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State Water Resources Control Board
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SUBJECT: Comments on the Draft Statewide National Pollutant Discharge Elimination System Permit for Drinking Water System Discharges to Surface Waters

The City of Sacramento (City) appreciates the opportunity to provide comments on the Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water System Discharges to Surface Waters (Permit), as issued by the State Water Resources Control Board on July 3, 2014.

18.1 Throughout the State many Regional Water Boards have adopted various general NPDES permits in order to address drinking water system discharges. These orders, which in many cases cover a variety of low-threat discharges, are cumbersome for water purveyors to implement due to the broad scope of discharges that they apply to. With the large number of community water systems, and the similarity of their operational discharges, it makes sense to establish a standard of compliance statewide. This will allow for development of a permit that is industry specific, with straightforward and implementable compliance regimes, which are appropriate for the low-threat nature of these discharges.

Below are issues that the City believes need to be addressed within the Permit to clarify the intent of the scope, findings, provisions, and monitoring program. The City has reviewed the Permit and provides the following recommended changes.

18.2 1) **Permit exemptions correction is needed**
(SCOPE OF STATEWIDE GENERAL PERMIT AND REQUIREMENT FOR REGULATORY COVERAGE, Page 4)

The proposed exemption to the Permit is based on allowing drinking water system discharges with coverage under MS4 Permits, or by proxy for water purveyors with discharge agreements with MS4 permittees, to continue under this existing permitting regime.

The Permit states the following under Item No. 3 of this section:

The water purveyor is an MS4 permittee or co-permittee named on an MS4 permit that also authorizes discharges from community drinking water systems issued by the State Water Board or a Regional Water Board,

The use of term "community drinking water systems" is problematic since it is specifically defined in the Permit. MS4 permits from several portions of the State were reviewed and none of them used the term "community drinking water systems". In accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), certain low threat discharges are conditionally authorized. The terminology used in the regulation for drinking water system discharges is "waterline flushing and

potable water system discharges". This provision is what allows MS4s to have these discharges when used in conjunction with proper BMP implementation.

Using terminology that is not used in the MS4 permit would negate the intended exemption on a technicality. It is recommended that the term "community drinking water systems" be replaced with "potable water system discharges".

18.3 2) Automatic termination of existing low threat permits could be problematic
(Section III. Findings, Item C. Termination of Existing Coverage Under Similar Regional Water Board Orders, Page 12)

Due the variety in the types of discharges covered under low-threat or de minimis discharge permits, municipalities or water purveyors may need to maintain the permit for discharges that are unrelated to drink water system discharges. Automatic termination of the agencies existing permit could result in unauthorized discharges due to permit rescission. It is recommended that the Notice of Intent include an option for the water purveyor to opt out of their existing permit. This would allow the water purveyor the ability to maintain the permit if it is necessary for other operations. Reference to terminating existing permits needs to also be removed from page 12, Item C).

18.4 3) Clarification is needed on raw water monitoring and BMP implementation
(Section V. Effluent Limitations and Discharge Specification, Part A. Best Management Practices (BMP) Specifications for all discharges into inland surface waters, enclosed bays, estuaries and the ocean, Page 15)

This Section states the following:

The Discharger shall implement, at a minimum, 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.

In this permit requirement the use of the term "for all discharges" does not work for raw water. Raw water, being untreated or partially treated (as the permit defines it) does not necessarily comply with DPH's MCLs. As written, this provision appears to imply that raw water discharges could need to meet potable water standards prior to discharge to surface waters. Implementing MCL level BMPs (basically a portable treatment plant) in the field for operational discharges is impractical and expensive. In many cases the raw water discharges from a transmission pipeline is the surface water, and would merely be returning to its place of origin. Implementing erosion and sediment control BMPs would be measures for raw water discharges.

It is recommended that this section of the permit be modified by removing the reference to MCL compliance, or include language to directly address BMP requirements for raw water discharges.

18.5 4) Clarification is needed on record keeping requirements for discharges
(Section VIII.C. Special Provisions, Part 2d. Implementation of Best Management Practices, Pages 18)

This section states the following:

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.

For the City of Sacramento there are thousands of operational discharges annually. **What is the expectation of the State Board for keeping a documented log of all BMPs implemented?** Discharges can vary from less than a gallon to thousands of gallons. Record keeping for every minor discharge would not provide useful information nor provide any measureable impact to water quality. It would however serve as a record keeping burden to field personnel, taking away time that could be used to perform water operations activities.

It is recommended that the permit establish a minor discharge amount of potable water that can be discharged without having to keep records of the event. One hundred gallons would be a reasonable minor discharge limit. The permit already establishes that applicable BMPs are to be used for all discharges, so the goal of the permit is defined through this requirement.

18.6 5) **Compliance monitoring for chlorine residual needs to be clarified**
(Section IX. Compliance Determination, Part A and B, Page 19-20)

This section states the following:

IX. Compliance Determination

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

A. General

Compliance with effluent limitations shall be determined using monitoring and reporting protocols defined in the Monitoring and Reporting Program of this Order. For purposes of reporting and administrative enforcement by the State and/or Regional Water Boards, the Discharger shall be deemed out of compliance with the effluent limitations if the constituent concentration or level is greater than the effluent limitation and greater than or equal to the method detection limit (MDL) of properly calibrated in-field monitoring equipment.

B. Total Residual Chlorine

Handheld chlorine measuring devices that are U.S. EPA-approved are appropriate to measure residual chlorine in the field for compliance determination. The MDL of a hand-held chlorine meter used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L or lower. 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. Due to other possible interferences of these handheld devices, if readings are false positives, these will not be evaluated for compliance if explanation of cause is provided.

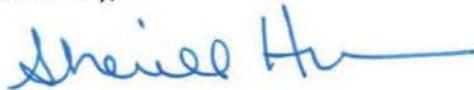
Parts A and B above, as stated, create a variable compliance limit based on the method detection limit (MDL) of the monitoring device being used. Part B states that the chlorine concentration greater than or equal to 0.10 mg/l is out of compliance. This would mean that if you are below 0.10 mg/l the discharger would be in compliance. Part A, on the other hand, relates the compliance determination if the concentration is greater than effluent limit (0.019 mg/l) and greater than or equal to the MDL of the instrument. These requirements conflict with each other, and in the case of Part A, creates a compliance determination limit based on the MDL of the field instrument being used. This is in conflict with the goal of creating a straightforward compliance approach for this permit.

Based on the current level of accuracy of field instruments of testing Chlorine residual, 0.10mg/l is an appropriate range on accuracy. **It is recommended that these compliance determination sections of this permit be changed to clearly establish a compliance limit for chlorine not to exceed 0.10 mg/l.**

In conclusion, the City believes that the Permit provides a compliance methodology that sufficiently addresses the complexity of drinking water system operational discharges. The issues identified above primarily request minor modifications that would clarify the intent of the Permit and make implementation less onerous.

If you have any questions regarding this submittal, please contact me at 916-808-1455/ shuun@cityofsacramento.org or Kyle Ericson at 916-607-3850/ kericson@cityofsacramento.org.

Sincerely,



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