

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Lila Tang)
MEETING DATE: March 8, 2006

ITEM: 13

SUBJECT: **NPDES Wastewater Program** - Status of Permit Backlog Strategy

CHRONOLOGY: Program Status Report - January 11, 2006

DISCUSSION: At its January meeting, the Board directed staff to meet U.S. EPA's goal of no expired NPDES permits by the end of 2007. Since that meeting, staff has met internally and with U.S. EPA staff on several occasions to develop a strategy to meet that goal. Generally, the strategy involves:

- adding resources to the NPDES division;
- deferral of all but the most essential division tasks not related to permit issuance, reissuance, and enforcement; and,
- defining more clearly the time schedules and tasks to assure accountability for draft permits moving through the process.

Additional resources would come both from other divisions at the Board, and from U.S. EPA contractor support for drafting permits. The contractor support will allow us to also sustain the division's innovative projects described at the January meeting (e.g., electronic reporting system, sanitary sewer overflow reduction program, and pollution prevention). However, some pollution prevention work will be put on hold and directed towards permit reissuance. Also, expectations and timeframes for work products in the divisions are now more clearly defined in order to smooth the process internally, as well as externally for our work with U.S. EPA's contractor.

Attached is a draft commitment schedule provided to the U.S. EPA that meets their stated goal. The schedule is very aggressive and exceeds those of other regions. It is also double our previous rate. Despite this, with the additional resources and other changes planned, we are optimistic that we will meet it. The schedule shows a significant number of permits for this May and June. Staff development of these was already underway prior to January's meeting, but now with increased emphasis. Because development of each permit takes at a minimum 5 to 7 months from the initiation of staff work to Board consideration of a tentative order, the effects of this accelerated reissuance effort will be evident by August or September. After that, there will be about 3 to 4 permits each month.

One likely outcome of this effort will be that more permits will be contested. In recent years, most permits have been uncontested because we have allowed time for stakeholders to resolve differences. We have also allowed time for the permittee to collect additional data to resolve potential compliance problems related to new and more stringent limits. Committing to a reissuance schedule will no longer allow this to occur. However, we will endeavor to identify stakeholder issues early so that they can be addressed to avoid as many contested items and appeals as possible. We have also asked BACWA to help in this effort by informing their membership to be proactive in identifying issues, and completing studies prior to the reissuance process.

Board member Wolff, at the Board's February meeting, asked whether the reissuance schedule commitment is sustainable. The answer is no, not without additional resources. We hope that U.S. EPA's suggestion to re-examine an appropriate resource allocation with the State Water Board will result in more resources for us in the future. Given that all permits must be reissued, we will be faced with another backlog crisis in 5 to 6 years when the current load of permits will again expire.

As for the current backlog crisis, at the time this is written, final details for our commitment are still being worked out with U.S. EPA staff. By the time of the meeting, we hope to report that there is agreement, and that U.S. EPA will give the green light for contractor support so that we may proceed with drafting permits.

RECOMMEN-
DATION:

No action required.

Appendix A.

Draft Commitment List

Appendix A

Commitment List, Draft February 2006

NPDES Permit Number	Type	Order Number	Permittee	Target Adoption
CA0005321	MINOR	99-035	Bae Systems SF Ship Repair (formerly SAN FRANCISCO DRYDOCK)	Mar-06
CA0038679	MINOR	99-023	LIVERMORE-AMADOR VALLEY WMA	Apr-06
CA0038008	MAJOR	00-089	LIVERMORE, CITY OF	May-06
CA0005657	MAJOR	94-056	MIRANT, Potrero Power Plant	May-06
CA0005002	MAJOR	00-130	USS-POSCO INDUSTRIES	May-06
CA0038636	MINOR	99-024	EAST BAY REGIONAL PARK DISTR, Hayward Marsh	May-06
CA0038768	MAJOR	00-003	AMERICAN CANYON, CITY OF	Jun-06
CA0005134	MAJOR	01-067	CHEVRON, Richmond Refinery	Jun-06
CA0037613	MAJOR	00-088	DUBLIN SAN RAMON SD & LIVERMORE-AMADOR VALLEY WMA	Jun-06
CA0028321	MINOR	01-112	HANSON AGGREGATES MID-PACIFIC	Jun-06
CA0030147	MINOR	98-118	HANSON AGGREGATES, Oakland Yard	Jun-06
CA0030139	MINOR	98-062	HANSON AGGREGATES, San Francisco Yard	Jun-06
CA0037427	MINOR	LT970407	MARIN COUNTY SD #5, Paradise Cove	Jun-06
CA0038814	MINOR	R2-2005-0006	Marin Municipal Water District	Jun-06
CA0005649	MINOR	94-057	PACIFIC GAS AND ELECTRIC CO., Hunter's Point Power Plant	Jun-06
CA0038831	NEW	tbd	Caltrans, Devil's Slide	Jul-06
tbd	NEW	tbd	Contra Costa Water District, Bollman	Jun-06
CA0038776	MAJOR	99-066	PACIFICA, CITY OF	Aug-06
tbd	NEW	tbd	San Francisco PUC, Pulgas	Aug-06
CA0037826	MAJOR	01-107	RODEO SANITARY DISTRICT	Sep-06
CA0037966	MINOR	00-131	CALISTOGA, CITY OF	Sep-06
CA0038893	MINOR	96-152	SEAFIRTH ESTATES CO. & OWNERS	Sep-06
CAG912002	General	01-100	Fuels Groundwater Cleanup General Permit	Oct-06
CA0038628	MAJOR	01-105	CENTRAL MARIN SANITATION AGCY	Oct-06
CA0037737	MAJOR	00-017	NORTH SAN MATEO COUNTY SD	Oct-06
CA0005789	MAJOR	01-141	Shell Oil, Martinez Refinery	Oct-06
CA0005240	MAJOR	00-025	C&H SUGAR COMPANY, INC. AND CROCKETT-VALONA SD	Nov-06
CA0037796	MAJOR	01-106	Pinole-Hercules Water Pollution Control Plant	Nov-06
CA0029947	MINOR	93-146	BROWNING-FERRIS INDUSTRIES, Ox Mountain Landfill	Nov-06
CA0037869	MAJOR	00-087	EAST BAY DISCHARGERS AUTHORITY	Dec-06
CA0038067	MAJOR	00-060	SAUSALITO-MARIN CITY SANITARY DISTRICT	Dec-06
CA0038598	MAJOR	00-016	SEWER AUTHORITY MID-COASTSIDE CITY OF HALF MOON	Dec-06
CA0027961	MINOR	99-094	INTERNATIONAL BUSINESS MACHINE	Dec-06
CA0038644	MINOR	93-119	NAPA RIVER RECLAMATION DIST	Dec-06
CA0037770	MAJOR	00-086	MT VIEW SANITARY DIST	Jan-07
tbd	NEW	tbd	Community of Dillon Beach	Jan-07
CA0037648	MAJOR	01-068	CENTRAL CONTRA COSTA SAN DIST	Feb-07
CA0038318	MAJOR	01-145	San Francisco, City and County	Feb-07
CA0038369	MAJOR	01-012	SOUTH BAYSIDE SYSTEM AUTHORITY	Feb-07
CA0037711	MAJOR	01-070	SEWERAGE AGENCY OF SOUTHERN MARIN	Mar-07
CA0037699	MAJOR	00-026	VALLEJO SANITATION AND FLOOD CONTROL DISTRICT	Mar-07
CA0038059	MINOR	00-029	ALAMEDA CO WATER DISTRICT, Aquifer Reclamation Wells	Mar-07
CA0028070	MAJOR	R2-2002-0045	SAN FRANCISCO, CITY AND CO, SFIA Municipal	Apr-07
tbd	NEW	tbd	Marin Municipal Water District	Apr-07
CA0037788	MAJOR	R2-2002-0027	BURLINGAME, CITY OF	May-07
CA0037702	MAJOR	01-072	EAST BAY MUNICIPAL UTILITY DIS	May-07
CA0038784	MINOR	00-85	SANTA CLARA CO ROADS & AIRPORT, Oregon Expressway	May-07
CA0004979	MAJOR	R2-2002-0071	GENERAL CHEM(ALLIED) CORP	Jun-07
CA0037541	MAJOR	01-071	SAN MATEO, CITY OF	Jun-07
CAG982001	General	R2-2002-0063	Aggregate Mining and Sand Washing Permit	Jul-07
CA0038539	MAJOR	01-144	WEST COUNTY AGENCY	Jul-07
CA0004880	MAJOR	R2-2002-0072	MIRANT, Pittsburg Power Plant	Aug-07
CA0037800	MAJOR	R2-2002-0046	SONOMA VALLEY COUNTY SANITATION DISTRICT	Aug-07
CA0037532	MAJOR	01-143	MILLBRAE, CITY OF	Sep-07
CA0004910	MAJOR	01-142	DOW CHEMICAL COMPANY	Oct-07
CA0037664	MAJOR	2002-0073	San Francisco, City and County, SFIA, Industrial	Nov-07
CA0038091	MAJOR	01-096	BENICIA, CITY OF	Dec-07
CA0037753	MAJOR	02-097	MARIN COUNTY Sanitary District #5	Dec-07
CA0005550	MAJOR	R2-2002-0112	VALERO REFINING COMPANY-CA, Benicia Refinery	Dec-07
CA0037885	MINOR	R2-2003-0009	CONTRA COSTA CO, Port Costa	Jan-08