CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESPONSE TO WRITTEN COMMENTS
ON THE REISSUANCE OF WASTE DISCHARGE REQUIREMENTS FOR:

Vallejo Sanitation and Flood Control District
450 Ryder Street
Vallejo, CA 94590
NPDES Permit No. CA0037699

I. Vallejo Sanitation and Flood Control District - July 7, 2006
II. United States Environmental Protection Agency - July 7, 2006
III. San Francisco Baykeeper – July 12, 2006
IV. Editorial Changes

Note: The format of this staff response begins with a brief introduction of the party's comments, followed with staff's response. Interested persons should refer to the original letters to ascertain the full substance and context of each comment.

I. Vallejo Sanitation and Flood Control District (District)

District Comment 1.
The District requests that the phrase "or overflow" be removed from discharge prohibition III.C. since provision VI.C.6.c, Sanitary Sewer Overflows and Sewer System Management Plan, of the Tentative Order acknowledges the adoption of the statewide Sanitary Sewer Overflow waste discharge requirements on May 2, 2006.

Response 1.
We modified the revised Tentative Order by deleting the phrase "or overflow" and "at the Facility" in prohibition III.C. on page 6 to clarify the language and to be consist with other permits.

District Comment 2.
The District requests that the surface water limitations be changed to be neutral regarding the subsequent action that would be taken if water quality standards are changed.

Response 2.
The following changes were made to receiving water limitation V.A.4. of the revised Tentative Order (changes are represented by strikethroughs for deletions and underlines for inserted words):

> The discharge shall not cause a violation of any particular water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder. If ~~more stringent~~ new applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water

Act, or amendments thereto, the Regional Water Board may reopen and modify this Order in accordance with such ~~more stringent~~ standards.

District Comment 3.
The District requests that provision VI.C.2. contain consistent language throughout.

Response 3.
We added the parenthetical phrase "(or cause to have submitted on its behalf)" to the first sentence of the second paragraph of provision VI.C.2.c. in the revised Tentative Order to maintain consistent language throughout this provision.

District Comment 4.
The District requests that Section C.2.h. of Part A of the Self-Monitoring Program in the Tentative Order specify that during blending events:

a) *TSS be specified as the (sole) appropriate indicator of compliance for effluent limits during blending in this permit, because BOD correlates well with TSS and is therefore redundant. In addition, the BOD 5-day test is not a practical indicator during blending because blending happens on the order of hours instead of the several days it takes to get results back from a BOD test;*
b) *coliform be removed from the list of parameters to analyze during blending, because coliform measured during blending (16 out of47 samples)was below effluent limits and standard operating procedures include increasing the chlorine from a routine average dosage of 3.0 mg/L up to 7.0 mg/L; and that*
c) *Acute toxicity be removed from the effluent limits to be analyzed if the TSS effluent limit is exceeded, and that*
d) *$CBOD_5$ and coliform be removed from the effluent limits to be analyzed if the TSS effluent limit is exceeded.*

Response 4a.
We eliminated, in Part A of the Self-Monitoring Program in the revised Tentative Order, the requirement to monitor $CBOD_5$ during bypass events that are consistent with Prohibition III.C of this Order. This is because the District's monitoring data obtained during bypass events from the period February 2001 through April 2006 for $CBOD_5$ correlated well with TSS (47 samples). The Discharger, however, will still need to monitor $CBOD_5$ if the daily TSS value exceeds the weekly average effluent limit.

Response 4b.
We are denying this request because discharge prohibition III.C of the Tentative Order only allows bypassing (1) during wet weather and (2) when the discharge complies with effluent limits. Coliform is a limited pollutant. Exceptions for other limited pollutants, $CBOD_5$ and toxicity, were provided only because $CBOD_5$ correlated well with TSS and organisms for bioassay toxicity testing are difficult to obtain during these intermittent blending events. The Discharger's coliform data do not correlate to TSS, and the Discharger does not have difficulty conducting coliform testing during blending events. More importantly, during blending events, primary wastewater bypasses secondary treatment units in the Facility, and monitoring of

coliform is needed to ensure protection of human health and aquatic life. The Discharger has not provided convincing evidence to change the monitoring requirements for coliform in this Order.

Response 4c.
We eliminated, in Part A of the Self-Monitoring Program in the revised Tentative Order, the requirement to conduct toxicity testing during blending events should daily TSS values exceed the weekly average effluent limit. This is because the District identified several problems associated with performing acute toxicity testing during blending events.

Response 4d.
We are denying this request because, as previously stated, blending is only allowed when the discharge complies with effluent limits. The purpose of TSS analysis during blending events is to ensure that beneficial uses are protected when wastewater bypasses primary or secondary treatment unit(s), and to determine compliance with prohibition III.C. Should TSS values exceed effluent limits, the bypass event violates prohibition III.C, and therefore, additional monitoring of all pollutant constituents that have effluent limits (except toxicity) is needed to determine the impacts upon beneficial uses from this non-compliant discharge.

District Comment 5.
The District requests that provision VI.C.2.d., Mare Island Strait Receiving Water Study, in the Tentative Order indicate discharge point E-002 only, because E-001 discharges to Carquinez Strait.

Response 5.
We revised the Tentative Order as suggested.

District Comment 6.
The District requests that the language in provision VI.C.3, Best Management Practices and Pollution Prevention – Pollutant Minimization Program, in the Tentative Order be changed to reflect realistic goals of their program.

Response 6.
The following changes were made to the first paragraph of provision VI.C.3. of the revised Tentative Order (changes are represented by strikethroughs for deletions and underlines for inserted words):

1) The Discharger shall continue to implement and improve, in a manner acceptable to the Executive Officer, its existing Pollutant Minimization Program to ~~reduce~~ promote minimization of pollutant loadings of copper, mercury, and cyanide to the treatment plant and therefore to the receiving waters. The Discharger shall implement any applicable additional pollutant minimization measures described in the Basin Plan's implementation requirements associated with the copper SSO and cyanide SSO if and when these SSOs become effective and the alternate limits take effect.

District Comment 7.
The District believes it is inappropriate to require, in advance, pollutant reductions by permittees starting July 1, 2009, in the event the cyanide site-specific objective and the mercury TMDL are not adopted by the Regional Water Board. The municipal governments around the Bay Area have contributed millions of dollars to conduct these studies, the technical work is complete, and peer review is complete. The only activity that remains is the Basin Plan Amendment adoption and approval process, over which the permittees have no control. This requirement will effectively punish permittees if the Regional Water Board cannot complete the Basin Plan Amendment process in a timely fashion.

Response 7.
Please see the response to EBDA Comment 5 contained in the Regional Water Board Agenda package this month for EBDA's permit reissuance. Those responses are hereby incorporated by reference.

District Comment 8.
The District requested that the language in provision C.6.c, Sanitary Sewer Overflows and Sewer System Management Plan, be consistent with other permits.

Response 8. **:** We made the following changes to provision VI.C.6.c. of the revised Tentative Order to maintain consistent language with other POTWs' permits (changes are represented by strikethroughs for deletions and underlines for inserted words):

> The Discharger's collection system~~, excluding any satellite collection system,~~ is part of the facility that is subject to this Order. As such, the Discharger ~~shall~~ must properly operate and maintain its collection system ~~as required by (~~Attachment D, Standard Provisions – Permit Compliance, subsection I.D). ~~This Order does not authorize discharges from the Discharger's collection system to waters of the United States. In the event there is a discharge from the Discharger's collection system to waters of the United States, t~~The Discharger ~~shall~~ must report any noncompliance ~~the discharge as required by (~~Attachment D, Standard Provisions – Reporting, subsections V.E.1 and V.E.2), and mitigate any discharge from the Discharger's collection system in violation of this Order~~. If there is such a discharge, it shall be the Discharger's duty to mitigate the discharge as required by~~ (Attachment D, Standard Provisions – Permit Compliance, subsection I.C). The General Waste Discharge Requirements for Collection System Agencies (Order No. 2006-0003 DWQ) ~~also have~~ has requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. ~~Compliance with these requirements will also satisfy the Federal NPDES requirements specified in this Order.~~ While the Discharger must comply with both the General Waste Discharge Requirements for Collection System Agencies (General Collection System WDR) and this Order, the General Collection System WDR more clearly and specifically stipulates requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows. Implementation of

> the General Collection System WDR requirements for proper operation and maintenance and mitigation of spills will satisfy the corresponding federal NPDES requirements specified in this Order. Following reporting requirements in the General Collection System WDR will satisfy NPDES reporting requirements for sewage spills. Furthermore, the Discharger ~~has agreed to, and~~ shall~~,~~ comply with the schedule for development of sewer system management plans (SSMPs) as indicated in the letter issued by the Regional Water Board on July 7, 2005, pursuant to Water Code Section 13267. Until the statewide on-line reporting system becomes operational, the Discharger shall report sanitary sewer overflows electronically according to the Regional Water Board's SSO reporting program.

In addition, the Regional Water Board staff letter dated November 11, 2004 (New Requirements for Reporting of Sanitary Sewer Overflows), was added to Attachment I of the revised Tentative Order.

District Comment 9.
The District requests that section VII. Compliance Determination of the Tentative Order be changed to the most recent version of the State's permit standardization language.

Response 9.
We changed the language of Section VII., Compliance Determination, in the revised Tentative Order to the State Water Board's most recent permit standardization version.

District Comment 10.
The District requests that the Fact Sheet of the Tentative Order be changed to identify the Facility Permitted Flow as 15.5 million gallons per day.

Response 10.
We modified section I of the Fact Sheet in the revised Tentative Order accordingly, and added the following language to the Facility Design Flow information:

> 42.4 mgd, maximum daily flow rate during the years 2002 - 2004

District Comment 11.
The District requests that the facility description in the Fact Sheet of the Tentative Order be changed to be consistent with District Comment 8.

Response 11.
We revised the Tentative Order as suggested.

District Comment 12.
The District requests that the facility description in the Fact Sheet of the Tentative Order include the following language:

> *"The Discharger has spent approximately $60 million to construct facilities based on the approach approved by the Regional Water Board. The*

facilities include increased capacity for wet weather flow treatment as well as storage basins and sewer rehabilitation to control wet weather overflows."

Response 12.
We modified section II.A.9. in the Fact Sheet of the revised Tentative Order accordingly.

District Comment 13.
The District requests for mercury samples to be collected as grab samples in pretreatment program monitoring requirements.

Response 13.
We modified the revised Tentative Order in section IX.A of the Monitoring and Reporting Program accordingly, and in section VI.E of the Fact Sheet to be consistent with other permits.

District Comment 14.
The District requested that the compliance history be shown correctly.

Response 14.
We modified section II.D. in the Fact Sheet of the revised Tentative Order as follows (changes are represented by strikethroughs for deletions and underlines for inserted words):

1. Discharge Point E-001

Parameter	Number of Exceedances for the Year				
	2001	2002	2003	2004	2005
~~TSS Daily Maximum~~	~~1~~				
Settleable Matter Instantaneous Maximum			1		
~~pH Maximum~~	~~1~~				
Chlorine Residual Instantaneous Maximum	5	3			
~~Acute Toxicity 11 Sample Moving Median~~		~~4~~			
~~Selenium Monthly Loading~~	~~10~~				
~~Cyanide Daily Maximum~~	~~3~~				

2. Discharge Point E-002

Parameter	Number of Exceedances for the Year				
	2001	2002	2003	2004	2005
Fecal Coliform Monthly No more than 10%	2	1		1	
Chlorine Residual Instantaneous Maximum	2				

District Comment 15.
The District requests that language at IV.C.4.a. be revised to more closely reflect other standard permit language while still retaining information regarding the site-specific conditions.

Response 15.
We are denying this request. This language is consistent with our permits for deepwater discharges.

II. United States Environmental Protection Agency (US EPA)

NOTE: US EPA's comments on the District's Tentative Order are nearly identical to its comments on the EBDA Tentative Order. As these permit reissuances are on the same Regional Water Board hearing, to avoid repetition, please refer to the Board Agenda package for the EBDA permit reissuance for Regional Water Board staff's responses. All except US EPA Comment 3, 4, 6, 8, and 11 are hereby incorporated by reference. US EPA did not make its EBDA Comment 3, 4, and 8 on the District's Tentative Order.

Below are the responses to six US EPA comments on the District's Tentative Order. The first comment is similar to a comment US EPA made on the EBDA permit (USEPA Comment 6), but it requires a different response for this permit. The remainder of these comments and responses are specific to the District and this Tentative Order.

US EPA Comment 1.

US EPA requires that the permit be changed to make the blending (bypasses) subject to 40 CFR 122.41(m)(4). US EPA acknowledges that the Regional Water Board may approve an anticipated bypass at the Discharger's facility if the provisions of 40 CFR 122.41(m)(4)(i)(A), (B) and (C) are met (the bypass is unavoidable, there were no feasible alternatives, and the discharger submits proper notice), and requires that the permit include the specific conditions under which a bypass would be approved, including specific minimum wet weather flow rates.

Response 1. We changed the second paragraph of prohibition III.C and sections IV.A.3. and VI.F of the Fact Sheet, and added Provision VI.C.6.d. to the revised Tentative Order, which we believe addresses their concerns (changes are represented by strikethroughs for deletions and underlines for inserted words):

> The Discharger has met the conditions at 40 CFR 122.41(m)(4)(i)(A), (B) and (C), as described in detail in the Fact Sheet of this Order for discharge of blended wastewater ~~Therefore, the discharge~~ from Discharge Point E-001 as monitored at E-001~~, or from Discharge Point E-002 as monitored at E-002,~~. ~~of b~~Blended wastewater~~, that~~ is~~,~~ biologically treated wastewater blended with wastewater that has been diverted around biological treatment units or advanced treatment units.~~, is only allowable~~ Such discharges are approved when (1) ~~during wet weather~~ peak wet weather influent flow volumes exceed the capacity of the secondary treatment unit(s) of 30 MGD, and (2) ~~when~~ the discharge complies with the effluent and receiving water limitations contained in this Order. Furthermore, the Discharger shall operate the Facility as designed and in accordance with the Operation & Maintenance Manual developed for the Facility. This means that the Discharger shall optimize storage and use of equalization units, and shall fully utilize the biological treatment units and advanced treatment units, if applicable. The Discharger shall report these incidents of blended effluent discharges in routine monitoring reports, and shall conduct monitoring of this discharge as specified in the attached MRP (Attachment E).

We replaced section IV.A.3. of the Fact Sheet with the following:

3. **Prohibition III.C (No bypasses or overflow of untreated wastewater, except under the conditions at 40 CFR 122.41(m)(4)(i)(A), (B) and (C))** This prohibition is based on 40 CFR 122.41(m)(4). This prohibition grants bypass of peak wet weather flows above 30 MGD that are recombined with secondary treatment flows and discharged at E-001, which met the conditions at 40 CFR 122.41(m)(4)(i)(A)-(C).

Background
During significant storm events, these high volumes can overwhelm certain parts of the wastewater treatment process and may cause damage or failure of the system. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or on city streets. US EPA recognized that peak wet weather flow diversions around secondary treatment units at POTW treatment plants serving separate sanitary sewer conveyance systems may be necessary in some circumstances.

In December 2005, US EPA invited public comment on its proposed Peak Wet Weather Policy that provides interpretation that 40 CFR 122.41(m) applies to wet weather diversions that are recombined with flow from the secondary treatment, and guidance by which its NPDES permit may be approved by the Water Board. (available on the website http://cfpub.epa.gov/npdes/wetweather.cfm). This policy requires that discharges must still meet all the requirements of NPDES permits, and encourages municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

Criteria of 40 CFR 122.41(m)(4)(i)(A)-(C)
US EPA's Peak Wet Weather policy states that "If the criteria of 40 CFR 122.41(m)(4)(i)(A)-(C) are met, the Regional Water Board can approve peak wet weather diversions that are recombined with flow from the secondary treatment units." Based upon the following information, the Regional Water Board determined that the Discharger's anticipated bypass (planned blending) met the criteria in 40 CFR 122.41(m)(4)(i)(A)-(C), and therefore conditionally approved the discharge of blended wastewater as specified in the second paragraph of this prohibition.

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Under section (B), the discharger evaluated all feasible alternatives to bypasses and determined that with peak wet weather flows above 30 MGD, bypasses are unavoidable to prevent backups and overflow of raw sewage in basements or on city streets, which could result in severe property damage or personal injury.

(B) There were no feasible alternatives to the bypass. In 1988, the Discharger initiated a program to manage its wet weather flows in a cost-effective manner to protect public health and water quality, and accelerated this program in 1999. In 2000, the Discharger submitted a comprehensive analysis of its existing facilities to

the Regional Water Board (Engineering Feasibility Study, October 2000, Carollo Engineers), and subsequently developed and implemented a program to reduce wet weather flows as approved by the Executive Officer on November 13, 2000. The Discharger implemented capital improvement projects at the cost of $60 million for construction of new storage basins, increased capacity for wet weather treatment, and reduction of inflow/infiltration throughout the collection system in three-phases, which should be completed by October 2006. Additionally, the Discharger has committed an annual budget of $1-$2 million towards ongoing maintenance of its collection system.

Based on the Discharger's analysis and programs previously discussed, and past diversion data (February 2001 - April 2006), the Regional Water Board determined that the Discharger has no feasible alternative to diverting peak wet weather flows above 30 MGD around its secondary unit(s).

(C) The permittee submitted notices at least ten days before the date of the bypass. This criterion is satisfied by the Regional Water Board's public hearing regarding, and adoption of, this Order.

We added section VI.F. in the Fact Sheet as follows:

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

F. Reporting Requirements (Section X.B.2 in the MRP of this Order)
This monitoring requirement modified section C.2.h of Part A of Self-Monitoring Program (Attachment I) of this Order, and is based on 40 CFR 122.41(m)(3), m(4)(i)(C), and (l)(6). The monitoring requirements, for bypasses that are consistent with Prohibition III.C of this Order, are to ensure that the discharge of blended wastewater does not have adverse effects on public health or water quality, and to demonstrate compliance with the water quality requirements. The Regional Water Board approved these bypasses, in part, based upon the following discussion of the Discharger's management of peak wet weather diversions at the Facility.

Influent wastewater volumes over 30 MGD flow through two channels, the first channel carries flows up to 30 MGD. Flows above 30 MGD are diverted to the second channel by a gate, which is controlled by a flow signal from the first channel.

The flows above 30 MGD are channeled to a grit chamber and primary sedimentation tank, and then mixed with the fully treated wastewater from the secondary treatment processes for a combined volume of 30 MGD.

The 30 MGD of blended wastewater is disinfected and dechlorinated, and then discharged through a submerged diffuser 400 feet from the north shore of Carquinez Strait and about 75 feet below the water surface (Outfall E-001). This

blended wastewater effluent through Outfall E-001 receives an effluent to receiving water initial dilution of about 200:1. Based on the discharge location and dilution, the Regional Water Board believes that the mixing of blended effluent in the receiving water is protective of public health and water quality if it complies with water quality requirements.

We added provision VI.C.6.d. to the revised Tentative Order as follows.

No Feasible Alternatives Analysis
Prior to the Order expiration date, the Discharger shall conduct an utility analysis if the Discharger seeks to continue to employ peak wet weather diversions around secondary treatment units at the Facility. As application for issuance of new waste discharge requirements, the completed utility analysis must be included in the Report of Waste Discharge and permit reissuance application. The utility analysis must contain all elements described in US EPA's Peak Wet Weather policy, part 1 of the No Feasible Alternatives Analysis Process. At a minimum, the utility analysis should include any changes at the facility, progress made in relevant areas, any new circumstances, the timing of ongoing projects or construction, or I/I reduction schedules.

US EPA Comment 2.
The permit establishes effluent limits for discharge points E001 and E002. However, the permit inappropriately allows compliance measurements for the E001 and E002 effluent limits to be based on monitoring only at E001. 40 CFR 122.48(b) requires representative monitoring of discharges. US EPA does not consider monitoring at E001 to be representative of the discharge from E002. The Effluent Limitations at paragraph IV.A and the Monitoring and Reporting Program must be changed to require monitoring at both E001 and E002. Compliance with the effluent limitations for each discharge point should be based on monitoring of the respective discharges.

Response to Comment 2.
We believe monthly monitoring of fully treated effluent discharged from E-001 is representative of discharges from E-002 because only fully treated effluent is discharged from E-002. Furthermore, monitoring data from January 2003 through December 2005 further supports that E-001 is representative of E-002, and therefore, measuring compliance for E-001 and E-002 at E-001 is appropriate.

Discharge Point	Maximum Effluent Concentration for Metals (µg/L)									
	Arsenic	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Cyanide
E-001	3.0	0.3	10.0	1.5	0.026	6.2	1.8	1.3	37.7	3.8
E-002	2.2	0.2	8.8	1.3	0.026	3.7	1.5	0.5	27	<3.0

Discharge Point	Maximum Effluent Concentration for Organics (µg/L)						
	Acenaphthylene	Anthracene	Benzo(a) Anthracene	Benzo(a) Pyrene	Benzo(b) Fluoranthene	Benzo(ghi) Perylene	Benzo(k) Fluoranthene
E-001	<0.2	<0.6	<0.3	<0.6	<0.6	<0.2	<0.6
E-002	<0.2	<0.6	<0.3	<0.6	<0.6	<0.2	<0.6

US EPA Comment 3.
US EPA requests that the MRP paragraph X.B.2, which requires monitoring of blended discharges, specify that the monitoring be conducted at outfalls E001 and E002.

Response 3.
This change is not necessary because this provision already requires monitoring "at all affected discharge points that have effluent limits," and effluent limits are established for discharges from E001 and E002 in the Tentative Order.

US EPA Comment 4.
US EPA recommends that the Regional Water Board clarify the sentence in MRP paragraph X.B.2, which stipulates "if CBOD or TSS values exceed the weekly average effluent limits...," and that MRP Paragraphs IV.A. and B make a cross-reference to the monitoring requirements in Paragraph X.B.2.

Response 4.
We revised the Tentative Order as suggested.

US EPA Comment 5.
Provision VI.C.2.a "requires a study to evaluate the appropriateness of using TSS monitoring as an indicator of compliance with other effluent limitations. According to 40 CFR 122.48(b), the permit must require representative monitoring of the discharge. Monitoring for TSS alone is not representative of other parameters limited by this permit. The permit should retain requirements for representative monitoring. This would include monitoring of pollutant concentration and loads that are likely to change (increase or decrease) during wet weather blending including TSS, BOD, chlorine residual and coliform."

Response 5.
Comment noted.

US EPA Comment 6.
This paragraph cites EPA's 1986 letter regarding the East Bay Municipal Utility District's wet weather overflow structures. We agree with the Board's decision to not authorize discharges from Vallejo's wet weather overflow structures (Fact Sheet paragraph II.A.6). However, because EPA's 1986 letter about EBMUD is not relevant to Vallejo, Paragraph II.A.9 should be deleted.

Response 6.
We did not make this change. We believe that this information is relevant because it provides a rationale for the Executive Officer's approval of the Discharger's study and the permit amendment (Order No. R2-2003-008), and demonstrates that the approach used for this Order is consistent with past decisions. We believe this information helps to clarify the requirements of this Order.

III. San Francisco Baykeeper (Baykeeper)

Baykeeper Comment 1.
"Baykeeper requests that the Regional Board acknowledge the confusion created by having different written comment deadlines for each of these NPDES Permit applications, and on this basis Baykeeper requests that its written comments regarding the Vallejo Permit be accepted for review even though submitted three working days after the 7 July 2006 submission deadline."

Response 1.
Although Baykeeper's comments (July 12, 2006) were submitted 5 days past the written comment deadline, we will acknowledge Baykeeper's comments this time because their comments on the District's Tentative Order are very similar to the comments on the EBDA Tentative Order. However, Baykeeper is on our mailing list and receives all tentative orders, and is always given 30 days to comment. We ask that they abide by the written comment deadline date in the future.

Baykeeper Comment 2.
Baykeeper is concerned that the blended effluent (bypasses) discharges pose an increased risk to human health and aquatic life from viruses and parasites because they do not receive secondary treatment.

Response 2.
We amended the Tentative Order to only allow discharge of blended wastewater through a submerged diffuser 400 feet from the north shore of Carquinez Strait and about 75 feet below the water surface (Discharge Point E-001). Such discharges are approved when (1) peak wet weather influent flow volumes exceed the capacity of the District's secondary treatment unit(s) and (2) the discharge complies with the effluent and receiving water limitations contained in the Tentative Order. The revised Tentative Order also contains requirements for monitoring limited pollutants, including fecal coliform, during the duration of the bypass event. We believe these conditions and requirements in the revised Tentative Order are protective.

Baykeeper Comment 3.
"Paragraph IIIC. of the draft permit references the bypass provisions of the federal regulations, 40 CFR 122.41(m), the provisions of which are applicable to this permittee. However, that paragraph of the draft permit purports to authorize bypasses that fail to meet the requirements of that regulation."

Response 3.
Please see our response to US EPA Comment 1.

Baykeeper Comment 4.
"This permittee does not even have effluent limitations for many of the pollutants found in blended effluent, such as cryptosporidium, giardia, and a host of viruses, and is not required to provide treatment effective for removing those pollutants. The draft permit does not even indicate any intention to monitor for pollutants of concern that may be found in greater concentrations in blended as opposed to fully treated effluent."

Response 4.
The Tentative Order does contain effluent limitations and monitoring requirements for fecal coliform bacteria, an indicator organism. Because of the difficulty in testing wastewater to identify specific pathogens (e.g., cryptosporidium, giardia, and a host of viruses), an acceptable and appropriate test is to consider indicator organisms as evidence of the presence of pathogens. Furthermore, the Monitoring and Reporting Program in the Tentative Order contains accelerated monitoring of limited pollutants, including fecal coliform, for the duration of all blending events.

Baykeeper Comment 5.
"The permittee is not required to take any additional steps to eliminate or even reduce the need for blending bypasses."

Response 5.
We added provision VI.C.6.d. to the revised Tentative Order (see our response to US EPA Comment 1).

Baykeeper Comment 6.
Baykeeper believes the Tentative Order should include an implementation schedule requiring the Discharger to evaluate system-wide alternatives to blending bypasses and them is necessary.

Response 6.
The Fact Sheet (Section II) of the Tentative Order describes in detail the analysis and subsequent system-wide program that the Discharger initiated in 2000 to manage its wet weather flows, which the Executive Officer approved. Since then, the Discharger has implemented capital improvement projects at the cost of $60 million for construction of new storage basins, increased capacity for wet weather treatment, and reduction of inflow/infiltration throughout the collection system, and committed an annual budget of $1-$2 million towards ongoing maintenance of its collection system. Based on the Discharger's past and continuing commitment to reduce wet weather flows, we do not believe that the Tentative Order needs to require an implementation schedule.

Baykeeper Comment 6.
"All facilities that engage in blending bypasses should also have an industrial pretreatment program that is current and requires end-of-pipe standards for chemicals discharged by their industrial users that are not based on an assumption of full secondary treatment for sewage at all times if it will not in fact be provided."

Response 6.
Provision VI.C.6.a of the Tentative Order contains requirements for a pretreatment program.

Baykeeper Comment 7.
The permit does not appear to establish or define a storm event or any other limitation to define the wet weather under which blending would be allowable.

Response 7.
We amended Prohibition III.C of the revised Tentative Order (see our response to US EPA Comment 1).

Baykeeper Comment 8.
While the Vallejo Permit regulated the DSRSD collection system, the permit fails to address collection system issues. For example, the permit fails to address the impact the recently adopted General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-2003-DWQ will have on the Vallejo program.

Response 8.
The District's Tentative Order does not regulate Dubin San Ramon Sanitary District's (DSRSD) collection system. In regards to the second part of this comment, please see our response to San Francisco Bay Keeper Comment 7 regarding the EBDA Tentative Order.

Baykeeper Comment 9.
Baykeeper wishes to submit additional comments concerning the complex issues surrounding reissuance of these NPDES permits. We therefore request an extension of time to submit additional written comments. Providing an extension to the public comment period would serve the interests of the public and would also serve the interests of the Regional Board staff, as this would provide staff with ample opportunity to respond to Baykeeper's comments in writing before the Public Hearing date.

Response 9.
We believe that our response to comments has addressed the issues surrounding the reissuance of this permit. We circulated the Tentative Order for the required 30-day comment period. In our view, the Regional Water Board should hear this item in August.

IV. Editorial Changes

E.1 We corrected "Biological" to "Biochemical" in the table in section IV.A.1.a. of the revised Tentative Order (the change is represented by strikethrough for the deletion and underline for the inserted word):

Parameter	Units[1]	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Carbonaceous ~~Biological~~ Biochemical Oxygen Demand 5-day @ 20º ($CBOD_5$)	mg/L	25	40	--	--	--

E.2 We corrected "33" to "20" in the third sentence of section II.B.2 of the Fact Sheet.

E.3 We deleted language in section VII.B.3 that's not applicable to the Tentative Order.