

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**Response to Written Comments  
On the Reissuance of Waste Discharge Requirements for**

**Livermore-Amador Valley Water Management Agency (LAVWMA), Dublin San Ramon Services District, and City of Livermore, LAVWMA Export and Storage Facilities, Alameda County, NPDES Permit No. CA0038679**

On February 10, 2006, we sent the Tentative Order to the Dischargers and other interested persons or organizations. During the 30-day comment period, we received written comments from Livermore-Amador Valley Water Management Agency (LAVWMA), Dublin San Ramon Services District (DSRSD), City of Livermore, East Bay Dischargers Authority (EBDA), Alameda County Flood Control and Water Conservation District Zone 7 Water Resources Management (Zone 7), and United States Environmental Protection Agency (USEPA) (Appendix B) as follows:

1. Letter, March 16, 2006, Vivian Housen, General Manager, LAVWMA.
2. Letter, March 13, 2006, Bert Michalczyk, General Manager, DSRSD.
3. Letter, March 15, 2006, Charles Weir, General Manager, EBDA.
4. Letter, March 15, 2006, Darren Greenwood, Water Resources Manager, City of Livermore.
5. Letter, March 16, 2006, G.F. Duerig, Assistant General Manager, Zone 7.
6. Letter, March 16, 2006, Douglas Eberhardt, Chief, CWA Standards and Permits Office, United States Environmental Protection Agency (USEPA).

After a March 7, 2006, meeting with LAVWMA, DSRSD, City of Livermore, and EBDA, and a phone conference with LAVWMA on March 17, 2006, we contacted ACWD on March 22, 2006, and informed them that the Dischargers are requesting changes to the Tentative Order as relates to groundwater recharge. We contacted ACWD because ACWD attended no joint meeting or phone conference with the Dischargers and the Regional Water Board staff. ACWD submitted the following letter:

7. Letter, March 23, 2006, Douglas Chun, Water Quality Manager, Alameda County Water District (ACWD)

Below are summaries of comments received and our responses to these comments.

**Livermore-Amador Valley Water Management Agency (LAVWMA)**

1. *LAVWMA Comment: 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 of with the 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.*

Response: While DSRSD and City of Livermore have given LAVWMA the authority to make decisions as to when, where, and how to discharge emergency overflows, we do not believe these are sufficient grounds to exclude DSRSD and Livermore as dischargers. In fact, DSRSD and Livermore should be named as dischargers because they own and operate the treatment plants that are the source of the discharge. They also own facilities that must be managed properly to reduce the chances of a discharge during extreme storm events. See also the response to LAVWMA's Comment 9.

- 2. LAVWMA Comment, Change receiving waters 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 storage facility. San Lorenzo Creek discharge is NOT required for Alamo Canal discharge to occur.*

Response: We agree to change the receiving waters bodies from "San Lorenzo Creek or San Lorenzo Creek and Alamo Canal" to "San Lorenzo Creek, Alamo Canal, or both" with additional clarification in the Tentative Order and Fact Sheet.

- 3. LAVWMA Comment: LAVWMA has no treatment works or treatment facilities. Delete all references to such facilities owned or operated by LAVWMA.*

Response: The use of these terms refers to the two de-chlorination facilities that LAVWMA acknowledged in its application package.

- 4. LAVWMA Comment: Discharge is for intermittent peak wet weather, as described in Order No. 99-023 currently held by LAVWMA.*

Response: We agree to use the language "peak wet weather" and we have made the change in Table 2.

- 5. LAVWMA Comment: 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.*

Response: We disagree to delete the Basin Plan's groundwater recharge beneficial use designation for Alamo Canal. But we agree to provide the Dischargers with the opportunity to submit a technical report as required in Provision C.2.d that would document the rate and extent of the groundwater recharge of the discharge to Alamo Canal during its entire 20 miles travel to the Bay.

6. *LAVWMA Comment: 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 equalizations.*

Response: The application provides information such as "the project also includes equalization storage to manage wet weather flows and optimize discharge to the EBDA pipeline and reduce discharge at locations other than EBDA deepwater outfall." During a March 17, 2006, phone conference between the Water Board staff and LAVWMA representative, LAVWMA confirmed that all EBDA or EBDA and San Lorenzo 41.2 MGD discharge capacity and LAVWMA's 18 MG, DSRSD's 18.9 MG, and Livermore's 15 MG storage facilities will be 100% utilized before LAVWMA's any discharge to Alamo Canal.

7. *LAVWMA Comment: The Basin Plan does not designate uses for Alamo Canal. Uses were assigned based on the tributary rule.*

Response: The November 2005 amendment of the Basin Plan does designate beneficial uses for Alamo Canal (See Table 2-1 of November 2005 amendment).

8. *LAVWMA Comment: Delete any discussion/requirements related to discharge of "extracted groundwater or groundwater concentrate" i.e., brine. 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.*

Response: As this issue relates to this permit, we agree to delete this prohibition with the understanding no Zone 7 discharges will occur during extreme storm events. Please see response to comment 39.

9. *LAVWMA Comment: CBOD and TSS limitations do not apply as LAVWMA does not treat wastewater.*

Response: We disagree. We understand that LAVWMA's responsibility is limited to the de-chlorination treatment only. However, the Clean Water Act provides no exceptions for non-compliance with secondary technology based limits for sewage treatment plant discharges. This is another reason that both DSRSD and City of Livermore, which have control of the CBOD and TSS levels in their effluents during extreme storm events, are also named as Dischargers.

10. *LAVWMA Comment: Discharge will be intermittent and short term. Weekly and Monthly Limitations do not apply for an intermittent, infrequent discharge.*

Response: The treatment plants are expected to meet secondary technology limits all the time even during peak storm events. However, we agree to delete the average monthly limit since continuous discharges longer than 5 days will not occur. Additionally, we propose to put back the daily maximum limits from the previous permit due to the short duration of the expected discharge.

11. *LAVWMA Comment: List fecal coliform instead of total coliform to be consistent with EBDA discharge requirements.*

Response: The Basin Plan Table 4-2 limits for coliform is expressed only as total. The expiring permit also includes this limit for coliform expressed as total coliform. EBDA's deepwater fecal coliform limits are inappropriate for these shallow receiving waters. Please also see response to USEPA comment 43.

12. *LAVWMA Comment: 96-hour biological assay does not apply to intermittent, wet weather discharge.*

Response: We disagree. The Basin Plan Table 4-4 has limit for intermittent discharges and provides no exceptions for a wet weather discharge.

13. *LAVWMA Comment: Rob Fowler is the Contract Operations Manager. In the future, the facilities could be operated by an entity other than DSRSD.*

Response: We accept this correction to the application.

14. *LAVWMA Comment: Facility permitted flow is N/A; LAVWMA does not hold a continuous discharge permit.*

Response: Maximum flow rate for intermittent discharge shall be documented for each outfall.

15. *LAVWMA Comment: Annual median measurement does not apply to intermittent, wet weather discharge.*

Response: We disagree. Although the degree of responsibility may be different, the Basin Plan requirement that "no discharge of waste shall cause the annual median of the un-ionized ammonia to be exceeded in San Lorenzo Creek or Alamo Canal in any place within one foot of the water surface" applies to both intermittent and continuous discharges.

16. *LAVWMA Comment: Inserted reopener text from current permit.*

Response: We agree to insert a re-opener text not limited to existing permit text.

17. *LAVWMA Comment: Discharge Outfall M-001 Location and Callout corrected.*

Response: We agree. Table E-1 description of M-001 has been changed to EBDA outfall.

18. *LAVWMA Comment: LAVWMA Export and Storage Facilities Named.*

Response: We agree.

19. *LAVWMA Comment: Emergency Over flow to DSRSD Dedicated Land Disposal Site is no longer available; agreement for this use ended upon completion of the Export Pipeline Facilities Project.*

Response: We accept this correction to the application.

20. *LAVWMA Comment: Attachment E, Section I.B, Change “mainly” to “only”.*

Response: We disagree. LAVWMA’s discharge flow rates to EBDA’s system shall be monitored continuously.

21. *LAVWMA Comment: Attachment E, Table E-1, Monitoring locations applies to the period when the discharge is occurring.*

Response: We disagree. In order to document the optimal use of discharge to EBDA during storm events, LAVWMA’s discharge flow rates to EBDA’s system shall be monitored continuously.

22. *LAVWMA Comment: Attachment E, Section IV, Table E-3, Monitoring for metals and most other constituents does not apply for an intermittent discharge. Delete.*

Response: We disagree. Some metals and other organic constituents were detected in the effluent of DSRSD, Livermore, or both exceeding the applicable water quality objectives. State Implementation Policy for California Toxics Rule provides no exception for intermittent discharges.

23. *LAVWMA Comment: Attachment E, Section X.B.1, Added option to submit monitoring reports electronically.*

Response: We agree.

24. *LAVWMA Comment: Attachment E, Section X, Table E-6, Monitoring period reduced to one day, since discharge will be intermittent and short-term.*

Response: We agree to change the frequency of monitoring to be once during the discharge event for all parameters except flow rates. Please note that Table E-6 provides some flexibility for monitoring to be conducted on any day during a discharge event.

25. *LAVWMA Comment: Fact Sheet, Section I.C, Not appropriate to include WDRs until they are approved. WDR are not expected to be approved by April.*

Response: Section I.C only documents that LAVWMA submitted an application for re-issuance of the existing WDR (NPDES No. CA0038679).

26. *LAVWMA Comment: Fact Sheet, Section II.C, Table F-1, Total Chlorine Residual changed to 0.0 to reflect Basin Plan Table 4-2.*

Response: Table F-1 is only documenting the Total Chlorine Residual of 0.00 limit in Order No. 99-023. Please review Table 6 of the Tentative Order for the Total Chlorine Residual of 0.0.

27. *LAVWMA Comment: Fact Sheet, Section II.C, Table F-1, Reference to “operational goals” deleted – does not apply to intermittent wet weather discharge.*

Response: We disagree. This requirement is retained from the existing permit. The limit of 1,000 and an operational goal of 240 MPN/100 mL of Total Coliform Organisms will provide the Dischargers’ operator a goal of disinfecting the effluent adequately with less risk of over chlorination. Please also see response to comment 43.

28. *LAVWMA Comment: Fact Sheet, Section 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.*

Response: It is not clear which table is referenced in this comment. No change appears needed. If this comment is documenting LAVWMA’s request to delete the prohibition of no discharge during dry weather, then we disagree. Please note that the submitted application is only for intermittent discharge during extreme storm events.

29. *LAVWMA Comment: Fact Sheet, Section IV.B.2, DSRSD and Livermore will not send tertiary treated water to LAVWMA. This is incorrect.*

Response: We agree to change this language to “both DSRSD and City of Livermore have installed advanced treatment systems, such as micro-filtration (reverse osmosis) and continuously backwashed sand filtration tertiary treatment system, to treat about 13 MGD of their secondary treated effluent to levels of quality good for recycling for uses such as irrigation. However, this permit does not require the quality of the treated wastewater that may need to be discharged during an extreme storm event to be better than the minimum required secondary level of treatment”.

30. *LAVWMA Comment: Attachment E, Section IV.A, Table F-3, Deleted parameters that do not apply to intermittent wet weather discharge.*

Response: We disagree. Please see response to comment 22.

31. *LAVWMA Comment: Attachment F, Section III.B.3, Delete the requirements for additional monitoring proposal.*

Response: We agree.

32. *LAVWMA Comment: Attachment F, Section III.B.3, Due to the intermittent nature of this discharge WQBELs are not required and are unlikely to be required in the future.*

Response: We disagree. Please see response to comment 22.

33. *LAVWMA Comment: Attachment F, Section IV.D, There will be no TDS impairment of the groundwater basins due to the nature and timing of flow. The RWQCB has not previously defined or sanctioned the requested restoration plans.*

Response: We agree to change this sentence to “Zone 7 Water Agency has also reported groundwater basins impairment collectively referred to as “increasing level of total dissolved solids in the main groundwater basin”.

#### **Dublin San Ramon Services District (DSRSD)**

34. *DSRSD Comment: DSRSD concurs with all LAVWMA comments and concerns. DSRSD is particularly concerned about being named as a co-permit holder with LAVWMA and City of Livermore. Our concern is that DSRSD could be found to be responsible for compliance with all requirements and prohibition contained in the Order. However DSRSD alone does not have the legal authority and responsibility for permit compliance. Any issue that arises from the Order is the responsibility of LAVWMA, its Board of Directors (comprised of officials from the three member agencies and its General Manager to address and resolve. All management, facility capacity, operating and budget decisions are made by the LAVWMA Board of Directors. An existing Joint Powers Agreement identifies how these decisions are made and defines the responsibility of each member agency. Inserting DSRSD as a co-permit holder places an unnecessary responsibility and burden onto DSRSD that is not contained in the LAVWMA legal agreement and authorities, and DSRSD lacks the authority to exercise any such responsibility. No additional protection is provided to the Board by insisting that DSRSD to be a co-permittee. We respectfully request the deletion of DSRSD as named permittee.*

Response: Please see response to LAVWMA comment 1.

35. *DSRSD Comment: DSRSD is also concerned about the extensive permit and monitoring requirements in a permit for an emergency discharge location. While we concur that it is appropriate to have a permit in the event that a future controlled discharge into San Lorenzo Creek or Alamo Canal may be required, the conditions of the permit should reflect that it is for emergency wet weather conditions only, and should not be written as if the discharge is to be routine or a normal occurrence.*

Response: Please see response to LAVWMA comment 22.

### **East Bay Dischargers Authority (EBDA)**

36. *EBDA Comment: The Authority and its member agencies have reviewed the Tentative Order (T.O.) for the LAVWMA wet weather permit and concur with the comments submitted by LAVWMA, DSRSD, and Livermore. The T.O. has significant problems and needs major revisions before it would not be opposed by the LAVWMA and Authority agencies. Since this permit is linked to the permits for the Authority, DSRSD, and Livermore, we encourage you to consider withdrawing the Tentative Order from the April Regional Water Board agenda and reschedule it for consideration at the same time as the other three permits. The Authority acknowledges the pressure from US EPA to resolve the permit backlog. However, it is in the best interests of Publicly Owned Treatment Work community and the Regional Water Board that quality permits be developed that can be supported and adopted by your Board with a minimum of controversy. The Authority and its member agencies are committed to working with you and your staff to develop fair and reasonable permits in a timely manner.*

Response: We feel most issues raised during the public comment period have been addressed. We do not find any benefit to the Board, the agencies, or water quality by delaying the consideration of the tentative order, as revised.

### **City of Livermore**

37. *City of Livermore Comment: It is inappropriate to name City of Livermore as a co-permittee on a permit for a discharge of which it has no control. The City of Livermore strongly objects to being identified in the Tentative Order as a discharger and co-permittee subject to Waste Discharge Requirements for Livermore-Amador Valley Water Management Agency facilities. Page 1 of Attachment F – Fact Sheet erroneously describes the City of Livermore as having filed a report of waste discharge and submitted an application for permit renewal in April 2004. The City of Livermore is member agency of LAVWMA, a Joint Powers Agency. The City of Livermore operates Livermore Water Reclamation Plant and discharges treated effluent to LAVWMA-owned and operated facilities. The discharge from the Livermore Water Reclamation Plant is regulated by Order 00-089. The LAVWMA Exercises of Joint Powers Agreement hold LAVWMA fully responsible for all wastewater flows from the time they leave member*



*agency treatment facilities. The LAVWMA facilities are owned and operated by LAVWMA, and LAVWMA is solely responsible for making all decisions as to when, where and how to discharge emergency overflows.*

Response: We have changed Page 1 of Attachment F – Fact Sheet to describe that LAVWMA filed a report of waste discharge and submitted an application for permit renewal in April 2004. In regard to why City of Livermore is named on this permit, please see response to LAVWMA’s comment 1.

38. *City of Livermore Comment: The City of Livermore concurs with the comments and revisions outlined by LAVWMA in its comment letter on the subject Tentative Order. As currently drafted, the Tentative Order demonstrates a significant lack of understanding of LAVWMA, the relationship with its member agencies, the operation of the LAVWMA facilities, and the emergency discharge for which the subject Order is intended to regulate. Incorporating the comments and revisions outlined by LAVWMA would result in a permit that is more appropriate to the regulation of an intermittent peak wet weather discharge that has never occurred and is projected to not occur for decades to come. Please let me know if you have any questions. Again, the City of Livermore appreciates the opportunity to comment.*

Response: Please see response to LAVWMA’s comments.

Alameda County Flood Control and Water Conservation District, Zone 7 Water Resources Management (Zone 7)

39. *Zone 7 Comment: Thank you for the opportunity to comment on the Draft Tentative Order for the LAVWMA wet weather discharge permit. As with LAVWMA, DSRSD, Livermore and EBDA, Zone 7 Water Agency has some concerns with references related to “any discharge of extracted groundwater or groundwater concentrate, treated or untreated, into the LAVWMA facility.” Any possible groundwater demineralization would be performed by Zone 7 in accordance with Zone 7’s May 2004 Salt Management Plan which was required under Provision D.1.c.ii of the San Francisco Bay Regional Water Quality Control Board’s (“Board”) “Master Water Recycling Permit,” Order No. 93-159 and approved by the Board on September 24, 2004 (copy of letter attached). Therefore, Zone 7 request that Board staff revise LAVWMA’s Draft Tentative Order to reflect these facts before the Regional Board is asked to consider this item.*

Response: We agree to delete this Prohibition with the following understandings:

- The attached letter of September 24, 2004, specifically states, in the first paragraph of the letter, that “separate approval from the NPDES Permit Division is required for seasonal groundwater export and wellhead demineralization, two salt management strategies that will result in discharges to surface water”, and
- During a March 7, 2006, meeting between LAVWMA, EBDA, DSRSD, City Livermore, and Water Board staff, City Livermore staff guaranteed that no Zone 7 discharges will occur during extreme storm events and also agreed to either provide

reference to Federal regulations that would allow Zone 7 discharge to LAVWMA or work with Zone 7 to submit a waste discharge application pursuant to California Water Code, Article 4, Section 13260.

#### **United States Environmental Protection Agency (USEPA)**

*40. USEPA Comment: We understand that each wastewater treatment plant contributing effluent to LAVWMA's flow equalization reservoirs and storage ponds will provide disinfected effluent that meets secondary requirements under the Clean Water Act (CWA). On this basis, we are confident that the discharge will meet the CWA secondary treatment requirements. As you know, EPA regulations require each wastewater treatment facility to meet the technology-based effluent limitations for municipal dischargers set forth in CFR Part 133; secondary treatment is a technology-based standard and should be met after the treatment process.*

Response: We agree. As explained in section IV.B.2 of the Fact Sheet, LAVWMA is currently accepting secondary level treated wastewater from DSRSD and the City of Livermore and this permit includes secondary level technology-based effluent limitations for the combined effluent. Please also see response to LAVWMA comment 10.

*41. USEPA Comment: Attachment G refers to a standard provisions document dated January 2006. Since review of the document has not yet been completed, we request that reference to this document be deleted from the draft permit, and that existing standard provisions be used in its place.*

Response: We agree. In the Tentative Order, the reference has been changed to 1993 standard provisions.

*42. USEPA Comment: In section III "discharge prohibitions" of the draft permit, we recommend clarifying that discharge should occur only during extreme wet weather events. Although the findings and fact sheet specify that the discharge should only occur during extreme wet weather events, we believe this language should be added to the draft permit. For instance, this language could be added to section III. D., to read, Discharge to Alamo Canal is prohibited unless, as a result of an extreme wet weather event, the allowable capacity...."*

Response: We agree. The language "as a result of an extreme wet weather event" has been added to Prohibition III.D.

*43. USEPA Comment: We recommend Regional Water Board staff further clarify the rationale for the total coliform limit in the fact sheet. Although we recognize that Table 4-2 of the Basin Plan does not specify how wet weather exceptions to the 2.2 MPN/100 ml seven sample median and 240 MPN/100 ml daily maximum for coliform should be expressed, we believe the derivation of the 1,000 MPN/100 ml number should be*

*explained. Since the stored effluent is disinfected secondary, the permittee may be able to easily meet a daily maximum value of 240 MPN/100 ml. If so, we recommend replacing the 1,000 MPN/100 ml number with a 240 MPN/100 ml daily maximum. If Regional Water Board staff are concerned about compliance problems, the reasons for potential exceedences of the 240 MPN/100 ml daily maximum should be provided in the fact sheet, as well as an explanation of why Regional Water Board staff believe beneficial uses will not be compromised by the higher number. The requirement currently in the draft permit for an operation goal of 240 MPN/100 ml could certainly be used as part of such an explanation.*

Response: Bain Plan Table 4-2 lists a 240 MPN/100 limit for Total Coliform Organisms. But the Note "e" in this Table allows an exception and Note "2d" states that "the Regional Board may consider establishing less stringent requirements for any discharges during wet weather. A less stringent limit of 1,000 MPN/100 limit is appropriate because the beneficial uses will not be compromised based on the following facts:

- i. This permit prohibits discharge except during extreme storm events,
- ii. This permit retains from the previous permit an operational goal requirement of 240 MPN/100 for Total Coliform Organisms during a discharge,
- iii. Both DSRSD and City of Livermore are unable to comply with the 240 number 100% of the time, and
- iv. Changing the 240, Total Coliform operational goal requirement, into a limit will force the Dischargers to use additional sodium hypochlorite per year. For example, City of Livermore treatment plant currently utilizes approximately 235,000 gallons of sodium hypochlorite per year. Livermore operations staff estimate that hypochlorite usage would have to be increased by about 30% to ensure compliance with a 240 MPN daily maximum limit. Assuming this limit would only need to be met during the wet season, the increase in hypochlorite usage would equate to about 35,250 gallons per year, or an increase in the total amount of hypochlorite used of 15%. The primary concern of the excess chlorination is the production of 15% more chlorination byproducts, which would surely outweigh the benefits of maintaining a lower total coliform count in the very unlikely probability of a discharge. Two of these chlorination toxics byproducts, Chloroform and Bromoform, are also listed in the California Toxic Rule as priority pollutants.

#### **Alameda County Water District (ACWD)**

*44. ACWD Comment, Page 1 of LAVWMA Comments, fifth comment - ACWD disagrees with the statement "there is no opportunity for groundwater recharge." Some incidental groundwater recharge occurs downstream in Alameda Creek itself, even when ACWD's groundwater diversion and recharge facilities are secured (i.e., bypassing creek flows).*

Response: Please see response to LAVWMA's comments 5 and 7.

45. ACWD Comment: *Section II (Findings), B (Facility Description) -- For clarity, change the third sentence to read: "During extreme storm events, LAVWMA maintains its maximum export pumping capacity and, together with its member agencies, use their combined storage facilities ....."*

Response: We agree. See also response to USEPA comment 42.

46. ACWD Comment: *Section II (Findings), H (Water Quality Control Plan) - Keep the original text at the end of the paragraph (last three sentences, starting with "The water flowing in San Lorenzo Creek...") to clarify that some incidental groundwater recharge may occur.*

Response: Please see response to LAVWMA's comments 5 and 7.

47. ACWD Comment: *Section III (Discharge Prohibition), C - For clarity, change the section to read: "Discharge to Alamo Canal is prohibited unless the maximum export pumping capacity is in use, storage capacity of the flow-equalization basins and DSRSD and City of Livermore storage ponds has been fully utilized, and both the Regional Water Quality Control Board and the Alameda County Water District have been given prior notification that a discharge to Alamo Canal is needed."*

Response: We agree. See also response to LAVWMA's comments 6 and 42.

48. ACWD Comment: *Section VI (Provisions), C (Special Provisions) - Include mention of 1998 LAVWMA-ACWD MOU. The previous permit order (99-023) included Section D (Provisions) #8 that discussed annual updates of the Operations & Maintenance Manual to include a Wet Weather Facilities Management Plan, but this is not mentioned in the new draft order. Updated language incorporating the essence of this item from the 1999 permit should be included in the new permit.*

Response: We agree. Initially, we were going to include all standard provisions related to O&M in a new 2006 standard provisions document. However, since we have decided to attach our 1993 Standard Provisions to this Tentative Order, we have added Special Provision VI.C.3. See also response to USEPA comment 41.

49. ACWD Comment: *Section II (Facility Description), B (Description of Extreme Storm Events Flow Management) - Add a description of LAVWMA pumping operations and how they tie in with use of storage throughout the wet weather situation. Replace item f with an accurate description of the events that take place to recover from a discharge event.*

Response: Please see response to LAVWMA's comment 6 and Finding II.B in the Tentative Order.

50. *ACWD Comment: 8) Section IV (Rationale), A (Discharge Prohibitions), Prohibition III.B - Rewrite last sentence to read: "The reason that ACWD shall be notified is because ACWD holds a water right permit to divert water from Alameda Creek for recharging the Niles Cone Groundwater Basin that is used as a source of drinking water for its service area."*

Response: We agree that ACWD is a downstream water user and shall be notified.