March 9, 2015

Sent via email to mliao@waterboards.ca.gov

Marcia Liao
Water Resources Control Engineer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, 14th Floor
Oakland, CA 94612

Subject: Comment Letter – Tentative Order for Las Gallinas Valley Sanitary District Sewage Treatment Plant (LGVSD) (NPDES No. CA0037851)

Dear Ms. Liao:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the Tentative Order for reissuance of the Las Gallinas Valley Sanitary District Sewage Treatment Plant (LGVSD) NPDES Permit. CASA is a statewide association representing more than 100 municipalities, special districts, and joint powers agencies that provide wastewater collection, treatment, clean energy and water recycling services to millions of Californians. Our association does not routinely comment on matters within individual regions, except in circumstances such as this, where the proposed regional action could have significant statewide implications.

Our comments relate to the proposed effluent limitations and other provisions related to toxicity. To the extent that the terms being incorporated into this individual NPDES permit could affect how other regions approach toxicity, and could impact the promulgation of a forthcoming statewide plan or policy governing toxicity, all of CASA’s members statewide have a significant interest the development and implementation of this permit. CASA has reviewed the comments of the Bay Area Clean Water Agencies (BACWA), and concurs with the technical points BACWA has raised. We also request that the Regional Water Board decline to adopt the proposed toxicity provisions which are precedential, premature and potentially in conflict with the Statewide Plan for Toxicity Assessment and Control currently under development by the State Water Board.

Adoption of a permit that contains numeric effluent limits for toxicity in advance of the promulgation of the statewide plan on this issue is inappropriate and premature. The State Water Board has been working with stakeholders, U.S. EPA and regional water boards to develop revised toxicity provisions for inclusion in a statewide water quality control plan through a public process, and release of a revised draft is expected soon for public comment. An appropriate statewide plan will replace the current patchwork of regional water board practices with a consistent and standardized approach to toxicity. Adoption of numeric effluent limits for toxicity in an individual Regional Water Board permit interferes with a significant amount of work being done at the state level.
CASA requests that the chronic toxicity limits contained in the tentative permit be removed and replaced with a narrative chronic toxicity limit and triggers, at least until such time as there is a comprehensive statewide toxicity plan to govern those terms.

We appreciate the opportunity to provide comments on the tentative permit, and feel free to contact me at alink@casaweb.org or (916) 446-0388 if you have any additional questions or concerns.

Sincerely,

Adam D. Link
CASA Director of Government Affairs