



The March 13, 2003 meeting will be held at:

**The Delta King Riverboat Hotel
1000 Front Street
Old Sacramento, CA 95814
(916) 444-5464**

**General Meeting and Water Committee — Jenny Lind A&B
Land Committee — Fort Sutter Room**

TRI-TAC MEETING

THURSDAY, MARCH 13, 2003

9:00 A.M. – 12:00 P.M.

Delta King River Boat
1000 Front Street
Old Sacramento, CA 95814
(916) 444-5464

9:00 A.M. – GENERAL MEETING

ATTACHMENTS

1. INTRODUCTIONS
2. APPROVAL OF THE FEBRUARY 13, 2003 –
TRI-TAC MEETING MINUTES SUMMARY/ACTION ITEMS PAGES 6-12
3. FUTURE MEETING SCHEDULE PAGE 13
4. TRI-TAC ROSTER PAGES 14-20
5. COMMITTEE ASSIGNMENTS PAGE 21
6. COMMITTEE ISSUE SUMMARIES PAGES 22-27
7. OTHER BUSINESS/NEW ISSUES

9:00 A.M. – 11:30 A.M. – COMMITTEE MEETINGS

COMMITTEES WILL MEET SEPARATELY

11:30 A.M. – GENERAL MEETING

COMMITTEE REPORTS

- A. LAND
- B. WATER

1:15 P.M. - AFTER TRI-TAC MEETING – SRF LOAN PROGRAM

LAND COMMITTEE AGENDA
March 13, 2003

	<u>Who</u>	<u>Time</u>
<u>A. Agenda Review and Approval</u>		
<u>B. Committee Action Items</u>		
1.	Biosolids Recyclers of CA, status, Ed McCormick/Bobbi Larson	10 min.
2.	SWRCB Biosolids Final EIR & Lawsuit Layne Baroldi/Bobbi Larson	5 min.
3.	POPS Meeting Discussion Notes Layne Baroldi	0 min.
4.	Model Biosolids Contract/RFP Ann Briggs	0 min.
5.	40CFR 503 Dioxin Regulations/Data Diane Gilbert	0 min.
6.	Radioactivity Testing, Dose Modeling & Guidance Diane Gilbert	0 min.
7.	CIWMB Compostable Organic Mtls. Regs. Diane Gilbert	0 min.
8.	SCAQMD Proposed Rule 1133-Composting Opns. Layne Baroldi	5 min.
9.	Ongoing Biosolids Litigation Discussion Layne Baroldi	15 min.
10.	Biosolids Legislation Layne Baroldi	15 min.
11.	NAS Report Update Layne Baroldi	5 min.
12.	WEF Residual & Biosolids Committee Relationship Layne Baroldi	5 min.
<u>C. Information and Discussion Items</u>		
13.	New Biosolids Contracts/Technologies Ed McCormick	20 min.
14.	Local Ordinances	
	• Kern County Layne Baroldi	5 min.
	• Kings County Layne Baroldi	5 min.
	• San Luis Obispo County Bob Gillette/Diane Gilbert	0 min.
	• Riverside County Anne Briggs/Layne Baroldi	10 min.
	• Alameda County Composting Ed McCormick	0 min.
	• Solano County Ed McCormick	10 min.
<u>E. Other</u>		
	All	<u>10 min.</u> 120 min.

WATER COMMITTEE AGENDA
March 13, 2003

<u>Priority</u>		<u>Estimated Duration (minutes)</u>	<u>Further Information</u>
Items of Highest Priority:			
1	SWRCB/RWQCBs 303(d) Listing/Delisting Process	10	
2	Methylmercury Criterion Guidance	10	
3	Pharmaceutical Wastes	5	
4	Draft Linear Stormwater permit	10	
5	Tributyltin Water Quality Criteria	5	
6	Blending	10	Attachment 1
7	ANPRM for US Waters	5	Attachment 2
8	ANPRM for ESA	5	
9	LA/Burbank NPDES Unpublished Appeal Decision	5	
10	SWRCB Fees Legislation	5	
11	WET Litigation	5	
12	Draft Strategy - Developing TMDLs & Attaining WQS	5	
Pre-Regulatory Issues			
13	Storm Drain Diversions	10	
14	Sanitary Sewer Overflows	10	Attachment 3
15	Meeting with DHS	5	
16	Meeting With State Board Staff re SIP	5	
17	Potential Legislation Regarding Due Process For Non-NPDES Reqt's (WDRs, CDOs, TSOs, etc.)	5	
18	Effluent Trading	5	
	Xenobiotics (as necessary)		
	Nutrient Criteria (as necessary)		
	Permit Appeals (as necessary)		
	PAG Update (as necessary)		
If Time, We Will Also Discuss:			
	Legislation of interest		
	SWRCB Draft General Permit for Discharges to Land		Attachment 4
	EPA Assessment of Detection and Quanitation Concepts		

2 hours

MEETING SUMMARY
THURSDAY, FEBRUARY 13, 2003
OAKLAND AIRPORT HOLIDAY INN
OAKLAND, CA

SUBCOMMITTEE ISSUES AND GENERAL MEETING

THE FOLLOWING MEMBERS AND INTERESTED PARTIES WERE PRESENT:

Steve Medbery, SFPUC	Traci Minamide
Jeff Berlin, Carollo Engineers	Jim Gratteau
Rod Cruze, City of Riverside	Jim Marchese
Melissa Thorme, Downey Brand	Phil Bobel
David Tucker, San Jose	Sharon Green
Bob Reid, WVSD	Jim Colston
Ben Horenstein, EBMUD	Diane Gilbert, City of Los Angeles
Bobbi Larson, CASA	Chuck Weir
Tom Grovhoug, Larry Walker Assoc.	
Chris Scheuring, CASA	
Valerie Housel, San Bernardino MWD	
Layne Baroldi, OCSO	
Ed McCormick, EBMUD	
Jackie Kepke, CH2M HILL	
Tom Hall, EOA	
Gail Chesler, CCCSD	
Maura Bonnarens, EBMUD	
Ray von Dohren, Carmel Area WD	
Vaughn Henrie, Union Sanitary District	
Jack Nelson, Yucaipa Valley Wastewater District	
Roger W. Turner, Eastern Municipal Water District	
A C Briggs, EMWD	
Dave Tucker, City of Merced	
Shahrouzeh Saneie, City of LA	

Announcements and Discussion Items

Approval of Last Meeting's Action Items

Future Meeting Schedule

LAND COMMITTEE MINUTES FROM FEBRUARY 13, 2003 MEETING
LAYNE BAROLDI AND ROBERT GILLETTE

1. Biosolids

CASA Biosolids Program Manager – will interview four candidates on Wednesday and should present an offer by the end of the month. The recommended contribution to CASA for funding of the position was based on flow. Response on that was somewhat poor so please go back to your agencies and ask agencies to support this position. Ed and Bobbi will re-solicit funds because of billing format.

2. SWRCB General Order

The certification of the EIR was overturned by the appellate court and remanded to a lower court saying look at Class A biosolids as an alternative. The State Court determined that the State Board did not look at that alternative adequately, if at all, and so both SWRCB and CASA have petitioned for a rehearing of the issue. Should hear by today if it will be reheard. Odds are it won't be reheard. The Attorney General is reluctant to appeal to the Supreme Court and for that matter the agencies are reluctant to do that also. We're looking at state of California Class B biosolids on the report as not doing well except for Merced County, which is important to a lot of Northern California agencies, but will be just a matter of time for that county. We would like to have some type of Class A regulation on the books that says biosolids are safe and potentially have that in mind if we were to look at some type of preemptive legislation. May have to again request minimal funding, unlike the first time we funded the general order, which was in the neighborhood of \$500,000-600,000. That was very helpful for Southern California agencies during the past three years when this was being created, the EIR and General Order because it allowed Class B land application to continue for several years. It worked well and now we need a Class A regulation. We'll propose to have agencies fund the revisions to the General Order and EIR. The one concern is that the General Order is, in effect, non-existent. How does that affect sites in Merced or Solano counties that are still viable for Class B? We'll look into it and see what the impact would be. Most likely, the courts would fashion a remedy that says as long as the SWRCB is proceeding in good faith to remedy the EIR that these sites would still be allowed.

3. Solano County

Solano County has been very active. This is important to Northern California. They've have three meetings/workshops and toured the Fairfield-Suisun treatment facility and had an explanation of the biosolids regulations. They had another meeting where they had scientific experts, which looked like it was weighed heavily in favor of the biosolids folks, including Jay Witherspoon from CH2M HILL, EPA and other university reps gave a good presentation on biosolids. Unfortunately, the public was upset that it wasn't balanced and the latest, which was on March 1(?), was weighed on the other side. Staff from EBMUD seems to believe that the Board of Supervisors looks like a 2-2 split. That means nothing happens and it may just be status quo – biosolids can be land applied in

Solano County from April to October. A lot of the talk in the session was about new biosolids technologies. A lot of municipalities are looking at both Class B bans going on and what do you do. LA City decided to proceed with thermophilic, but that has issues. Eastern MWD is looking at pasteurization processes. Other people are looking at pellets and composting. Agencies are trying different technologies to determine what's going to be successful. It's difficult to commit a lot of the agencies' funds right now for these high dollar experiments in light of the dynamic nature of the regulations.

WATER COMMITTEE MINUTES FROM FEBRUARY 13, 2003 MEETING
JIM COLSTON AND MONICA OAKLEY

Items of Highest Priority

1. SWRCB/RWQCB's 303(d) Listing/Delisting Process

On February 4 the State Water Board held a hearing to adopt the 2002 update of the 303(d) list. The Board approved the list with a few exceptions to the January version. Changes include proposed trash listings for the Orange County Coastline, which are highly controversial. The Board moved these listings to the monitoring list. EPA made a lot of comments about the enforceable programs concept and that the state had to be sure that the program would bring the water body into compliance.

There was some discussion about what data and information are in the administrative record. For example, the LA County Department of Public Works is the lead co-permittee for the stormwater permit in LA County and they have done new analysis of data but never actually submitted the stuff to the State Board earlier in the comment process, but they argued at the hearing that they had submitted the data with their annual report so that should count because it was readily available to the Regional Board and State Board so they should have used it. It gets to this issue of how the State and EPA define existing and readily available information. This is an important issue for POTWs since we submit data to the RWQCBs on a continuous basis.

2. EPA Watershed Permitting

EPA recently published a policy statement supporting Watershed Permitting through the NPDES program. EPA is developing a guidance document on how to implement the policy. The integrated permitting approach, which allows disparate permits to be combined, may be of particular interest to cities that are subject to numerous NPDES permits.

3. Methylmercury Criterion Guidance

A pre-draft copy of EPA's Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion, will be available on the Tri-TAC website. The document is easy to read and fairly straightforward. When this guidance actually comes out it will be a trigger, according to EPA Region IX, that they're going to adopt new mercury numbers for the CTR. What this guidance purports to do is to help states develop water quality standards based on EPA's criteria and also to help them develop TMDLs. The guidance does not address NPDES permitting. That section has been reserved, and it is scheduled to be published next year. The states can either follow EPA's lead and similarly adopt fish tissue numbers, shell fish tissue numbers, or they can convert them into numeric criteria or they can do both. For better or worse, because of the way that these numbers are developed, there's a lot of flexibility built into the calculation due to bioaccumulation factors, fish tissue consumption factors, and different species of fish. Unfortunately, if history is a predictor in California, that flexibility tends to drive more conservative criteria. Some of the things that are noteworthy are the consumption numbers for

general adults or sport fishing at 17.5 grams per day while subsistence fishing is 142 grams per day. They get these numbers by doing a survey of the general population. The median consumption number for the general population is 0 grams per day. The sport fishing number is based on the 90th percentile and the subsistence number is based on the 99th percentile of the survey. In terms of the FDA numbers, EPA says to ignore the FDA number of 1 milligram per kilogram because they say that that's done for commercially available fish. It's not calculated to protect fish being pulled out of the stream. If fishing is going on in the stream, then it's going to be hard to remove a use even if there is historic mercury pollution in the stream. The next step is to wait for the formal publication of the draft.

4. ANPR for Waters of the U.S.

This Advanced Notice of Proposed Rulemaking was published January 15, 2002. The comment deadline is March 3. The genesis of this goes back to a Supreme Court decision issued in early 2001 – Solid Waste Agency of Northern Cook County (SWANCC) v. US Army Corps of Engineers. In SWANCC the Supreme Court narrowed the definition of Waters of the US and decided that the Army Corps and EPA had broadened their jurisdiction beyond what Congress intended. A lot of people questioned this with regard to Section 404 permitting requirements but there was also discussion and speculation on these opinions about what impacts it could have on other programs such as NPDES permitting and other related sections of the Act, whether jurisdiction under those could also be an issue.

EPA and the Army Corps issued an ANPR requesting comment on some very broad issues. The basic issues are whether, and if so, under what circumstances certain specified factors, that are currently in the regulations, or any other factors, provide a basis for determining Clean Water Act jurisdiction over isolated, intrastate, non-navigable waters; and secondly, whether the regulation should define isolated waters, and if so, what factors should be considered and in determining whether a water is or is not isolated for jurisdictional purposes. Two big issues include isolated wetlands and constructed reservoirs. We will place this on the website and check with AMSA to see if they are commenting on the proposal.

5. ANPR for ESA

Available on the website. Deadline is March 10. Consultation between EPA and the services on the registration of pesticides. FIFRA requires that pesticides will not cause an unreasonable adverse affect on public health or the environment. If your agency is concerned about the presence of specific pesticides in the sewer system, this is your chance to speak up to take specific use into account. Gail Chesler, Jim Colston, Bobbi Larson, and Ann Heil will work on a letter.

6. Draft Linear Stormwater Permit

Beginning March 10, 2003, construction projects, including sewer pipeline construction, that cause one or more acres of soil disturbance will be required to have coverage under the statewide construction stormwater permit that was adopted in December of 2002. There are numerous

utilities that conduct linear construction activities – pipelines/sewers/pipes. An industry and local government coalition of these types of utilities is leading an effort to develop a construction stormwater permit to specifically address linear construction projects. Tri-TAC is supporting the effort. The support letter and additional materials will be e-mailed to the Water Committee. The coalition is working to have the permit adopted as soon as possible.

7. ECHO Review – Deadline Extended to 3-31-03

The EPA website where you can look at your compliance online is at www.epa.gov/echo. They've extended the deadline for comments until March 31. The discharger community is encouraged to look at the site and see if the information is accurate. During this test period there's an excellent opportunity to comment back to them if there are problems. Tom Grovhoug will also take comments from you, and he will see if there is a common thread in the comments about the kinds of problems there are on the site. If appropriate, Tri-TAC will submit a letter to that effect. Please review the website before the end of the month and provide your comments to Tom.

8. Tributyltin Water Quality Criteria

Information provided by Contra Costa Sanitary District is available on the Tri-TAC website.

9. LA/Burbank NPDES Unpublished Appeal Decision

The Cities of LA and Burbank filed a petition for rehearing in the Court of Appeal pointing out some errors in the court's decision. The Court denied the petition for a rehearing but they took it up on their own motion. The Court also accepted the cities' request for judicial notice; a document that we had from the Regional Board that they did back in the 1970s that said July 1, 1977 the water quality standards were all achieved through the LA River and the Burbank Western Channel. The fact that they accepted that document, even though they denied the petition for rehearing, gave the cities some hope that they are looking at it again. They've also received letters from the State and the Regional Boards, and EPA asking to publish the earlier decision. They've also received letters from lawyers who are representing the BIA and the city in San Diego that had their case heard on stormwater permit, a coalition of 31 cities in Los Angeles and the Resource Land Owners Coalition asking that the decision specifically not apply to stormwater. CASA and BACWA are sending letters today saying this is going to affect a lot of people and they need to look at the decision again. Once the Court issues its new decision, there will be an opportunity to seek Supreme Court review. The three issues include: 1) factors to consider when conducting NPDES permitting – environmental impact and economic cost benefit; 2) compliance schedules; and 3) use of narrative criteria.

10. Urban Runoff Survey

There is an afternoon session today. Ben Horenstein distributed a handout of what will be discussed at the afternoon session – draft principles. This issue is urban runoff and stormwater diversions, dry and wet weather, and sanitary sewer issues. The three action items outstanding

are: developing draft principles, developing a survey of who's doing what in the state, and characterization of urban runoff.

11. SWRCB Fees

Discharge fees are increasing. Two things are going on right now: 1) the legislature is trying to solve the budget deficit and 2) the State Board has begun a stakeholder meeting process because there was such an outcry over last year's emergency fee schedule. For example, some permit fees went from \$400 to \$20,000. A bill to allow increases in discharge fees is on the Governor's desk. AB10X highlights – dairies are included and the cap on fees is deleted. Right now, the most any single permit-holder can be charged, as an annual fee, is \$20,000. Under the pending legislation, the State Board could charge whatever they need to cover their core budget. The bill also broadens the definition of core regulatory programs. Historically, it has always been NPDES permitting, waste discharge requirements, and the inspection program. The new legislation adds ambient monitoring and groundwater monitoring. The concern is that groundwater monitoring and ambient monitoring are going to be very expensive programs. If this bill passes, the next step will be to work with the SWRCB on the new fee structure.

12. Draft WDRs for SSO – Bay Area

There was a meeting with Regional Board staff and a number of collection system operators in the San Francisco Bay Region to discuss the drafting of Waste Discharge Requirements for Sanitary Sewer Overflows. Ben Horenstein distributed a handout of a presentation that the Regional Board staff presented. There was a lot of discussion, and a task force was created to identify issues associated with reporting SSOs. The POTWs will try to present some alternatives to the Regional Board other than just straight prohibition. The RWQCB is committing to a stakeholder process to develop the permit.

13. Meeting with State Board Staff Re SIP

Plan to develop internal document to present to Board. No steps planned beyond this.

14. EPA Human Health Criteria

Letter drafted for Sacramento. Tri-TAC will consider sending a letter based on this letter. Comments are due February 25.

Other

15. State Revolving Loan Fund

Jim Gratteau was approached by EPA about a program, which is ongoing in Ohio and is sponsored by the Ohio Water Resources Restoration Program. Recipients of SRF loans, if they want to sponsor a habitat restoration project or buy public lands for dedication to put into public

14. EPA Human Health Criteria

Letter drafted for Sacramento. Tri-TAC will consider sending a letter based on this letter. Comments are due February 25.

Other

15. State Revolving Loan Fund

Jim Gratteau was approached by EPA about a program which is ongoing in Ohio and is sponsored by the Ohio Water Resources Restoration Program. Recipients of SRF loans, if they want to sponsor a habitat restoration project or buy public lands for dedication to put into public trust they can receive money to do that. But the project proponent would not have to pay the additional amounts for the special project when they pay back their loans. It's like getting a grant to buy the land or restore the habitat.

EPA would like to know if Tri-TAC would be interested in participating in this type of program. In previous meetings we've discussed this and there has been interest indicated by the members. We're going to hold an after-Tri-TAC meeting in March in Sacramento where representatives from EPA and the State will come and review what this program could mean. It changes the interest rate on your SRF loan so that if you had a \$10 million loan and you pay back a certain dollar value for that loan, you could get \$2 million more and reduce the interest rate so your payback would be exactly the same as if you hadn't conducted the project. E-mail Jim Gratteau if you are interested and want to attend the after-Tri-TAC meeting in March.

TRI-TAC MEETING LOCATION & SCHEDULE 2003

TRI-TAC MEETING DATE ¹	LOCATION/HOTEL	AFTER TRI-TAC MEETINGS ²
FEBRUARY 13, 2003	HOLIDAY INN AIRPORT 500 HEGENBERGER ROAD OAKLAND, CA 94621 510-562-5311	STORM DRAIN DIVERSIONS
MARCH 13, 2003	DELTA KING RIVERBOAT 1000 FRONT STREET OLD SACRAMENTO, CA 95814-3231 916-444-5464	SRF LOAN PROGRAM
APRIL 10, 2003	DELTA KING RIVERBOAT 1000 FRONT STREET OLD SACRAMENTO, CA 95814-3231 916-444-5464	
MAY 8, 2003	HILTON ONTARIO AIRPORT 700 NORTH HAVEN AVENUE ONTARIO, CA 91764 (909) 980-0400	
JUNE 12, 2003 Air Committee	HOLIDAY INN AIRPORT 500 HEGENBERGER ROAD OAKLAND, CA 94621 510-562-5311	
JULY 10, 2003 Baseball?	HOLIDAY INN AIRPORT 500 HEGENBERGER ROAD OAKLAND, CA 94621 510-562-5311	

¹ IF YOU WOULD LIKE TO ADD AN AGENDA ITEM OR SCHEDULE A PRESENTATION FOR AN UPCOMING MEETING, PLEASE CONTACT ONE OF THE COMMITTEE CO-CHAIRS AT LEAST 14 DAYS BEFORE THE DESIGNATED MEETING DATE.

² If you would like an “after Tri-TAC” meeting noted in the agenda package, please contact Dave Williams at least ten days before the designated meeting date.

Tri-TAC Roster

Name	Company	E-mail Address	Phone Number	Fax Number
Gregory Adams	Los Angeles County Sanitation Districts Air Quality Engineering 1955 Workman Mill Road Whittier, CA 90601-1400	gadams@lacsds.org	562-699-7411 x2113	562-692-9690
Rodney Andersen	City of Burbank 275 E. Olive Avenue Burbank, CA 91502	Randeren@ci.burbank.ca.us	818 238-3931	818 238-3918
Layne Baroldi	Orange County Sanitation District P.O. Box 8127 Fountain Valley, CA 92728-8127	lbaroldi@ocsd.com	714 593-7456	714 962-2591
Jeffrey Bell	Solano County Environmental Health 601 Texas St. Fairfield, CA 94553	jbelle@solanocounty.com	707-421-6765	707-421-4805
Jeff Berlin	Carollo Engineers 2700 Ygnacio Valley Rd. Suite 300 Walnut Creek, CA 94598	jberlin@carollo.com	925-932-1710	925-930-0208
James Bewley	South Bayside System Authority 1400 Radio Road Redwood City, CA 94065	jbewley@sbsa.org	650 594-8411 ext 124	650 591-7122
Phil Bobel	Water Quality Control Plant 2501 Embarcadero Way Palo Alto, CA 94303	phil_bobel@city.palo-alto.ca.us	650 329-2285	650 494-3531
Maura Bonnarens	East Bay Municipal Utility District 375 11 th St., MS 702 Oakland, CA 94623	mbonnare@ebmud.com	510 287- 1141	510 287-1530
Sheila Z. Brice	City of Los Angeles Sanitation 433 S. Spring St. Los Angeles, CA 90013	szbrice@san.lacity.org	213-473-8564	213-473-5411
Anne Briggs	Eastern Municipal Water District P.O. Box 8300 Perris, CA 92572-8300	briggsa@emwd.org	909 928-3777 ext. 6327	909 928-6177
Dan Bruinsma	City of San Jose 777 North first Street Suite 300 San Jose, CA 95112	Dan.Bruinsma@ci.sj.ca.us	408 277-5423	
Fred Burnett	Calaveras County Water District O&M Superintendent 423 E. St. Charles St. San Andreas, CA 95249	fredb@ccwd.org	209-754-3543	209-754-1069
Michelle Buzbee	Larry Walker Associates 250 Lafayette Circle, Suite 200 Lafayette, CA 94549	michelleb@lwa.com	925 962-9700	925 962-9701
Paul Causey	Delta-Diablo Sanitation District 2500 Pittsburg-Antioch Highway Antioch, CA 94509	paulc@ddsd.org	925 756-1917	925 756-1952
James Chen	Union Sanitary District 5072 Benson Road Union City, CA 94587	Jim_chen@unionsanitary.com	510 477-7561	510 477-7505
Gail Chesler	Central Contra Costa Sanitary District 5019 Imhoff Place Martinez, CA 94553	gchesler@ecis.com	925 229-7294	925 228-4624

Name	Company	E-mail Address	Phone Number	Fax Number
James Clark	Black & Veatch 800 Wilshire Blvd., Suite 600 Los Angeles, CA 90017	clarkjh@bv.com	213 312-3300	213 312-3399
Joyce T. Clark	Metropolitan Water District of Southern California Operations Support Services P.O. Box 54153 Los Angeles, CA 90054-0153	jtruhan@mwdh20.com	213 217-5593	213 217-6700
Alex Coate	East Bay Municipal Utility District P.O. Box 24055, MS 704 Oakland, CA 94623-1055	acoate@ebmud.com	510 287-1663	510 287-1330
James Colston	Orange County Sanitation District P.O. Box 8127 Fountain Valley, CA 92728	jcolston@ocsd.com	714 593-7458	714 962-2591
Rodney W. Cruze	City of Riverside 5950 Acorn Street Riverside, CA 92504	rcruze@ci.riverside.ca.us	909 351-6011	909 687-6978
Stan Dean	Sacramento Regional County Sanitation District 8521 Laguna Station Road Elk Grove, CA 95758	deans@sacounty.net	916 875-9101	916 875-9107
Jason R. Dow	Central Marin Sanitation Agency 1301 Andersen Dr. San Rafael, CA 94901	jdow@marin.org	415-459-1455 x145	415-459-3971
Nancy Evans	Central Marin Sanitation Agency 1301 Andersen Drive San Rafael, CA 94901-5339	nevans@marin.org	415 459-1455 ext 141	415 459-3971
Margaret E. Figeroid	Downey, Brand, Seymour & Rohwer 555 Capitol Mall, 10 th Floor Sacramento, CA 95819	mfigeroid@dbsr.com	916 441-0131	916 441-4021
Lauren Fondahl	Environmental Protection Agency Clean Water Act Compliance Office (WTR-7) 75 Hawthorne Street San Francisco, CA 94105-3901	fondahl.lauren@EPA.gov	415 972-3514	415 947-3549
Mary Jane Forster Foley	MJF Consulting, Inc. 7 Phillips Circle Laguna Niguel, CA 92677	mjfconsulting@home.com	949 493-8466	949 374-0912
Tad S. Foster	Tad S. Foster 20 Boulder Crescent Colorado Springs, CO 80903	tadfoster@tsfosterlaw.com	719 632-5240	719 633-4759
Donald Gabb	East Bay Municipal Utility District P.O. Box 24055, Mail Slot 59 Oakland, CA 94623-1055	dgabb@ebmud.com	510 287-1602	510 287-1712
Robert Geyer	City of Watsonville 320 Harvest Drive Watsonville, CA 95076	bgeyer@ci.watsonville.ca.us	831 728-6149	831 763-4060
Robert P. Ghirelli	Orange County Sanitation District P.O. Box 8127 Fountain Valley, CA 92728-8127	rghirelli@ocsd.com	714 593-7400	714 962-6957
Preeti Ghuman	Sanitation Districts of Los Angeles County P.O. Box 4998 Whittier, CA 90607	pghuman@lacs.org	562 699-7411 ext 2138	562 692-9690
Diane Gilbert	City of Los Angeles Regulatory Affairs Division 433 South Spring Street, Suite 500 Los Angeles, CA 90013	dxg@san.lacity.org	213-473-8554	213-473-8544

Name	Company	E-mail Address	Phone Number	Fax Number
Robert A. Gillette	Carollo Engineers 2500 Venture Oaks Way, Ste. 320 Sacramento, CA 95833	rgillette@carollo.com	916 565-4888	916 565-4880
James Gratteau	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601	jgratteau@lacsds.org	562 699-7411 Ext. 2751	562 695-1874
Sharon Green	Sanitation Districts of Los Angeles County P.O. Box 4998 Whittier, CA 90607	sgreen@lacsds.org	562 699-7411 ext. 2503	562 692-5103
Thomas Grovhoug	Larry Walker Associates 509A Fourth Street Davis, CA 95616	tomg@lwadavis.com	530 753-6400	530 753-7030
Thomas Hall	EOA, Inc. 1410 Jackson Street Oakland, CA 94612	twhall@eoainc.com	510 832-2852	510 832-2856
Kurt Haunschild	East Bay Municipal Utility District 2020 Wake Avenue Oakland, CA 94607	khaunsch@ebmud.com	510 287-1407	510 287-1715
Ann Heil	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601	aheil@lacsds.org	562-699-7411 x2950	562-908-4224
Vaughn Henrie	Union Sanitary District	Vaughn_henrie@unionsanitary.com		
Ben Horenstein	East Bay Municipal Utility District 375 11th Street, M/S 702 Oakland, CA 94607	bhorenst@ebmud.com	510 287-1846	510 287-1530
Bob Horvath	LACSD	bhorvath@lacsds.org		
Valerie Housel	City of San Bernardino Water Department 399 Chandler Place San Bernardino, CA 92408	housel_Va@ci.san-bernardino.ca.us	909 384-5117	909 384-5258
Bonnie Jones	City and County of San Francisco Water Pollution Control Division 3500 Great Highway San Francisco, CA 84132-1000	Bjones5@puc.sf.ca.us	415 242-2231	415 242-2285
James Kelly	Central Contra Costa Sanitary District 5019 Imhoff Place Martinez, CA 94553	jkelly@centralsan.dst.ca.us	925 229 7386	925 689-1232
Jacqueline Kepke	CH2M HILL 155 Grand Avenue, Suite 1000 Oakland, CA 94612	jkepke@ch2m.com	510 251-2426	510 622-9045
Wendell Kido	Sacramento Regional County Sanitation District 10545 Armstrong Avenue, Suite 101 Mather, CA 95655	kidow@saccounty.net	916 875-6529	916 875-6529
Roberta Larson	Somach, Simmons & Dunn Hall of Justice Building 813 Sixth St., 3 rd Fl. Sacramento, CA 95814-2403	blarson@lawssd.com	916-446-7979	916-446-8199
Kris P. Lindstrom	K.P. Lindstrom, Inc. Planning & Environmental P.O. Box 51008 Pacific Grove, CA 93950-6008	kplinc@redshift.com	831 372-5989	831 372-6168

Name	Company	E-mail Address	Phone Number	Fax Number
Leslie Lundgren	San Francisco P.U.C. 1212 Market Street Suite 310 San Francisco, CA 94102	llundgre@puc.sf.ca.us,	415 554-9565	415 554-9404
Richard Luthy	Fairfield-Suisun Sewer District 1010 Chadbourne Road Fairfield, CA 94585	rluthy@fssd.com	707 429-8930	707 429-1280
Stephen Maguin	Sanitation Districts of Los Angeles County P.O. Box 4998 Whittier, CA 90607	smaguin@lacsod.org	562 699-7411 x1503	562 695-8660
Chandra Mantecon	Orange County Sanitation District 10844 Ellis Avenue Fountain Valley, CA 92708	cmantecon@ocsd.com	714 593-7471	714 962-2591
Jim Marchese	City of Los Angeles 433 S. Spring St., MS 544-01 Los Angeles, CA 90013	jmarches@san.lacity.org	213-473-8560	213-473-8544
Ed McCormick	East Bay Municipal Utility District P. O. Box 24055 Mail Slot 702 Oakland, CA 94623-1055	emccormi@ebmud.com	510 287-1657	510 287-1530
Steve McDonald	Carollo Engineers 2700 Ygnacio Valley Road, Suite 300 Walnut Creek, CA 94598	smcdonald@carollo.com	925 932-1710	925 930-0208
Daniel McGivney	Eastern Municipal Water District P.O. Box 8300 Perris, CA 92572-8300	dmcgivney@emwd.org	909 928-3777 ext. 6329	909 928-6177
Patricia McGovern	Carollo Engineers 2700 Ygnacio Valley Road, Suite 300 Walnut Creek, CA 94598	pmcgovern@carollo.com	925 932-1710	925 930-0208
Steven C. Medbery	San Francisco P.U.C. 3801 Third Street, Suite 600 San Francisco, CA 94124	smedbery@puc.sf.ca.us	415 695-7310	415 695-7388
Raymond C. Miller	SCAP 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675-1575	kris@scap.occocxmail.com	949 489-7676	949 489-0150
Traci J. Minamide	City of Los Angeles Regulatory Affairs Division 433 S. Spring St., Suite 500 Los Angeles, CA 90013	tjminami@san.lacity.org	213-473-8541	213-473-8544
Terrie Mitchell	Sacramento Regional County Sanitation District 10545 Armstrong Avenue, Suite 101 Mather, CA 95655	mitchellt@saccounty.net	916 876-6092	916 876-6160
Anant R. Mokashi	City of Los Angeles Regulatory Affairs Division 433 S. Spring St., Suite 500 Los Angeles, CA 90013	arm@san.lacity.org	213-473-8562	213-473-8544
Thierry R. Montoya, Esq.	Morris, Polich & Purdy, LLP 500 N. State College Blvd., Suite 1100 Orange, CA 92868	tmontoya@mpplaw.com	714-939-1100	
Michael Moore	Orange County Sanitation District P.O. Box 8127 Fountain Valley, CA 92728	mmoore@ocsd.com	714 593-7450	714 962-2591

Name	Company	E-mail Address	Phone Number	Fax Number
Arleen Navarret	San Francisco PUC Water Quality Bureau 3500 Great Highway San Francisco, CA 94132	anavarre@puc.sf.ca.us	415 242-2201	415 242-2285
Jeremy Neill	Los Angeles County Sanitation Districts Wastewater Monitoring Section 1955 Workman Mill Rd. Whittier, CA 90601	jneill@lacsds.org	562 699-7411 x 2809	562 692-5103
Margaret Nellor	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601	mnellor@lacsds.org	562 699-7411 x 2502	562 692-5103
John "Jack" Nelson	Yucaipa Valley Water District PO Box 730 Yucaipa, CA 92399	jnelson@yvwd.dst.ca.us	909 797-5119 ext 3	909 797-6381
Monica M. Oakley	Larry Walker Associates 250 Lafayette Circle, Suite 200 Lafayette, CA 94549	monicao@lwa.com	925 962-9700	925 962-9701
Lisa Ohlund	SCAP	omts@cox.net		
Liz Ostoich	Gresham, Savage, Nolan & Tilden 3750 University Avenue, Suite 670 Riverside, CA 92501	Elizabth.ostoich@gsnt-law.com	909-684-2171	909-684-2150
Dipak Patel	City of Los Angeles	dxp@san.lacity.org		
Michele Pla	CH2M HILL 155 Grand Avenue, Suite 1000 Oakland, CA 94612	mpla@ch2m.com	510 251-2888 Ext 2056	510 893-8205
Don Rebeck	SCAP 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675	drebeck@scap.occoxmail.com	949 489-7676	949 489-0150
Robert Reid	West Valley Sanitation District 100 East Sunnyoaks Avenue Campbell, CA 95008	rreid@wvwd.dst.ca.us	408 378-2407 X 11	408 364-1821
Martha Rincon	LACSD	mcincon@lacsds.org	562-699-7411 x2386	
Ruben Robles	Sacramento Regional County Sanitation District 10545 Armstrong Avenue, Suite 101 Mather, CA 95655	roblesr@saccounty.net	916 876-6119	916 876-6160
Terry Schmidtbauer	Solano County EMD	tschmidtbauer@solanocounty.com	707-421-6765	
John Schroeter	East Bay Municipal Utility District Environmental Compliance Division 375 11 th St., MS 704 Oakland, CA 94607	jschroet@ebmud.com	510 287-0345	
Shahrouzeh Saneie	City of Los Angeles Regulatory Affairs Division 433 S. Spring St., Suite 500 Mail Stop 544-01 Los Angeles, CA 90013	ssaneie@san.lacity.org	213-473-8566	213-473-8544
Jennifer Smith	East Bay Municipal Utility District P.O. Box 24055, MS 704 Oakland, CA 94623-1055	jsmith@ebmud.com	510 287-0509	510 287-1712

Name	Company	E-mail Address	Phone Number	Fax Number
Keith A. Smith	City of Davis Wastewater Administrator Public Works Department 23 Russell Blvd. Davis, CA 95616	keithsmith@ci.davis.ca.us	530 757-5686	530 758-4738
James Stahl	Sanitation Districts of Los Angeles County P.O. Box 4998 Whittier, CA 90607	jstahl@lacs.org	562 699-7411 x1501	562 695-8660
Herb Stone	Industrial Dischargers 330 Galli Court Los Altos, CA 94022	herbgalli@aol.com	650 948-6580	650 948-6580
Mike Sullivan	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601	msullivan@lacs.org	562 699-7411 X2824	562 692-5103
Bonnie Teaford	City of Burbank 275 E. Olive Avenue Burbank, CA 91502	bteaford@ci.burbank.ca.us	818 238-3921	818 238-3918
Warren Tellefson	County of Placer 11476 C Avenue Auburn, CA 95603-2702	wtellefs@placer.ca.gov	530 889-7511	530 889-6809
Melissa Thorme	Downey Brand Seymour & Rohwer LLP 555 Capitol Mall 10th Floor Sacramento, CA 95814-4686	mthorme@dbsr.com	916 441-0131 X 6376	916 441-4021
Kimberly Toepfer	City of Fresno 5607 West Jensen Avenue Fresno, CA 93706	kim.toepfer@ci.fresno.ca.us	559 498-1704	559 498-1700
Dave Tompkins	City of Vacaville P.O. Box 220 Elmira, CA 95625	dtompkins@ci.vacaville.ca.us	707 469-6400	707 469-6480
Jerry Troyan	Sacramento Regional County Sanitation Dist 10545 Armstrong Avenue, Suite 101 Mather, CA 95655	troyanj@SacCounty.net	916 876-6077	916 876-6160
David L. Tucker	City of Merced 678 W. 18 th Street Merced, CA 95340	Tuckerd@cityofmerced.org	209 385-6846	209 725-8775
David W. Tucker	City of San Jose Environmental Services Dept 4245 Zanker Road, Suite L San Jose, CA 95134	david.tucker@ci.sj.ca.us	408 945-3711	408 934-0491
Roger W. Turner	Eastern Municipal Water District P.O. Box 8300 Perris, CA 92572-8300	turnerr@emwd.org	909 928-3777 x 6345	909 928-6115
Karen Vargas	LACSD	kvargas@lacs.org		
Ray von Dohren	Carmel Area Wastewater District 3945 Rio Road Carmel, CA 93922	vondohren@cawd.org	831 624-1248	831 624-0811
Larry Wasserman	City of San Diego 4918 N. Harbor Drive San Diego, CA 92106	lwasserman@sandiego.gov	619 758-2370	619 758-2309
Coleen E. Weeks	City of Riverside 5950 Acorn St. Riverside, CA 92504	ceweeks@ci.riverside.ca.us	909-351-6014	

Name	Company	E-mail Address	Phone Number	Fax Number
Charles Weir	East Bay Dischargers Authority 2651 Grant Avenue San Lorenzo, CA 94580	cweir@ebda.org	510 278-5910	510 278-6547
Kris Whisenhunt	SCAP	kris@scap.occoxmail.com		
Brian Whitaker	Las Virgenes Municipal Water District 4232 Las Virgenes Road Calabasas, CA 91302	bwhitaker@lvmwd.dst.ca.us	818-251-2158	818 251-2159
David Williams	East Bay Municipal Utility District 375 - 11th Street, MS 702 Oakland, CA 94607	dwilliam@ebmud.com	510 287-1496	510 287-1351
Jay Witherspoon	CH2M HILL 155 Grand Avenue, Suite 1000 Oakland, CA 94612	jwithers@ch2m.com	510 251-2888 ext 2177	510 893-8205
Bob Witzgall	Brown and Caldwell 2701 Prospect Park Drive Rancho Cordova, CA 95670-6025	bwitzgall@brwnald.com	916 444-0123	916 635-8805

TRI-TAC SPONSOR REPRESENTATION

League of California Cities	CASA	CWEA
Phil Bobel, Rod Cruze Steve Medbery Dave Tucker Chuck Turhollow Larry Wasserman	Sharon Green, Tri-TAC Vice-Chair Layne Baroldi Jim Bewley Jim Colston Ed McCormick Margie Nellor Dave Williams	Gail Chesler Jim Clark Bob Gillette Tom Grovhoug Mike Moore Keith Smith Harry Tow Jerry Troyan Chuck Weir Dave Williams

Tri-TAC Liaison Representation

BACWA	Dave Williams
CASA	Roberta Larson; Sharon Green
SCAP	Ray Miller

COMMITTEES

AIR	LAND	WATER	
Committee Co-Chairs: Daniel McGivney & Jay Witherspoon	Committee Co-Chairs: Bob Gillette & Layne Baroldi	Committee Co-Chairs: Jim Colston & Monica Oakley Finance Subcommittee Chair: Jim Gratteau	
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Issue Paper
Sanitary Sewer Overflow General Order
BACWA Permit Committee
February 25, 2003

Purpose

The purpose of this Issue Paper is to identify those areas that require discussion among the agencies and Regional Board staff prior to making suggestions for modification to the draft documents provided by the Regional Board staff. A thoughtful and thorough discussion of these issues should lead to consensus and make the task of modifying the draft documents much easier.

Definitions

Waters of the state – means any surface water or groundwater, including saline waters, within the boundaries of the state. [Water Code, §13050. Definitions] For the purpose of the general order, “waters of the state,” should be used for consistency and shall include “receiving waters” and “streams”.

Sanitary sewer overflow (SSO) – wastewater that escapes the Permittee’s collection system, pump station, or appurtenances thereto prior to delivery to a wastewater treatment plant or wet weather treatment facility, also known as Peak Excess Flow Treatment Facilities (EBMUD sites). Also applies to spills from privately owned facilities (i.e. private lateral) if caused by the Permittee.

Combined sewer overflow (CSO) – The SIP has some language which precludes CSOs from compliance with the CTR/SIP process which should be reviewed for potential applicability on Prohibition for SSOs, i.e., if there is no Prohibition on CSOs should there be one for wet weather SSOs?

Discharger/agency/permittee (Permittee) – some dischargers (POTWs) also own collection systems, other agencies are collection system only. Water Code §13193 defines “Collection system owner or operator” means the public or private entity having legal authority over the operation and maintenance of, or capital improvements to, the sewer collection system. Suggest that the Order use the term “**Permittee**” and that it mean the same. “Permittee” is preferred to “Owner” since this could apply to private owners of laterals or collection systems not covered under this order.

Collection System – suggest that this be defined to mean only those facilities that are under the direct control of the Permittee, as defined above.

Imminently and substantially endanger human health/potential to affect human health – these phrases are used as criteria for immediate reporting of SSOs that do not reach waters of the state. Examples of this need to be provided. Perhaps it would suffice to say this means “where members of the public have ready and immediate access to the area of the SSO.”

CMOM – this term is used in the draft order and we assume it refers to the federal CMOM proposal. However, since this has not yet been adopted, the term is just going to cause confusion. When, and if, CMOM is legally adopted, the order could be amended to include it. In the meantime, it is recommended that the existing NPDES permit provision for a Treatment Facilities Evaluation Program (TFEP) should apply. Typical permit language follows:

The discharger shall implement a program to regularly review and evaluate their wastewater collection, treatment and disposal facilities in order to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the discharger’s service responsibilities. Records documenting this program shall be kept at the treatment facility and made available to the Board staff upon request. A Treatment Facilities Evaluation Program summary report discussing the status of this evaluation program, including any recommended or planned actions, shall be submitted to the Board by April 15 of each year.

This language could be modified for “permittee”, collection system specific, and reporting dates as needed.

Emergency Response Plan – the draft order refers to “CMOM overflow emergency response plan.” This is confusing for reasons cited above. There are provisions in NPDES permits for O&M Manuals and Contingency Plans. Until CMOM is legally adopted, these items should apply. Typical permit language follows:

The discharger shall review, and update as necessary, its Operations and Maintenance Manuals, annually, or within 90 days of completion of any significant facility or process changes. The report describing the results of the review process including an estimated time schedule for completion of any revisions determined necessary, and a description or copy of any completed revisions, shall be submitted to the Board as a part of the Annual Report, as described in the attached Self-Monitoring Program.

Annually, the discharger shall review and update as necessary, their Contingency Plans as required by Board Resolution 74-10. The discharge of pollutants in violation of this Order where the dischargers have failed to develop and/or adequately implement a contingency plan will be the basis for considering such discharge a willful and negligent violation of this Order pursuant to Section

13387 of the California Water Code. The discharger may include in its Contingency Plan elements to satisfy the requirements of Standard Provisions and Reporting Requirements D (Treatment Reliability) and E.5. (Spill Prevention Contingency Plans). Plan revisions, or a letter stating that no changes are needed, shall be submitted to the Board as a part of the Annual Report, as described in Section F.5, Part A, of the attached Self-Monitoring Program

The above language could be modified to apply to this Order. The Spill Prevention Contingency Plan can apply for “CMOM overflow emergency response plan.”

Notification of the Public – clarification is needed here. Who needs to be notified, how far from site, methods of notification clarified, and standards for warning signs.

Prohibition

BACWA believes that there is a distinct difference between wet and dry weather SSOs and the order should address this. For discussion purposes, BACWA suggests the following distinctions:

Dry Weather Discharge from sanitary sewer collection system to waters of the State during dry weather is prohibited.

Wet Weather Discharge from sanitary sewer collection systems to waters of the State during storm events is prohibited unless the magnitude of the storm exceeds the design capacity of the collection system.

There are several places in the prohibition document that would need to be slightly modified to accommodate this concept. The TFEP requirement also ensures that permittees are required to increase the capacity of collection systems to accommodate planned and future growth.

The key issue for discussion on wet weather is design storm size. Typically facilities are designed to meet the needs storms of 5-year magnitude. There may be regional differences and that is factored into the order by the above distinction for wet weather.

Compliance Determination

The draft documents discuss “enforcement considerations” of the prohibition. BACWA would prefer that the order take a more positive approach and discuss “Compliance Determination” first.

Demonstration of No Negative Impact

An SSO that reaches waters of the state but does not cause a negative impact on beneficial uses should not be considered a violation of the prohibition. Clearly the

burden of proof for this is the responsibility of the permittee. For the purposes of discussion, the following is suggested:

Discharges to surface waters that through the actions of the Discharger are prevented from causing negative impacts to beneficial uses are not violations of Prohibitions A.1 and A.2. However, such incidents shall be reported to the Board and the discharger shall provide documentation that beneficial uses were not impacted.

Demonstration of Sufficient Management, Operations and Maintenance Practices

If the collection system agency has a management, operations and maintenance program that is recognized as an appropriate level of effort, the agency should also be able to use this information to show that there was not a violation of the prohibition because all reasonable means were taken to prevent the overflow. For the purposes of discussion, the following language is suggested:

Discharges that could not have been prevented by reasonable means are not violations of Prohibitions A.1 and A.2. "Reasonable means" is defined as proper management, operation and maintenance, and include routine preventive operation and maintenance using established priorities based on condition assessment; substantive progress in identifying and prioritizing structural deficiencies, coupled with the respective implementation of collection system repairs or replacements, as appropriate; establishment of equipment and replacement parts inventories; and documentation of appropriate training on a regular basis.

In addition, BACWA supports the idea SSOs contained in storm drains are not a violation of the prohibition. However, storm drains are not always "pipes". They may be culverts, channels, or other conveyance mechanisms. The order should accommodate this.

Enforcement

BACWA acknowledges the responsibility of the Regional Board to take enforcement actions for violations of the prohibition. The language in the draft, "the Board will consider the efforts of the Discharger to contain, control, and clean up sewage spills from its collection system as part of its consideration of the factors required by Section 13327 of the California Water Code" is reasonable. A slight modification to refer to SSOs to be consistent may be appropriate.

SSO Monitoring

Monitoring should not be required for a spill from a private lateral or private property that is not the fault of the permittee. There may be exceptions for this if the spill is of a large

enough magnitude and the permittee is able to recover costs from the owner. This would be consistent with good public policy for most agencies.

Consideration should be given to requiring discharge sample collection and analysis only if the total estimated overflow volume exceeds a defined amount. It is impractical, extremely difficult in the instance of many of the relatively low volume overflows, to obtain a sample. Receiving water samples would most often be from storm drainage catch basins, and it may also be very difficult to sample these, especially in dry weather periods. The majority of dry weather, maintenance-related overflows are of a very low flow rate and volume – there is often no practical way to sample an overflow that may be at a 1-5 gpm rate, flowing out of a manhole onto a paved street. The response crew can often correct the problem in a few minutes upon arrival, which seems to be more prudent than spending at least that amount of time, or more, to plug a storm drain and attempt to collect a sample when the problem could have been fixed in that time.

Should prescribe exactly what constituents to analyze. The personnel that will be obtaining these samples are collection system maintenance workers - they do not have the same training, background, expertise, etc. that treatment plant workers have regarding water quality. They do not know how to sample, what to analyze samples for, etc. Consideration of development of sampling kits that can be carried on collection system vehicles and some sort of cooperative training program among the agencies may be warranted.

It may be necessary for collection system-only agencies and their treatment plant agency to work together such that proper sampling can be achieved for SSOs that are significant. The draft mentions 1000 gallons total as a threshold for certain reporting. Perhaps this can be expanded to accommodate the sampling issue as well. A time factor may need to be considered too. It would be very difficult to obtain meaningful sample results for a spill of 1000 gallons to a storm drain that occurred at the rate of 2 gpm. BACWA acknowledges that it may become a “burden of proof” issue.

Flow meters where are flow meters required for collection systems?

Reporting Requirement

BACWA supports the concepts contained in the draft reporting forms. Making the reporting system simple, yet effective is encouraged. Effective January 1, 2002 there is a new Water Code §13193, Sanitary sewer system overflow reports, which clearly applies here. [*Note: BACWA acknowledges that the State Board must allocate funding before this program kicks in.*] The language indicates that there should be developed a uniform reporting system. Has there been any effort for this?

Perhaps the order can incorporate or reference this language. The draft form appears to be pretty consistent with the water code, which requires the following:

- 1) cause of overflow – asks for detail
- 2) estimated volume
- 3) location – goal is to use GIS
- 4) date, time, duration
- 5) reached waters of the state?
- 6) Beach closure?
- 7) Response and corrective action
- 8) Ongoing investigation, reasons for, expected date of completion?
- 9) Name, address, etc.

Report is to be submitted electronically w/i 30 days electronically, if possible, consistent with the above. There is additional language related to DOHS and reports to them for spills that don't qualify for the above notification.

Discussion Items for above reporting

1. cause – consider a list of codes for common problems to make reporting easier
2. estimated volume – need clear understanding of how to do this and when does it begin. Also need to allow for “initial” estimate for reporting purposes and final estimate based on review of incident. Board review should be based on final.
3. duration – from time of call, notice by crew, how to estimate length before notice.

BACWA encourages electronic submittal of reports similar to the ERS for NPDES monthly reports.

Annual Reports BACWA concurs that the Board will review reports and look for trends and effectiveness of corrective actions. For some agencies, this may be relatively new, and it may take several years before proper assessment of trends can be made fairly.

Who is covered under this Order?

At the last meeting Board staff acknowledged that they might not have an adequate database to list all appropriate agencies or facilities. BACWA is willing to assist Board staff in this effort. The POTWs may need to be asked to provide a list of all agencies or other facilities for which they provide treatment services. Collection System-only agencies may also need to provide information as to private facilities that feed into their systems. This may include federal facilities, hospitals, universities, or major industries.

Other Issues

Next Steps and Schedule

Peak wet weather discharges from POTWs that consist of effluent routed around biological or other advanced treatment units blended together with the effluent from the biological units prior to discharge can be authorized in an NPDES permit where all of the following principles are followed:

- The final discharge meets effluent limitations based on the secondary treatment regulation (40 CFR Part 133) or any more stringent limitations necessary to attain water quality standards.
- The NPDES permit application for the POTW provides notice of, and any permit issued after the finalization of this guidance specifically recognizes, the treatment scheme that will be used for peak flow management. The treatment scheme, including designed capacity of various units, should be consistent with generally accepted practices and long-term design criteria, and designed to meet under the specified treatment scenario effluent limitations based on the secondary treatment regulation and/or any more stringent limitations necessary to meet water quality standards. The application of generally accepted practices and long-term design criteria will have generally included an evaluation of the cost-effectiveness of a reasonable range of alternatives and may require some facilities to provide additional wet weather capabilities, such as equalization and/or storage facilities, or high-efficiency physical/chemical treatment for diverted flows.
- Alternative flow routing scenarios are only used when flows exceed the capacity of storage/equalization units, biological treatment units, or advanced treatment units based on generally accepted good engineering practices and criteria under the specific circumstances described in the permit application and defined in the permit.
- The alternative treatment system chosen by the permittee for use when flows exceed the capacity of storage/equalization units, biological treatment units or advanced treatment units is operated as it is designed to be operated and in accordance with the treatment scheme reflected in the permit record and conditions set forth in the permit.
- The permit contains appropriate requirements for the collection system, including at a minimum that the permittee properly design, operate, and maintain its collection system and, for permittees that own or operate combined sewers, conditions that conform to the 1994 Combined Sewer Overflow (CSO) Control Policy.

- The permit requires effluent limitations and compliance monitoring appropriate for the peak flow treatment scheme recognized in the permit. The permit also should ensure that permittees develop good information to assess potential water quality impacts associated with effluent from the alternative treatment scenario. Information should be developed to evaluate the effectiveness of the treatment resulting from alternative flow routing scenarios and ambient levels of pollutant parameters, such as pathogens.

In situations where one or more of the above principles are not met, the intentional diversion of waste streams from any portion of a treatment facility is subject to the bypass provision. Today's guidance is not intended to modify the manner in which the 1994 CSO Control Policy addresses the approval of anticipated bypasses at POTWs served by combined sewers that do not meet the above principles.

The principles described above for defining the term treatment facility in a permit for the purposes of the bypass provision are not intended to address or apply to NPDES permit requirements for discharges from facilities other than POTW plants, portions of municipal flows that do not receive at least the equivalent of primary treatment, or the treatment of flows during dry weather conditions.

Additional considerations for permit writers addressing POTWs that use alternative peak flow treatment schemes should include:

- To the extent practicable, NPDES permit requirements for discharges of peak wet weather flows at the POTW should be developed in a manner that encourages the permittee to consider the relationship between the performance of the collection system and the performance of treatment plants serving the system.
- NPDES permit conditions that are clear and enforceable.

Under the NPDES regulations, all NPDES permits are required to contain a prohibition on bypasses consistent with or more stringent than 40 CFR 122.41(m). See 40 CFR 123.25 (note). The bypass provision at 40 CFR 122.41(m) defines bypass to mean the intentional diversion of waste streams from any portion of a treatment facility. However, the term "treatment facility" is not defined in the bypass regulation. NPDES authorities can define the term treatment facility in a specific permit to account for an alternative flow routing scenario that is consistent with generally accepted good engineering practices and

criteria for long-term design. Where all the principles identified above are followed, flows through a treatment system that is operated as designed and according to the permit would not be considered a bypass, and the permittee would not be required to make the demonstrations under 122.41(m), including a demonstration that there were no feasible alternatives to the discharge.

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we publish notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in the National Environmental Policy Act of 1969 (NEPA). A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; 49 CFR 1.46.

2. Add § 147.827 to read as follows:

§ 147.827 Marlin Tension Leg Platform safety zone.

(a) *Description.* The Marlin Tension Leg Platform (Marlin TLP), Viasca Knoll, Block 915 (VK 915), is located at position 29°06'27.46" N, 87°56'37.14" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: December 9, 2002.

Roy J. Casto,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 03-4900 Filed 2-26-03; 2:37 pm]

BILLING CODE 4910-15-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, and 401

[FRL-7456-4]

RIN 2040-AB74

Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of "Waters of the United States"

AGENCIES: U.S. Army Corps of Engineers, Department of the Army, DoD; and Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: On January 15, 2003, the Department of the Army (Army) and the Environmental Protection Agency (EPA) jointly published an Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act (CWA) regulatory definition of "Waters of the United States" (68 FR 1991). That ANPRM requests public input on issues associated with the definition of "waters of the United States" in light of the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC). It also solicits information or data from the general public, the scientific community, and Federal and State resource agencies on the implications of the SWANCC decision for jurisdictional decisions under the CWA. The input received from the public in response to the ANPRM will be used by the agencies to determine the issues to be addressed and the substantive approach for a future proposed rulemaking addressing the scope of CWA jurisdiction.

The Army and EPA sought responses to the ANPRM by March 3, 2003. In response to comments from the public requesting additional time to fully analyze the issues, gather requested information, and prepare comments, we are extending the comment period on the ANPRM to April 16, 2003.

DATES: In order to be considered, comments or information in response to the ANPRM must be postmarked or e-mailed on or before April 16, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or

through hand delivery/courier. Mail comments to: Water Docket, Environmental Protection Agency, Mailcode 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0050.

FOR FURTHER INFORMATION CONTACT: For information on the ANPRM, contact either Donna Downing, U.S. Environmental Protection Agency, Office of Wetlands, Oceans and Watersheds (4502T), 1200 Pennsylvania Avenue NW., Washington, DC 20460, phone: (202) 566-1366, e-mail: CWAwaters@epa.gov, or Ted Rugiel, U.S. Army Corps of Engineers, ATTN CECW-OR, 441 G Street NW., Washington, DC 20314-1000, phone: (202) 761-4595, e-mail: Thaddeus.J.Rugiel@HQ02.USACE.ARMY.MIL.

SUPPLEMENTARY INFORMATION: To submit comments or access the official docket, please follow the detailed instructions as provided in section I.B. of the **SUPPLEMENTARY INFORMATION** section of the January 15, 2003, **Federal Register** document (68 FR 1991). If you have questions, consult one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 21, 2003.

G. Tracy Mehan, III,

Assistant Administrator, Office of Water, Environmental Protection Agency.

Dated: February 24, 2003.

George S. Dunlop,

Deputy Assistant Secretary of the Army (Policy and Legislation), Department of the Army.

[FR Doc. 03-4768 Filed 2-27-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD-FRL-7456-3]

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: The EPA is hereby extending for 60 days the public comment period regarding the December 31, 2002 proposal proposing revisions to the regulations governing the NSR programs mandated by parts C and D of title I of

the Clean Air Act (CAA). See 67 FR 80290. The proposed changes provide a future category of activities that would be considered to be routine maintenance, repair and replacement (RMRR) under the NSR program. The changes are intended to provide greater regulatory certainty without sacrificing the current level of environmental protection and benefit derived from the program. We believe that those changes will facilitate the safe, efficient, and reliable operation of affected facilities.

DATES: *Comments.* Comments must be received on or before May 2, 2003.

ADDRESSES: *Comments.* Comments may be submitted by mail (two copies) to U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, Northwest, Room B108, Mail Code: 6102T, Washington, DC 20406, Attention Docket ID No. A-1002-04.

Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Dave Svendsgaard at (919) 541-2380, telefax (919)541-5509, E-mail: svendsgaard.dave@epa.gov or by mail at U.S. Environmental Protection Agency, OAQPS, Information Transfer and Program Integration Division, (C339-03), Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: *Comments:* This document extends the public comment period established in the **Federal Register** issued on December 31, 2002 (67 FR 80290). In that document, EPA proposed revisions to the regulations governing the NSR programs mandated by parts C and D of title I of the Clean Air Act (CAA). EPA is hereby extending the comment period, which was set to end on March 3, 2003, to May 2, 2003.

You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in section I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

a. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. A-2002-04. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

b. *E-mail.* Comments may also be sent by electronic mail (e-mail) to A-and-R-Docket@epamail.epa.gov, Attention Docket ID No. A-2002-04. In contrast to EPA's electronic public docket, EPA's email system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

c. *Disk or CD ROM.* You may also submit comments on a disk or CD ROM that you mail to the mailing address identified in section 2. These electronic submissions will be accepted in



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5554
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
FAX (916) 341-5463 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

NOTICE OF PUBLIC HEARING

PROPOSED STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS (WDRs) FOR LOW THREAT DISCHARGES TO LAND (GENERAL WDRs)

AND

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE PROPOSED GENERAL WDRs

Tuesday, April 1, 2003, 9:00 a.m.

State Water Resources Control Board
Coastal Hearing Room – Second Floor
Joe Serna, Jr. Cal/EPA Building
1001 I Street, Sacramento, CA

The purpose of this public hearing is to receive testimony on the proposed [General WDRs](#) and proposed [Negative Declaration](#) from dischargers who would be eligible for coverage under the General WDRs and from other interested parties. The State Water Resources Control Board (SWRCB) will consider the adoption of the proposed Negative Declaration and proposed General WDRs at its April 30, 2003 Board Meeting.

The adoption of the proposed General WDRs would establish statewide WDRs for discharges to land that do not pose a significant threat to ground water quality. Many of these low threat discharges have been regulated by waivers issued by the Regional Water Quality Control Boards (Regional Boards). Pursuant to the requirements of Water Code Section 13269, all Regional Board waivers expired January 1, 2003 unless they were readopted by the Regional Boards. Low threat discharges to land are defined, in general, as low volume discharges with pollutant concentrations that are less than the applicable Regional Board Water Quality Control Plan (Basin Plan) ground water quality objectives. Each Regional Board will have authority to determine the eligibility of specific discharges in its region. These proposed General WDRs do not apply to any discharge that directly or indirectly enters surface waters.

The proposed General WDRs would provide the Regional Boards with a better option to regulate certain low threat discharges, in addition to the establishment of waivers or individual WDRs. Better options are needed because waivers may provide insufficient review of these discharges and adopting individual WDRs for each low threat discharge is staff intensive and inefficient.

California Environmental Protection Agency

The following discharges to land will be eligible for regulation under the General WDRs: well development discharge, monitoring well purge water discharge ¹, boring waste discharge, water main/storage tank/hydrant flushing, pipeline/tank hydrostatic testing discharge, commercial and public swimming pool discharge, small temporary dewatering projects, small inert solid waste disposal operations, and cooling discharges.

An [initial study](#) and [environmental checklists](#) have been prepared in accordance with the California Environmental Quality Act (CEQA). It has been determined from the initial study and environmental checklists that discharges covered by and complying with the proposed General WDRs would have a less than significant impact on the public and the environment. Therefore, a proposed Negative Declaration has been prepared. This notice serves as the CEQA required notification that the SWRCB intends to adopt a proposed Negative Declaration for the General WDRs.

Oral presentations at the hearing should summarize written comments. Time limitations on oral testimony may be imposed. Parties with similar views are encouraged to make joint presentations.

Submission of Comments, Receipt of Documents, and Other Information

The review period for the proposed Negative Declaration and General WDRs will begin March 3, 2003 and end on April 2, 2003. Submittal of comments or requests for copies of the proposed Negative Declaration, General WDRs, Initial Study, and Environmental Checklists should be addressed to Adam Laputz, Program Support Unit, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100. Comments or requests for copies of the General WDRs, Negative Declaration, Initial Study, and Environmental Checklists may be submitted by fax at (916) 341-5463 or by e-mail at lapua@swrcb.ca.gov. Copies may also be requested by calling (916) 341-5554. Written comments must be received no later than 5:00 p.m. on April 2, 2003.

The [General WDRs](#), [Negative Declaration](#), [Initial Study](#), and [Environmental Checklists](#) are also available on the SWRCB's Internet web site at <http://www.swrcb.ca.gov/quality.html> (then click on "General WDRs for Low Threat Discharges to Land"). The documents may also be viewed during normal business hours at 1001 I Street, 15th Floor, Sacramento.

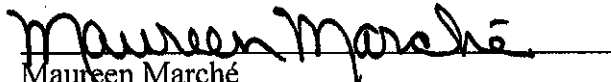
Parking and Accessibility

The [enclosed map](#) shows the location of the Joe Serna, Jr. Cal/EPA Headquarters Building. There is a parking garage across the street from the building with the entrances on 11th Street between "I" and "J" Streets, and there are limited metered parking spaces in the vicinity of the

¹ Monitoring well purge water discharges are not required to be in compliance with Basin Plan objectives as long as the purge water is discharged to land at the monitoring well facility. If monitoring well purge water is discharged to the source groundwater, the discharge will not degrade groundwater quality and therefore would be considered a 'low threat' discharge.

building. The building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5881 at least five working days prior to the public hearing date. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions regarding the public hearing, General WDRs, and proposed Negative Declaration should be directed to either Gordon Innes, Chief of the Program Support Unit, Division of Water Quality, at (916) 341-5517 or Adam Laputz at (916) 341-5554.


Maureen Marché
Clerk to the Board

Date: February 27, 2003

[Enclosure](#)