



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



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August 19, 2014

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

Sent Via Electronic Mail: commentletters@waterboards.ca.gov

Dear Ms. Townsend:

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

The Alameda County Water District (ACWD) serves safe and reliable drinking water to 330,000 customers throughout the cities of Fremont, Newark, and Union City. Part of the mission of ACWD is to plan, design, and operate district facilities efficiently, effectively, and safely, bearing in mind our responsibilities to be a good neighbor and a good steward of the environment.

ACWD has been actively working with State Water Resources Control Board (SWRCB) staff during the permit process and is strongly supportive of a statewide NPDES permit for drinking water system discharges. With so many community water systems across the state, there are differing operations as well as potable water quality that should be considered against the intent of the Draft Permit. ACWD appreciates the collaboration approach with stakeholders taken by SWRCB staff.

ACWD has reviewed the SWRCB's Draft Statewide NPDES Permit for Drinking Water System Discharges to Surface Waters released June 6, 2014 and later July 3, 2014 ("Draft Permit") and believes that the Draft Permit can be protective of the environment and not inhibit water purveyors' operations if certain revisions are made. ACWD respectfully requests the SWRCB's consideration of our comments and suggested revisions on the Draft Permit provided in Attachment A.

ACWD appreciates the SWRCB's continued collaboration on such an important issue and looks forward to working with SWRCB staff in finalizing a practical permit that is also protective of our State's water quality. If you have any questions regarding the content of this letter, please feel free to contact Greg Buncab at gregorylee.buncab@acwd.com or (510) 668-6531.

Thank you.

Sincerely,


Walter L. Wadlow
General Manager

gb

Attachment

cc Steve Peterson, ACWD
Jeannette Kelley, ACWD

ATTACHMENT A

ACWD COMMENTS & REVISIONS ON STATEWIDE NPDES PERMIT FOR DRINKING WATER SYSTEM DISCHARGES TO SURFACE WATERS

- The “Site Information” requirements are too specific; Page 8 Section B.c.iii–vi require:
 - iii. *The location and general un-detailed alignment of the receiving surface water(s),*
 - iv. *The general location of representative monitoring sites, with reference to parameters to be monitored at each site.*
 - v. *A description of the multiple uses or beneficial reuse that the discharges served (i.e. ground water recharge, irrigation), if applicable.*
 - vi. *Identification of the portion of the community water system that discharges within a 300-foot conveyance distance from the receiving water(s) and/or within a 300-foot radius of the receiving water(s).*

Since all receiving water locations are not known to Water Purveyors it will take additional time, money and resources to fulfill this requirement with accurate and meaningful information. We think it would be more meaningful if water agencies provide the receiving water information for only direct discharges on an occurrence basis. Moreover, without a clear definition of “receiving water” there is much room for interpretation of what a receiving water is, consequently leaving water purveyors open to liability.

- Page 15 Section V A. Best Management Practices (BMP) Specification for all discharges into inland surface waters, enclosed bays, estuaries and the ocean

The Discharger shall implement, the BMP procedures and measures as specified in Provision VIII.C.2, or equivalent proven BMPs provided by professional associations or institutes such as the American Water Works Association, for all discharges to comply with DPH's MCLs and to assure that beneficial uses of the receiving water body(ies) are not adversely affected. For emergency discharges, the Discharger shall implement BMP procedures as soon as feasible while concurrently protecting public health and safety.

BMPs were not originally developed in order to meet CDPH MCL requirements. Water agencies typically utilize treatment processes to meet drinking water standards. This statement should be removed since it implies that BMPs are used to meet MCLs.

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- Page 15-16 Section V B-E. We recommend putting this information into a table titled “*Final Effluent Limitations*” for clarity. See example text and table below:

Numeric Effluent Limitations (NELs) only apply to the discharges identified in the “DISCHARGE EVENT” column of Table 1. Monitoring and Reporting shall be conducted according to Attachment E – Monitoring and Reporting Program of this Order.

Table 1: Final Effluent Limitations

DISCHARGE EVENT	Total Chlorine Residual (mg/L)	Turbidity (NTU)
Super-chlorinated	0.019 ¹	---
Planned discharges directly into inland surface waters, enclosed bays and estuaries	0.019 ¹	---
Planned discharges of groundwater directly to a surface water	---	10 (as a daily average)
Planned discharges directly into ocean waters	0.008 ¹	225

¹ *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 a chlorine effluent limitation.*

- SWRCB’s turbidity NEL of 10 NTUs as a daily average for discharges related to groundwater wells.

ACWD recommends that the Draft Permit be amended to remove the turbidity NEL and require appropriate BMP deployment to the maximum extent practicable (MEP), documentation of such deployment, to retain and make all pertinent records of deployment available upon request for regulatory review.

ACWD also recommends that the turbidity requirements in the body of the Draft Permit explicitly state that they are applicable only to discharges related to groundwater wells (which is consistent with what is stated in the Fact Sheet (Pg. F-9 to F-10)).

Additionally, ACWD is seeking clarification from the SWRCB on the rationale for the turbidity limit in the Fact Sheet and feel that BMP requirements are more appropriate. There is no readily available means to translate the turbidity objectives into numeric WQBELs appropriate for the many receiving waters. The Draft Permit contains minimal rationale for

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inclusion of numeric turbidity effluent limits or reasoning for the proposed 10 NTU limit. The Fact Sheet (p. F-56) simply provides the statement that:

“This Order imposes numeric WQBELs for total chlorine residual and turbidity because it is feasible to calculate numeric WQBELs for these pollutants. Also, field test kits are readily available to measure them, so it is feasible to collect representative total chlorine and turbidity data.”

The mere existence of a water quality objective for a given constituent does not constitute sufficient grounds for imposition of a numeric WQBEL. Similarly, the availability of a test method, in this case field test kits, does not constitute sufficient grounds for imposition of numeric WQBELs.

- Page 16 Section VI Multiple Uses or Beneficial Reuse

ACWD agrees with the SWRCB’s inclusion of the provision for multiple reuse of discharges. However, clarity needs to be given to this section in order to incentivize dischargers to pursue this discharge management option. As currently written in the Draft Permit, it is not clear what benefit there is other than not having to obtain a waste discharge requirement (WDR). If no monitoring requirements apply to this category of discharges, then that needs to be explicitly stated.

- Page 18-19 Section d

*In fulfilling the requirements of this section, the Discharger may implement proven BMPs per updated approved guidance established by industry experts such as the 2014 Edition of the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities, to comply with the requirements of this Order. **The Discharger shall make available a documented log of all BMPs implemented for its discharges to State and Regional Water Board staff upon request.** The Discharger shall modify its BMPs as necessary to maintain compliance with this Order.*

The highlighted portion implies that water purveyors are to document any and all BMPs that are deployed. ACWD maintains a BMP Plan that outlines typical discharges and associated BMPs that are deployed to address these discharges. The BMP Plan should suffice for documentation/recordkeeping purposes. Requiring water purveyors to document every BMP

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for every discharge is an inefficient allocation of resources. We request that this statement be removed and reference to agencies' respective BMP Plans be made instead.

- Attachment A – Definitions

- Definitions for '*super-chlorinated*,' '*direct discharges*,' '*indirect discharges*' and '*receiving water*' need to be included in this Attachment. This will help add clarity to the Draft Permit
 - For example, the language from the Fact Sheet Page F5 can be used for defining '*super-chlorinated*.'
- The definition of Monitoring Well should include wells sampled for the management of drinking water aquifers. Suggested language: Specialized wells in which depth to groundwater are measured and samples of groundwater are collected for analysis for the purposes of managing drinking water aquifers, and/or to fulfill requirements mandated by the federal Safe Drinking Water Act, the California Health and Safety Code and California Code of Regulations.

- Attachment B Page B-3 Section G. RECEIVING WATER INFORMATION

This section of the NOI asks dischargers to identify receiving water bodies and provide additional detailed information about the identified waterbodies. The Draft Permit lacks a definition of "receiving water" and without a clear definition, water purveyors lack sufficient guidance as to what waterbodies should or should not be included in the NOI. This information is not readily available to dischargers and it will take time, money and resources to fulfill this requirement with accurate and meaningful information. ACWD questions the feasibility, practicality and value of producing this information. We think it would be more meaningful if water agencies only provide the receiving water information for direct discharges on an occurrence basis.

- Attachment C – Best Management Practices

ACWD believes this section is too prescriptive and it is more efficient to reference the most recent AWWA guidance for management of potable water discharges which sites industry standard BMPs.

Attachment C also references "salt." There is no field BMP to address salt in discharges. References to "salt" should be removed throughout the permit.

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- Attachment E – Monitoring and Reporting Program
 - pH monitoring and reporting is required per the M&RP.

Per CDPH requirements in the Lead and Copper Rule, many water purveyors employ a corrosion control program to increase the longevity of their distribution system pipelines. This program entails pH adjustment to reduce the corrosivity of their water. As a result, some distribution system water can be above 8.5 pH units due to the corrosion control program. There is no field BMP that either raises or lowers the pH of discharges. If the SWRCB expects dischargers to manage pH in the field, this would require introducing acidic or alkaline chemicals to the discharge in the field. ACWD requests that the pH monitoring requirement be removed from the permit as we cannot feasibly and safely alter the pH of the discharge in the field and are in fact mandated to maintain a certain pH level in the distribution system per CDPH requirements. ACWD does offer to provide the SWRCB with pH data from their existing regulatory monitoring in their annual reporting to the SWRCB.

Finally, monitoring of the discharges for pH is not practical. Monitoring of drinking water discharges for pH would place an additional labor burden that would not yield information that could otherwise be obtained from reporting pH values already collected under regulatory and operational programs.

- Page E-2 Section I.E.

The Discharger shall monitor emergency discharges according to sections II and III below, if the discharge has the potential to adversely affect the beneficial uses of the surface water, but only after protection of public health, safety, and property is established, and best management practices are implemented, and if it is feasible to monitor.

ACWD recommends that this statement should be removed and that monitoring of emergency discharges should not be required. Dischargers have no control over when and where emergency discharges take place. When they do occur, staff and resources are focused on addressing the emergency; i.e., repairing broken/damaged infrastructure and returning the system back into service. ACWD is committed to being a good steward of the environment, but in the case of emergency discharges, time and resources are not always available for monitoring the discharge. Emphasis should be placed on BMP implementation which is more in line with the accepted BMP iterative approach.

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- Page E-3 Section II. Monitoring Locations and Sampling

ACWD recommends the following text be put in place of the current draft language for clarification purposes:

II. MONITORING LOCATIONS AND SAMPLING

In its annual report, the Discharger shall (1) identify the sample location on a site map and (2) list the appropriate receiving water body.

A. Monitoring Every Planned Discharge

The Discharger shall monitor every discharge that is greater than 325,850 gallons.

B. Annual Representative Monitoring for Planned Discharges

The Discharger shall monitor all other discharges between 20,000 and 325,850 gallons based on representative monitoring, as specified below:

1. The Discharger shall identify representative monitoring locations in its water supply system that represent the quality of the discharge after BMPs have been implemented and prior to the discharge entering the receiving water, or other conveyance system. The representative monitoring locations shall include one from each of the types of discharges below, as long as similar BMPs are implemented:
 - i. One from each Surface Water Treatment Plant
 - ii. One from each type of Groundwater Treatment Plant
 - iii. One from each distribution system storage tank or reservoir
 - iv. One from the distribution system
 - v. Meter testing
 - vi. Groundwater Well Development and Installation
 - vii. Groundwater Well rehabilitation

If no discharge occurs in one of these categories in the reporting year, no monitoring is required.

- Page E-4 Section E

The State Water Board Deputy Director of Water Quality or an Executive Officer of the appropriate Regional Water Board may increase monitoring frequency at any time to ensure the protection of the beneficial uses of the receiving water.

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ACWD believes that the Regional Boards should not have discretion to augment the monitoring plan in a State permit. The SWRCB should be the sole administrator of the permit and its conditions. This language will cause more confusion about permit requirements and administration if a Regional Board exercises this provision.

- Page E-4 –E-5 Section IV. RECEIVING WATER MONITORING REQUIREMENTS DURING NON-COMPLIANCE WITH THIS ORDER

See revisions in red to provide greater clarity to this section.

*The receiving water shall be **visually** monitored for all direct discharges that are out of compliance with this Order. Receiving water monitoring shall be conducted during the same sampling event of non-compliant discharges monitored in Section II above. The Discharger shall **visually** monitor the point of confluence of the discharge and the receiving water. ~~If the receiving water presents hazards to the monitoring personnel, visual monitoring shall be conducted using telephoto lenses and binoculars.~~ If **further** hazards exist beyond such measures, monitoring shall not be required, and the hazards must be documented in the corresponding monitoring report. **Visual** receiving water monitoring shall consist of digital photographs and documentation of observed effects the discharge has on the receiving water body including the presence or absence of:*

- a. Erosion;*
- b. Floating or suspended matter;*
- c. Discoloration;*
- d. Impact on aquatic life;*
- e. Visible films, sheens, or coatings; and*
- f. Potential nuisance conditions.*

Photographs and documented observation notes on receiving water conditions shall be included in the monitoring report.