City of San Mateo Wastewater Treatment Plant
Comments Regarding Tentative Order for Renewal of NPDES Permit
and
Comments On Cease and Desist Order

September 12, 2007

The City of San Mateo (City) appreciates the opportunity to submit the following comments on the Tentative Order (TO) reissuing the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of treated wastewater to San Francisco Bay, and the accompanying Cease and Desist Order (CDO). The City would also like to commend your staff for their diligence and care in preparing these documents. Due to variations in formatting, page numbers listed are approximate.

COMMENTS ON NPDES PERMIT

1. Proposed State criteria should not be used to develop water quality-based effluent limitations.

(Page 6)
For section G, Water Quality-based Effluent Limitations, the reference to "a proposed state criterion" should be removed since a proposed state criteria may not be used under state law. Using a "proposed" state criteria before formal adoption would be considered underground rulemaking.

2. There are several instances where the permit requirements are more stringent than required by the federal Clean Water Act.

(Page 7)
The first and last sentences of Finding M, Stringency of Requirements for Individual Pollutants, should be removed as legal conclusions not supported by evidence in the record. There are several instances where the permit requirements are more stringent than required by the federal Clean Water Act.

3. The City requests that the dioxin-TEQ final limits be removed.

(Page 11)
The City requests that the dioxin-TEQ numeric final effluent limit be removed because there is no approved numeric water quality objective for dioxin-TEQ. The congeners detected in the fish tissue samples which form the basis for the dioxin 303(d) listing and the congeners detected in publicly-owned treatment works are different. It is uncertain whether or not the City can meet this limit. There is no value in developing a numerical standard at this time since dioxin at these levels can not even be measured. The recognized source of dioxin is air emissions and combustion. The City does not have the authority to control or prevent these sources.

4. The City requests the removal of the reference to USEPA's ML's for dioxin-TEQ.

(Page 12)
The ML for Dioxin-TEQ, set at "1/2 the USEPA specified ML's for Method 1613" should be removed, since the MLs for individual congeners are indicated. The City requests the following edits to Table 7:

Table 7. Minimum Levels for Pollutants with Effluent Limitations

Parameter	Minimum Level	Units
Copper	2	µg/L
Mercury	0.0005	µg/L
Nickel	5	µg/L
Cyanide	5	µg/L
~~Dioxin-TEQ~~	~~½ the USEPA specified MLs for Method 1613~~	~~µg/L~~
2,3,7,8-TCDD	5	pg/L
1,2,3,7,8-PeCDD	25	pg/L
1,2,3,4,7,8-HxCDD	25	pg/L
1,2,3,6,7,8-HxCDD	25	pg/L
1,2,3,7,8,9-HxCDD	25	pg/L
1,2,3,4,6,7,8-HpCDD	25	pg/L
OCDD	50	pg/L
2,3,7,8-TCDF	5	pg/L
1,2,3,7,8-PeCDF	25	pg/L
2,3,4,7,8-PeCDF	25	pg/L
1,2,3,4,7,8-HxCDF	25	pg/L
1,2,3,6,7,8-HxCDF	25	pg/L
1,2,3,7,8,9-HxCDF	25	pg/L
2,3,4,6,7,8-HxCDF	25	pg/L
1,2,3,7,8-PeCDF	25	pg/L
2,3,4,7,8-PeCDF	25	pg/L
1,2,3,4,7,8-HxCDF	25	pg/L
1,2,3,6,7,8-HxCDF	25	pg/L
1,2,3,7,8,9-HxCDF	25	pg/L
2,3,4,6,7,8-HxCDF	25	pg/L
1,2,3,4,6,7,8-HpCDF	25	pg/L
1,2,3,4,7,8,9-HpCDF	25	pg/L
OCDF	50	pg/L

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5. **Chronic toxicity monitoring frequency requirements should be consistent throughout the permit.**

(Page 13 and page F-41)
The following edits should be made for consistency with Table E-4, which requires semi-annual chronic toxicity monitoring:

On page 13:

(2) Accelerate monitoring after exceeding a single-sample maximum of 10 TUc, consistent with Table 4-5 of the Basin Plan for dischargers monitoring chronic toxicity ~~monthly~~semi-annually. Accelerated monitoring shall consist of monthly monitoring.

On page F-41:

2. **Chronic Toxicity.** Chronic whole effluent toxicity testing is required semi-annually~~quarterly~~ in order to demonstrate compliance with the Basin Plan's narrative toxicity objective.

6. **The City requests that the permit include alternative cyanide limits that would come into effect with the cyanide site-specific objective.**

(Page 11 and F-30)
The City supports the method for calculating final limits for cyanide, as discussed on page F-30, which incorporates information from the City's recent dilution study and recognizes the rapid degradation of cyanide in receiving water. However, the City understands that new cyanide limits would also apply when the new site-specific objective is approved and becomes fully effective. As a result, the City requests that the Regional Water Board add a footnote to Table 6c that includes the applicable alternative final limits for cyanide calculated based on the adopted site-specific water quality objectives for cyanide. The alternative final limits have also been included in other recent permits.

The City requests the following edits in pages 11 - 12:

Table 6c. Toxic Substances Effluent Limitations

Parameter	Units	Effluent Limitations [1, 4]				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Priority Pollutants						
Copper [2]	µg/L	72	---	96	---	---
Mercury	µg/L	0.020	---	0.043	---	---
Nickel	µg/L	30	---	71	---	---
Cyanide[5]	µg/L	12	---	20	---	---

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Dioxin-TEQ [(3)]	µg/L	1.4×10^{-8}	---	2.8×10^{-8}	---	---
Ammonia (Total as N)	mg/L	66	---	120	---	---

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(5) Alternate Effluent Limits for Cyanide

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a. If a cyanide SSO for the receiving water becomes legally effective, resulting in adjusted saltwater criteria CCC of 2.9 µg/l (based on the assumptions in *Draft Staff Report on Proposed Site-Specific Water Quality Objectives and Effluent Limit Policy for Cyanide for San Francisco* Bay, dated November 10, 2005), upon its effective date, the following limitations shall supersede those cyanide limitations listed in Table 6c (the rationale for these effluent limitations can be found in the Fact Sheet [**Attachment F**]).

MDEL of 38 µg/L, and AMEL of 22 µg/L.

b. If a different cyanide SSO for the receiving water is adopted, the alternate WQBELs based on the SSO will be determined after the SSO effective date.

And on page F-30:

(4) Cyanide

(a) *Cyanide WQC*. The most stringent applicable WQC for cyanide are established by the NTR for protection of aquatic life in San Francisco Bay. The NTR establishes both the saltwater Criterion Maximum Concentration (acute criterion) and the Criterion Chronic Concentration (chronic criterion) at 1.0 µg/L.

(b) *RPA Results*. This Order establishes effluent limitations for cyanide because the MEC of 7.8 µg/L exceeds the governing WQC of 1 µg/L, demonstrating Reasonable Potential by Trigger 1.

(c) *Cyanide WQBELs*. For cyanide, a non-persistent pollutant that quickly disperses and degrades (similar to ammonia), a dilution ratio of 33:1 (or D = 32) was used to calculate the WQBELs. This is the worst-case initial dilution calculated in the Discharger's dilution study. Final WQBELs for cyanide, calculated according to SIP procedures using a CV of 0.42 based on the mean and standard deviation of the effluent data set, are an MDEL of 20 µg/L and an AMEL of 12 µg/L.

(d) *Immediate Compliance Feasible*. Statistical analysis of effluent data for cyanide shows that the 95th percentile of the effluent data set (6.7 µg/L) is less than the AMEL (12 µg/L); the 99th percentile (9 µg/L) is less than the MDEL (20 µg/L); and the mean (1.2 µg/L) is less than the long-term average of the projected normal distribution of the effluent data set after accounting for effluent variability (8.6 µg/L). Therefore, immediate compliance with final effluent limitations for cyanide is feasible.

(e) *Alternative Limit for Cyanide*. As described in Draft Staff Report on Proposed Site-Specific Water Quality Objectives and Effluent Limit

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Policy for Cyanide for San Francisco Bay, dated November 10, 2005, the Regional Water Board is proposing to develop site-specific criteria for cyanide. In this report, the proposed site-specific criteria for marine waters are 2.9 µg/L as a four-day average, and 9.4 µg/L as a one-hour average. Based on these assumptions, and the Dischargers current cyanide data (coefficient of variation = 0.42), final WQBELs for cyanide will be 38 µg/L as a MDEL, and 22 µg/L as an AMEL. These alternative limits will become effective only if the SSOs adopted for cyanide are based on the same assumptions as stated in the Staff Report of November 10, 2005.

(f)~~(e)~~*Antibacksliding*. Antibacksliding requirements are satisfied because Order 01-071 did not include final effluent limitations for cyanide.

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7. The City requests that the Regional Water Board include a completion date for capacity evaluation that is based on the effective date of the Order.

(Page 24 and F-8)
The City requests a completion date for capacity evaluation that is relative to the effective date of the order and is consistent with the schedule presented in the No Feasible Alternatives Analysis. The City requests the following edits to page 24:

Tasks	Completion Date
1. *Capacity Evaluation.* Evaluate the capacity of the collection system and the flows anticipated at the treatment plant after collection system improvements. Develop alternatives for handling increased flows.	18 months after the effective date of this Order~~July 1, 2009~~
2. *Collection System Improvements.* Complete sewer rehabilitation and relief sewer projects. Projects currently scheduled include: a. Sewer Rehabilitation ($2 million/year) b. Las Prados Relief Sewers c. South Trunk System Upgrade d. El Cerrito Relief Line e. Force Main, Dale Avenue to WWTP	Budgeted in Capital Improvement Plan (CIP)*: a. 2005 to 2013 b. 2005 to 2010 c. 2007 to 2013 d. 2008 to 2010 e. 2005 to 2010
3. *Hydraulic Improvements/Outfall.* Complete hydraulic improvements recommended in capacity evaluation.	December 31, 2013.
4. *Treatment Plant Capacity Improvements.* Complete treatment plant hydraulic capacity improvements pending results of capacity evaluation.	December 31, 2013.

Similary, the City requests the following edits to page F-8:

Both projects are to be completed in 2007. No other significant physical or operational changes are planned for the facility at this time; however, the Discharger is required to implement corrective measures to minimize blending events. The schedule of tasks is provided in Section VI.C.6 of this Order. The first task, to be completed by 18 months after the effective date of this Order~~July 1, 2009~~, is to develop alternatives to handle increased flows likely to occur after planned collection system improvements are completed.

8. The compliance schedule action plan for dioxin-TEQ is neither realistic nor commensurate with actual water quality impacts.

(Page 25)
The congeners detected in fish tissue samples which form the basis for the dioxin 303(d) listing are different than the congeners detected in publicly-owned treatment works. As a result, there is nothing a municipal wastewater treatment plant could do to its effluent to reduce the concentrations of dioxin congeners found in fish tissue, which is the basis for these requirements. The compliance schedule requirements are more intensive than warranted, considering that, in this case, reasonable potential was triggered by background, rather than effluent, concentrations of dioxins.

Although an optional offset provision (as described in Task 7) may provide an alternative to compliance with a final effluent limit for dioxin-TEQ, such a program does not currently exist. Until such a program that includes a feasible implementation strategy is developed, the City believes this is not a realistic alternative and it is misleading to expect that such a program would lead to compliance.

For these reasons, the City requests that the compliance schedule for dioxin-TEQ be removed, along with the final limit.

If the Regional Water Board decides to keep the dioxin-TEQ compliance schedule, however, the City requests that language in the tentative order be revised as follows to be more reasonable, and to be consistent with recent permits:

The Discharger shall comply with the following tasks and deadlines:

Task	Deadline
1. Continue semi-annual monitoring for dioxin-TEQ at monitoring point E-001.	Upon the effective date of this Order.
2. Report on the status of dioxin-TEQ monitoring and analytical results in each semi-annual monitoring report.	Upon the effective date of this order.
3. If dioxin-TEQ monitoring data show that the Discharger is deemed out of compliance, as described in Section 2.4.5, Compliance Determination, of the State Implementation Policy, with~~results exceed~~ the final water quality based effluent limits specified in Effluent Limitations and Discharge Specifications A.2, the Discharger shall identify and implement source control	No later than 12 months after a detection of dioxin-TEQ that is out of compliance with~~exceeds~~ the final effluent limits.

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measures to reduce concentrations of dioxin-TEQ to the treatment plant, and therefore to receiving waters.	

Task	Deadline
4. The Discharger shall evaluate and report on the effectiveness of its source control measures in reducing concentrations of dioxin-TEQ to its treatment plant. If, following previous measures, monitoring data show that ~~have not been successful in enabling~~ the Discharger remains out of~~to~~ compliance ~~y~~ with final limits for dioxin-TEQ, the Discharger shall also identify and implement additional source control measures to reduce concentrations of this pollutant.	Annually in the Annual Best Management Practices and Pollutant Minimization Report required by Provision VI.C.3
5. In the event that, following previously implemented source control measures, monitoring data show that the Discharger is out of compliance with ~~are insufficient for meeting~~ final water quality based effluent limits specified in Effluent Limitations and Discharge Specifications A.2 for dioxin-TEQ, the Discharger shall submit a schedule for implementation of additional actions to reduce the concentrations of this pollutants.	July 1, 2013~~1~~
6. The Discharger shall commence implementation of the identified additional actions in accordance with the schedule submitted in task 5, above.	August 15, 2013~~1~~
7. Full Compliance with IV. Effluent Limitations and Discharger Specifications A.2 for dioxin-TEQ. Alternatively, the Discharger may comply with the limit through implementation of a mass offset strategy for dioxin-TEQ in accordance with policies in effect at that time.	January 31, 2018

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9. The City requests the removal of the requirement for an ammonia ML.

(Page E-3)
The City requests the removal of the ammonia ML (0.1 mg/L). The City's ammonia levels and limits are significantly higher than this figure. Ammonia is not a priority pollutant and therefore does not fall into the same category as metals and organics for the purposes of ML determinations. Also, the City's lab is ELAP certified. This certification does not require the lab to calculate an ML for ammonia.

The City requests the following edits:

Table E-1. Test Methods and Minimum Levels for Pollutants with Reasonable Potential

CTR #	Constituent	Types of Analytical Methods [a] Minimum Levels (µg/L)											
		GC	GCMS	LC	Color	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAF	DCP
6	Copper					25	5	10	0.5	2			
8	Mercury [b]											0.0005	
9	Nickel					50	5	20	1	5			
14	Cyanide				5								
16-TEQ	Dioxin-TEQ [c]												
	~~Total Ammonia (as N) [d]~~												

[a] Analytical Methods / Laboratory techniques are defined as follows:

Color = Colorimetric
CVAF = Cold Vapor Atomic Fluorescence
DCP = Direct Current Plasma
FAA = Furnace Atomic Absorption
GC = Gas Chromatography
GCMS = Gas Chromatography Mass Spectroscopy
GFAA = Graphite Furnace Atomic Absorption
ICP = Inductively Coupled Plasma
ICPMS = Inductively Coupled Plasma/Mass Spectrometry
LC = Liquid Chromatography
SPGFAA = Stabilized Platform Graphite Furnace Atomic Absorption (i.e. EPA 200.9)

[b] Mercury: The Discharger may, at its option, sample effluent mercury either as grab or as 24-hour composite samples. Use ultra-clean sampling (USEPA 1669) to the maximum extent practicable and ultra-clean analytical methods (USEPA 1631) for mercury monitoring. The Discharger may only use alternative methods if the method has an ML of 0.5 nanograms per liter (ng/L) or less, and approval is obtained from the Executive Officer prior to conducting the monitoring.

[c] Minimum Levels for dioxin congeners are shown in the permit, Table 7.

~~[d] Ammonia-N measured by Ammonia Selective Electrode Method, Reference SM 4500-NH3 F (18th Edition) Minimum Detection Level 0.1 mg/l.~~

10. The City requests a change in the ammonia sampling requirement from grab to composite.

(Page E-4)
Table E-4, Effluent Monitoring, requires the city to collect grab samples for ammonia. The City has historically collected composite samples for ammonia, for toxicity testing purposes, and requests that the table and requirement be changed to allow the City to continue collecting only composite samples for ammonia.

The City requests the following edits:

Table E-4. Effluent Monitoring

Parameter	Units	Minimum Sampling Frequency			Required Analytical Test Method
		Continuous	C-24	G	
Flow Rate (2)	Mgd	Cont/D			(1)
Oil and Grease (3)	mg/L			2/Y	(1)
pH (4)	s.u.			D	(1)
$CBOD_5$ (5)	mg/L		3/W		(1)

TSS [5]	mg/L		D		[1]
Acute Toxicity [6]	% survival		M		[1]
Chlorine, Total Residual [7]	mg/L	Cont or 1/2h			[1]
Chronic Toxicity [8]	TUc		2/Y		[1]
DO	mg/L			D	[1]
Enterococci Bacteria [13]	MPN/100ml			W	[1]
Fecal Coliform Bacteria [9]	MPN/100ml			3/W	[1]
Temperature	°C			D	[1]
Ammonia	mg/L		M	~~M~~	[1]
Copper	µg/L		M		[1]
Cyanide	µg/L			M	[1]
Dioxin-TEQ	µg/L		2/Y		[1]
Nickel	µg/L		M		[1]
Mercury	µg/L, kg/mo			M	[1] [10]
Remaining Priority Pollutants	µg/L		1/Y [11] [12]		[1]

11. The City requests a monitoring frequency requirement for enterococcus of once per month.

(Page E-4)
The TO contains new monitoring requirements for enterococcus. The TO also retains the bacteria effluent limits for fecal coliform. The City has a 100% compliance record for fecal coliform levels, as demonstrated by Table F-3a of the TO. In addition, the data recorded from other Bay Area POTWs typically show very low enterococcus levels. The City therefore believes that monthly enterococcus sampling is sufficient to verify compliance with the new limits. The City requests a reduction in sampling frequency requirements that is consistent with other recently adopted NPDES permits in Region 2. Additionally, a monthly monitoring requirement would leave room for the City to accelerate monitoring as needed in the unlikely event that compliance issues arose.

If the Regional Water Board staff objects to monthly monitoring, the City would like to suggest consistent enterococcus and fecal coliform monitoring requirements of once per week for both constituents.

The City also requests approval of the IDEXX Enterolert method for monitoring enterococcus.

In particular, the City requests the following edits:

Table E-4. Effluent Monitoring

Parameter	Units	Minimum Sampling Frequency			Required Analytical Test Method
		Continuous	C-24	G	
Flow Rate [2]	Mgd	Cont/D			[1]
Oil and Grease [3]	mg/L			2/Y	[1]
pH [4]	s.u.			D	[1]
$CBOD_5$ [5]	mg/L		3/W		[1]

TSS [5]	mg/L		D		[1]
Acute Toxicity [6]	% survival		M		[1]
Chlorine, Total Residual [7]	mg/L	Cont or 1/2h			[1]
Chronic Toxicity [8]	TUc		2/Y		[1]
DO	mg/L			D	[1]
Enterococci Bacteria [13]	MPN/100ml			M~~W~~	[1]
Fecal Coliform Bacteria [9]	MPN/100ml			3/W	[1]
Temperature	°C			D	[1]
Ammonia	mg/L			M	[1]
Copper	µg/L		M		[1]
Cyanide	µg/L			M	[1]
Dioxin-TEQ	µg/L		2/Y		[1]
Nickel	µg/L		M		[1]
Mercury	µg/L, kg/mo			M	[1] [10]
Remaining Priority Pollutants	µg/L		1/Y [11] [12]		[1]

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(1) Pollutants and pollutant parameters shall be analyzed using the analytical methods described in 40 CFR 136. For priority pollutants, the methods must meet the lowest MLs specified in Attachment 4 of the State Implementation Policy (SIP). Where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Resources Control Board (State Water Board).

(2) Flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports:
   a. Daily Average Flow (MGD)
   b. Total Daily Flow Volume (MG)
   c. Monthly Average Flow (MGD)
   d. Monthly Total Flow Volume (MG)
   e. Average daily maximum and average daily minimum flow rates (MGD) in each month.

(3) Each oil and grease sampling event shall consist of a composite sample comprised of three grab samples taken at equal intervals during the sampling date, with each grab sample being collected in a glass container. Each glass container used for sample collection or mixing shall be thoroughly rinsed with solvent rinsings as soon as possible after use, and the solvent rinsings shall be added to the composite sample for extraction and analysis.

(4) If pH is monitored continuously, the minimum and maximum pH values for each day shall be reported in monthly self-monitoring reports.

(5) The percent removal for $CBOD_5$ and TSS shall be reported for each calendar month. Samples for $CBOD_5$ and TSS shall be collected simultaneously with influent samples.

(6) Acute bioassay tests shall be performed in accordance with Section V.A of this MRP.

(7) Chlorine residual: During all times when chlorination is used for disinfection of the effluent, effluent chlorine residual concentrations shall be monitored continuously, or by grab samples taken once every 2 hours. Chlorine residual concentrations shall be monitored and reported for sampling points both prior to and following dechlorination. Total chlorine dosage (kilograms per day [kg/day]) shall be recorded on a daily basis.

(8) Critical Life Stage Toxicity Test shall be performed and reported in accordance with the Chronic Toxicity Requirements specified in Sections V.B of the MRP.

(9) Samples for this parameter may be collected at Monitoring Location EFF-001-D.

(10) Mercury: The Discharger may, at its option, sample effluent mercury either as grab or 24-hour composite samples. Ultra clean sampling (USEPA 1669) and ultra clean analytical methods (USEPA 1631) shall be used to the maximum extent practicable. The Discharger may use an alternative method, if the method has an ML of 5.0 ng/L or less, and approval is obtained from the Executive Officer prior to the monitoring event.

(11) Sampling for all priority pollutants in the SIP is addressed in a letter dated August 6, 2001, from the Regional Water Board Staff: "Requirements for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy" (not attached but available for review or download on the Regional Water Board's website at http://www.waterboards.ca.gov/sanfranciscobay/).

(12) For the same pollutants the sampling frequencies shall be the higher ones under this table or under the pretreatment program sampling required in section VII.A of the MRP (Table E-5). Pretreatment program monitoring can be used to satisfy part of these sampling requirements.

(13) The Discharger shall monitor for Enterococci using EPA-approved methods, including the IDEXX Enterolert method.

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12. The City requests approval to report influent daily maximum and minimum flow rates rather than effluent values, for practical reasons.

(Page E-5)
The City would prefer to report only influent daily maximum and minimum flow rates, as they have done previously. Similar influent monitoring requirements are included in Table E-3. Therefore, the City requests the removal of footnote 2.e to table E-4, as follows:

(2) Flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports:
a. Daily Average Flow (MGD)
b. Total Daily Flow Volume (MG)
c. Monthly Average Flow (MGD)
d. Monthly Total Flow Volume (MG)
~~e. Average daily maximum and average daily minimum flow rates (MGD) in each month.~~

13. The City requests clarification and consistency of the required monitoring frequency for priority pollutants without effluent limits.

(Page E-5 and F-41)
Table E-4 specifies a monitoring frequency for priority pollutant without effluent limits of once per year, a change that was made in response to the City's comments on the administrative draft of this permit last spring. However, footnote 11 to table E-4 and the last bullet under VI.B on page F-41 might imply that these same pollutants required semi-annual monitoring. The City requests the following clarifications on page E-5:

(11) Sampling methods for all priority pollutants in the SIP is addressed in a letter dated August 6, 2001, from the Regional Water Board Staff: "Requirements for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy" (not attached but available for review or download on the Regional Water Board's website at http://www.waterboards.ca.gov/sanfranciscobay/).

And on page F-41:

- Routine effluent monitoring is required for those priority toxic pollutants for which effluent limitations are established by this Order - copper, nickel, mercury, cyanide, dioxin-TEQ, and ammonia. Monitoring for all other priority toxic pollutants must be conducted once a year in accordance with ~~frequency and~~ methods described in the Regional Water Board's August 6, 2001 Letter.

14. The City requests that the Regional Water Board remove the new required procedure for the invalidation of data points.

(Page E-13)
The City requests the removal of the modification to Section F.4.g of Part A of the Self-Monitoring Program as described in Reporting Requirement XI.B.6 of the MRP for the following two reasons.

Data entry errors occur occasionally in data reporting, and are not necessarily discovered immediately. Setting a time limit on the discovery and correction of these errors is not in the best interest of good science. Although the City makes every effort to identify and correct data issues, inaccurately reported data points should be allowed to be corrected whenever they are discovered and justified. The City's lab staff are ELAP-certified professionals who are qualified to determine the validity of data points.

If the Regional Water Board staff object to removing this language entirely, the City suggests the following revisions:

> g. If the Discharger wishes to invalidate any measurement, the letter of transmittal will include a formal request to invalidate the measurement; the original measurement in question, the reason for invalidating the measurement, all relevant documentation that supports the invalidation (e.g., laboratory sheet, log entry, test results, etc.), and discussion of the corrective actions taken or planned (with a time schedule for completion), to prevent recurrence of the sampling or measurement problem. The Regional Water Board encourages the Discharger to take corrective actions as soon as possible after any data errors are found.~~The invalidation of a measurement requires the approval of Water Board staff and will be based solely on the documentation submitted at that time.~~

15. The Technical Support Document should be used for the ammonia reasonable potential analysis.

(Page F-43)
The tentative order indicates that the driver for conducting a reasonable potential analysis for ammonia was the adoption of State Water Resources Control Board (SWRCB) Order WQ 2007-0004 on May 1, 2007. In that order, the language regarding establishment of reasonable potential for ammonia which forms the basis for the ammonia effluent limits analysis in this tentative order is as follows:

> "…the effluent can appropriately be characterized as having reasonable potential to exceed the ammonia objective.[90] [Footnote 90: See U.S. EPA's Technical Support Document for Water Quality-based Toxics Control (March 1991), EPA 505 2-90-001, 3.2 at page 50.]"

This language indicates that the SWRCB used the Technical Support Document (TSD) method for establishing reasonable potential for ammonia. However, the Regional Water Board has opted to use the State Implementation Policy (SIP), which is more stringent. Given that ammonia is not a water quality concern in San Francisco Bay, the TSD, a USEPA-supported and SWRCB-supported approach, should be used.

16. The City requests the following typographical and/or basic language errors be corrected:

a. Page 4

A. Background. The City of San Mateo Wastewater Treatment Plant (San Mateo WWTP) is currently discharging under Order 01-071 and National Pollutant Discharge Elimination System (NPDES) Permit CA0037541. The Discharger submitted a Report of Waste Discharge, dated November 22, 2005~~January 4, 2006~~, and applied to renew its NPDES permit to discharge up to 15.7 million gallons per day (mgd) of treated wastewater from the San Mateo WWTP. The application was deemed complete on January 10, 2006.

b. Page 5 and F-5

In May 2005, construction began for modifications to the solids handling facilities, including a second anaerobic digester and centrifuges. Modifications also include elimination of the Zimpro low-pressure oxidation system and vacuum filters. The planned completion date for these modifications is April 2008~~May 2007~~.

c. Page 10, footnote 2 to Table 6b:

(2) This requirement is defined as below the limit of detection in standard test methods, as defined in 40 CFR 136~~the latest edition of Standard Methods for the Examination of Water and Wastewater~~. The discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, sodium hypochlorite, and sodium bisulfite dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff will conclude that these false positive chlorine residual exceedances are not violations of this Order limit. Samples for this parameter may be collected at Monitoring Location EFF-001-D.

d. Page 19

c. Pollutant Minimization Program for Reportable Priority Pollutants

The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as "Detected, But Not Quantified" (DNQ) when the effluent limitation is less than the minimum level (ML)~~method detection limits (MDL)~~, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either:

e. Page F-5 and F-6

Tables F-3a and F-3b refer to a non-existent footnote 5.

f. Page F-8

Both projects are to be completed in 2008~~2007~~.

g. Page F-16

The technology-based limits on $CBOD_5$ and TSS are retained from Order 01-071. As these limits are the same as from Order No. 01-071~~12~~, consistent with the anti-backsliding provisions of the CWA, they are no more stringent than required by the CWA.

h. Page F-37

Tables 6a and 6b on page 10 indicate that the maximum daily limits for TSS and $CBOD_5$ were removed in previous revisions to the TO. Tables F-15 and F-16 should be edited as follows for consistency:

D. Final Effluent Limitations

1. Following is a summary of the technology-based and WQBELs established by this Order for Discharge Point 001.

Table F-15. Summary of Technology-Based Effluent Limitations between May 1st and September 30th

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Oil and Grease	mg/L	10	---	20	---	---
pH	standard units	---	---	---	6.0	9.0
TSS	mg/L	20	30	---~~40~~	---	---
$CBOD_5$	mg/L	15	25	---~~35~~	---	---
Chlorine, Total Residual	mg/L	---	---	---	---	0.0

Table F-16 Summary of Technology-Based Effluent Limitations between October 1st and April 30th

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Oil and Grease	mg/L	10	---	20	---	---
pH	standard units	---	---	---	6.0	9.0
TSS	mg/L	30	45	---~~60~~	---	---
$CBOD_5$	mg/L	25	40	---~~50~~	---	---
Chlorine, Total Residual	mg/L	---	---	---	---	0.0

i. Page H-12

The Discharger shall conduct sampling of its treatment plant's influent, effluent and sludge at the frequency as shown in Table E-5~~6~~ of the Monitoring and Reporting Program.

j. Page H-12

The monitoring and reporting requirements of the POTW's Pretreatment Program are in addition to those specified in Tables ~~1~~E-3 and E-4 of the ~~S~~MRP. Any subsequent modifications of the requirements specified in Tables E-3 and E-4~~1~~ shall be adhered to and shall not affect the requirements described in this Appendix unless written notice from the Regional Water Board is received. When sampling periods coincide, one set of test results, reported separately, may be used for those parameters that are required to be monitored by both Tables E-3 and E-4~~1~~ and the Pretreatment Program. The Pretreatment Program monitoring reports shall be sent to the Pretreatment Program Coordinator.

k. Page H-12

The Discharger shall monitor for the parameters using the required test methods listed in Table E-1~~5~~ of the MRP. Any test method substitutions must have received prior written Regional Water Board approval. Influent and effluent sampling locations shall be the same as those sites specified in the Self-Monitoring Program.

COMMENTS ON CEASE AND DESIST ORDER

17. The detailed action plan for mercury is not consistent with other activities in the region designed to address these constituents.

The Regional Water Board has been in the process of developing a mercury total maximum daily load (TMDL) for approximately 10 years. The TMDL contains requirements for mercury that have been developed in a deliberate, thoughtful, and meaningful way. The City is concerned that the requirements in the Cease and Desist Order (CDO), which have the potential for significant expenditures of public funds if a mercury TMDL permit does not become effective within the next twelve months, are not consistent with the requirements related to the TMDL. The tentative mercury watershed permit, which would implement the TMDL, is scheduled for adoption by the Regional Water Board on the same day as this permit.

Also, the City would prefer that the Regional Water Board require initiation of source control activities only when there is a quantifiable non-compliance issue.

For these reasons, the City requests that the following approach be used instead of the language in the CDO:

Table 2: Time Schedules and Prescribed Actions

Action	Deadline
	Mercury
a. Comply with the following interim effluent limit at Monitoring Station M-001: *Mercury*: Maximum daily effluent limit = 0.065 µg/L	Upon the effective date of this Order
b. If by December 31, 2008, discharge data continue to show that the discharge is out of compliance (as defined in Section 2.4.5 of the State Implementation Plan) with the permit effluent limits, s~~S~~ubmit a plan for identifying all mercury sources to the discharge. Examples of potential mercury sources include dental offices, laboratories, medical facilities, fluorescent light tubes, thermometers, and electrical switches. The plan shall, at a minimum, include sampling influent waste streams to identify and quantify pollutant sources.	~~August 1, 2008~~April 1, 2009
c. Implement the plan developed in action "b" within 30 days of the deadline for action "b," and submit by the deadline for this action a report that contains an inventory of the pollutant sources.	~~December 1, 2008~~August 1, 2009
d. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements: i. Maintain a list of sources of pollutants of concern. ii. Investigate each source to assess the need to include it in the program. iii. Identify and implement targeted actions to reduce or eliminate discharges from each source in the program. iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.	~~February 1, 2008~~May 1, 2010
e. Continue to implement the program described in action "d" and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.	Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3
f. If by **April 28, 2013~~1~~**, discharge data continue to show that the discharge is out of compliance (as defined in Section 2.4.5 of the State Implementation Plan) with the Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance. ~~These actions shall include, but not be limited to, reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities:~~ ~~i.Bench scale testing or pilot scale testing or both~~ ~~ii.Development of preliminary design specifications~~ ~~iii.Development of final design specifications~~	August 1, 2013~~1~~

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Action	Deadline
	Mercury
~~iv.Procurement of funding~~ ~~v.Acquisition of necessary permits and approvals~~ ~~vi.Construction~~	
g. Implement the plan required in action "f" within 45 days of the deadline for action "f," and submit annual status reports.	Annually each February 1st in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring and Reporting Program
h. Submit documentation confirming complete plan implementation and comply with effluent limits in the Permit.	August 1, 2018~~5~~

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18. The City requests the following typographical and/or basic language errors be corrected:

If the Regional Water Board staff disallows the above options, the City requests the following edits for clarification and accuracy:

Action	Deadline
	Mercury
a. Comply with the following interim effluent limit at Monitoring Station E~~M~~-001: *Mercury*: Maximum daily effluent limit = 0.065 µg/L	Upon the effective date of this Order
b. Submit a plan for identifying all mercury sources to the discharge. Examples of potential mercury sources include dental offices, laboratories, medical facilities, fluorescent light tubes, thermometers, and electrical switches. The plan shall, at a minimum, include sampling influent waste streams to identify and quantify pollutant sources.	August 1, 2008
c. Implement the plan developed in action "b" within 30 days of the deadline for action "b," and submit by the deadline for this action (action "c"), a report that contains an inventory of the pollutant sources.	December 1, 2008

Action	Deadline
	Mercury
d. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements: v. Maintain a list of sources of pollutants of concern. vi. Investigate each source to assess the need to include it in the program. vii. Identify and implement targeted actions to reduce or eliminate discharges from each source in the program. viii. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.	February 1, 2009~~2008~~