to the LAVWMA facility

**B. Facility Description.** LAVWMA receives secondary treated and disinfected wastewater from the DSRSD Wastewater Treatment Plan and City of Livermore Water Reclamation plant at its +8 MG flow equalization reservoirs facilities before pumping the combined flow to the East Bay Dischargers Authority (EBDA) system. EBDA transports LAVWMA treated wastewater jointly with the treated wastewater from its wastewater treatment member agencies to its Marina Dechlorination station near the San Leandro Marina and thence to its deepwater outfall in Lower San Francisco Bay. During extreme storm events, LAVWMA and its member agencies use their combined storage facilities, including the Dischargers also use DSRSD 18.9 MG and City of Livermore 15 MG storage ponds, to increase in-valley flow equalization capacity. If the capacities of the above storage facilities are insufficient, as might occur during a 20-year flow extreme storm event, LAVWMA routes excess combined secondary treated and chlorinated wastewater flow to San Lorenzo Creek and/or the Alamo Canal dechlorination stations before discharging to San Lorenzo Creek or San Lorenzo Creek and Alamo Canal. Similarly, if EBDA capacity is insufficient, the Discharger routes excess flow to the San Lorenzo Creek Dechlorination station before discharging San Lorenzo Creek. These waste discharge requirements are for discharges to San Lorenzo Creek and Alamo Canal. Both San Lorenzo Creek and Alamo Canal are waters of the United States. Attachment B provides a map of the facility's region and its outfall locations. Attachment C provides a schematic of LAVWMA's reservoirs.

**C. Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency

(USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC. This Order shall become effective two months after the date of its adoption provided the Regional Administrator, USEPA, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available environmental information. Attachments A through H are hereby incorporated into this Order and constitute part of the Findings for this Order. Attachment F is the fact sheet, which contains background information and rationale for Order requirements.
- E. California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR Section 122.44(a) requires that permits include applicable technology-based limitations and standards. ~~This Order includes T~~technology-based effluent limitations are based on Secondary Treatment Standards at 40 CFR Part 133 conveyed by LAVWMA through the NPDES permits issued to DSRSD and the City of Livermore.
- G. Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water for all pollutants that have reasonable potential to cause or contribute to an exceedance of applicable water quality standards. Since discharge to San Lorenzo Creek or Alamo Canal have yet to occur from this Facility, this permit does not include any~~s~~a WQBELs for whole effluent toxicity limits, but no WQBELs for or priority pollutants. However, after a discharge occurs and monitoring data are collected, this permit may be reopened to include additional WQBELs.
- H. Water Quality Control Plan.** The Regional Water Board adopted a Water Quality Control Plan for the San Francisco Bay Basin (hereinafter Basin Plan) on June 21, 1995, and amended this plan on January 2, 2004 and November 16, 2005. This latter amendment will be final after approval from the State Board and Office of Administrative Law. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan does not designate uses for Alamo Canal. Uses were assigned based on the tributary rule (see rationale in Fact Sheet Section C.2). The beneficial uses applicable to San Lorenzo Creek and Alamo Canal are listed in Table 5 on the next page. The water flowing in San Lorenzo Creek recharges East Bay Plain groundwater basin and the water flowing in Alamo Canal recharges Livermore Valley groundwater basin. In addition, Alamo Canal is tributary to Arroyo de la Laguna and Arroyo de la Laguna is tributary to Alameda Creek. The water flowing in Arroyo de la Laguna recharges Livermore Valley and Sunol groundwater basins and water flowing in Alameda Creek recharges Sunol, East Bay Plain, and Niles Cone groundwater basins (see the map in the Attachment B). The existing beneficial uses of these groundwater basins are

**Comment [VH12]:** This permit is for intermittent wet weather emergency discharge only, in a 20-year flow event or greater. The discharge would occur after the ground is saturated and when flows in these tributaries are high. These are conditions that will not result permit groundwater recharge.

~~municipal and domestic supply, industrial process water supply, industrial service supply, and agricultural supply. Requirements of this Order specifically implement the Basin Plan.~~

**Table 5. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
LAVWMA San Lorenzo Creek 002	San Lorenzo Creek	<p><u>Existing Beneficial Uses:</u> Municipal and domestic supply (MUN) Fresh water replenishment (FRSH) Groundwater recharge (GWR) Cold Fresh Water Habitats (COLD) Fish migration (MIGR) Fish spawning (SPWN) Warm Fresh Water Habitats (WARM) Wildlife Habitat (WILD) Contact water recreation (REC-1) Non-contact water recreation (REC-2)</p> <p><u>Since this outfall is very close to the Bay, additional existing beneficial uses for Lower San Francisco Bay are included here:</u> Commercial and sport fishing (COMM) Estuarine Habitat (EST) Industrial service supply (IND) Navigation (NAV) Preservation of rare and endangered species (RARE) Shellfish harvesting (SHELL)</p> <p><u>Intermittent Beneficial Use:</u> None <u>Potential Beneficial Use:</u> None</p>
LAVWMA Alamo Canal M-003	Alamo Canal (see note)	<p><u>Existing Beneficial Uses:</u> Groundwater recharge (GWR) Fish migration (MIGR) Fish spawning (SPWN) Wildlife habitat (WILD) Contact water recreation (REC-1) Non-contact water recreation (REC-2)</p> <p><u>Intermittent Beneficial Use(s):</u> None <u>Potential Beneficial Use(s):</u> Cold freshwater habitats (COLD) Warm freshwater habitats (WARM)</p>

Note: There are no designated beneficial uses listed in the Basin Plan for Alamo Canal. Beneficial uses for Alamo Canal are based on the tributary rule and the uses of Arroyo de la Laguna.

**Comment [VH13]:** The Fact Sheet needs to include a rationale for the uses listed here.

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- J. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April

28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the California Toxics Rule. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005.

- K. Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Discharges regulated by this Order should not lower water quality if the terms and conditions of this Order are met. Therefore the permitted discharge is consistent with the antidegradation provision of 40 CFR Section 131.12 and State Water Board Resolution No. 68-16.
- L. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR Section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All technology based effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order. This Order does not include WQBELs because discharges have yet to occur from this Facility. In case of a discharge, this permit may be re-opened to include WQBELs.
- M. Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement Federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- N. Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR Sections 122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Dischargers. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.
- O. Notification of Interested Parties.** The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- P. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

**III. DISCHARGE PROHIBITIONS**

A. Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.

~~B. Any discharge of extracted groundwater or groundwater concentrate, treated or untreated, into the LAVWMA facility is prohibited unless specifically permitted by the Regional Water Board.~~

~~C.B.~~ Discharge during dry weather is prohibited.

~~D.C.~~ Discharge to Alamo Canal is prohibited unless the allowable capacity of discharge to EBDA's system, storage capacity of the flow-equalization basins and DSRSD and City of Livermore storage ponds, ~~capacity of discharge to San Lorenzo Creek are fully utilized, and both~~ the Regional Water Board and Alameda County Water District are notified that a discharge to Alamo Canal is needed.

~~E.D.~~ The bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.G of Attachment D, Federal Standard Provisions.

~~F.E.~~ The ~~average daily~~ discharge to San Lorenzo Creek ~~shall not exceed 21.5 MGD and shall be limited to flow in excess of available EBDA capacity. The discharge to or San Lorenzo Creek and Alamo Canal shall only occur during not exceed a 20-year flow event or greater, 21.5 MGD and shall be limited to flow in excess of available EBDA capacity.~~

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**Comment [VH14]:** LAVWMA receives water from two treatment plants – the continuous discharge requirements from those plants are regulated through independent permits held by DSRSD and Livermore. LAVWMA does not accept any other flows from any other entities, and does not hold a continuous discharge permit that would allow this to happen. This requirement is misplaced – it should be included in the individual DSRSD or Livermore permits as appropriate. In addition, brine discharge that is currently under discussion between the RWQCB and Zone 7 is a dry weather discharge, and as such, does not relate to LAVWMA's extreme wet weather overflows.

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**Comment [VH15]:** Forcing a San Lorenzo Creek overflow when it is not required does not make good environmental sense. A San Lorenzo Creek overflow will not allow the LAVWMA pump station to increase pumping capacity, and will therefore not alleviate conditions that require discharge to Alamo Creek.

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**IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

**A. Effluent Limitations**

Final Effluent Limitations - Discharge Points San Lorenzo Creek Outfall M-002 and Alamo Canal Outfall M-003

- a. The discharge of the effluent shall maintain compliance with the following effluent limitations at Discharge Points M-002 and M-003:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations
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				Maximum Daily	Instantaneous Minimum	
		Average Monthly	Average Weekly			Instantaneous Maximum
Carbonaceous Biochemical Oxygen Demand (CBOD) 5-day @ 20°C	mg/L	25	40	50		
Total Suspended Solids	mg/L	30	45	60		
Total Fecal Coliform Organisms	MPN/100 mL			1,100		
pH	Standard units				6.05	9.085
Total Chlorine Residual	mg/L					0.0
Oil and Grease	mg/L	10		20		

**Comment [VH16]:** Monthly and Weekly average limits do not apply for an intermittent, infrequent discharge.

**Comment [VH17]:** To be consistent with member agency continuous use permits.

**Comment [VH18]:** An "operational goal" doesn't apply since this is not a continuous, or even routine, discharge.

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**Comment [VH19]:** Does not apply because there is no influent/effluent or treatment occurring at LAVWMA facilities.

b. The average monthly percent removal of CBOD 5-day 20°C and total suspended solids shall not be less than 85 percent.

~~e. The survival of rainbow trout test fish in 96-hour static renewal bioassays of the discharge shall not be less than 70%.~~

**Comment [VH20]:** This does not apply. Emergency discharges will be intermittent and short-term, and as such, do not lend themselves to biological assays.

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations:

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order.

1. The discharge shall not cause the following conditions to exist in Waters of the State at any place:
  - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
  - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
  - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; or
  - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
  
2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the water surface:
  - a. Dissolved Oxygen 5.0 mg/l, minimum
  - b. Dissolved Sulfide 0.1 mg/l, maximum
  - c. pH The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH by more than 0.5 pH units.
  - d. Un-ionized Ammonia 0.4 mg/l as N, maximum  
~~0.025 mg/l as N, annual median~~
  
3. The discharge shall cause no violation of any particular water quality standard for receiving waters adopted by the Board or the State Board as required by the Clean Water Act and regulations adopted there under.

**Comment [VH21]:** Annual median measurement does not apply to an intermittent wet weather discharge.

### ~~B. Groundwater Limitations~~

~~The discharge shall cause no violation of the Basin Plan water quality standards for receiving groundwaters.~~

**Comment [VH22]:** This is an intermittent, wet weather permit. The circumstances of discharge do not allow groundwater recharge. Not applicable.

## VI. PROVISIONS

### A. Standard Provisions

1. **Federal Standard Provisions.** The Dischargers shall comply with all Standard Provisions included in Attachment D of this Order.
2. **Regional Water Board Standard Provisions.** The Dischargers shall comply with the Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, April 2006 (Attachment G). Where provisions or reporting requirements specified in this Order are different from specified in the Standard Provisions, the specifications of this Order shall apply.

### B. Monitoring and Reporting Program Requirements

The Dischargers shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

### C. Special Provisions

1. **Reopener Provisions.** The Regional Water Board may modify or reopen this Order prior to its expiration date if present or future investigations demonstrate that the discharge governed by this Order is causing or significantly contributing to adverse impacts on water quality and/or beneficial uses of the receiving waters.
2. **Special Studies, Technical Reports and Additional Monitoring Requirements.** Within 180 days after the first discharge to San Lorenzo Creek or ~~San Lorenzo Creek and Alamo Canal~~, the Dischargers shall submit a technical report, certified by a California registered engineer, including the following information:
  - ~~a. Results of the sampling and monitoring pursuant to Table E.2. An effluent, groundwater, and receiving water monitoring proposal for protecting the beneficial uses of all receiving water bodies. The proposal shall be based upon monitoring results obtained during the discharge and other pollutants of concern. The Dischargers shall consult Alameda County Water District and Zone 7 Water Agency to help compile a comprehensive list of these pollutants. The receiving water part of this monitoring proposal should also be coordinated with the regional surface water and groundwater ambient monitoring programs as discussed in Section III.D of the Fact Sheet;~~
  - a. Future wet-weather flow projection data;
  - c. Detailed information on facility (i.e. LAVWMA's daily discharge rate to EBDA's pipe, as well as LAVWMA's 18 MG flow equalization reservoirs and DSRSD and City of Livermore storage ponds capacity utilization data) for 30 days prior to discharge and until discharge ceases; and
  - d. Preventive measures for reducing the risk of future discharges and spills and how LAVWMA will respond ~~to spills~~ with appropriate updates to its Operation and Maintenance Manual.

**Comment [VH23]:** Inserted text is from previous permit.

**Comment [VH24]:** Groundwater is not impacted due to the nature and timing of overflow

**Comment [VH25]:** This is a permitted discharge – not a spill

## VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

### A. General.

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP. Dischargers shall be deemed out of compliance with effluent limitations if the concentration of the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

### B. Multiple Sample Data Reduction.

When determining compliance with an AMEL for priority pollutants and more than one sample result is available in a month, the Dischargers shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Dischargers shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

### C. Average Monthly Effluent Limitation (AMEL).

~~If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the Dischargers will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Dischargers will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.~~

This permit is for intermittent, emergency discharges. AMEL's do not apply, as the discharge won't occur over such a period.

### D. Average Weekly Effluent Limitation (AWEL).

~~If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the Dischargers will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter~~

~~will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Dischargers will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.~~

See above.

**E. Maximum Daily Effluent Limitation (MDEL).**

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the Dischargers will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**F. Instantaneous Minimum Effluent Limitation.**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the Dischargers will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**G. Instantaneous Maximum Effluent Limitation.**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the Dischargers will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

ATTACHMENTS

Attachment A - Definitions

Attachment B - Map

Attachment C - Flow Schematic

Attachment D - Standard Provisions

Attachment E - Monitoring and Reporting Program (MRP)

Attachment F - Fact Sheet

Attachment G - April 2006 Standard Provisions, Monitoring and Reporting Requirements for NPDES  
Wastewater Discharge Permits

Attachment H - Flow Projection