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## San Francisco Bay Regional Water Quality Control Board

Sent by email only ([bhenderson@sfgwater.org](mailto:bhenderson@sfgwater.org))  
Confirmation of receipt requested

November 29, 2017  
File CW-256498

City and County of San Francisco  
San Francisco Public Utilities Commission / Wastewater Enterprise  
ATTN: Brian Henderson, Acting Assistant General Manager Wastewater Enterprise  
525 Golden Gate Ave., 13th Floor  
San Francisco, CA 94102

**Subject: Clarification of Monitoring Requirements and Requirement for Information,  
City and County of San Francisco, Oceanside Water Pollution Control Plant,  
Order No. R2-2009-0062, NPDES Permit CA0037681**

Dear Mr. Henderson:

This letter clarifies existing monitoring requirements contained in Order No. R2-2009-0062 (Permit) and prescribes additional monitoring and reporting requirements pursuant to Water Code sections 13267 and 13383. The City shall begin to submit the additional information required below no later than **January 1, 2018**, and report the information with self-monitoring reports as described in the Permit until this requirement for information is rescinded or the Permit is reissued.

### Clarification of Monitoring Requirements

This letter clarifies that the plant influent and effluent monitoring requirements contained in Permit Attachment E – Monitoring and Reporting Program (MRP), sections III and IV.A, apply on all days of the week. MRP section XI.B.3 defines all monitoring periods to include weekdays and weekends, including the weekly sampling period (e.g., “5/week” monitoring periods begin on Sunday and extend through Saturday). Furthermore, Permit Attachment G – Regional Standard Provisions and Monitoring and Reporting Requirements, section III.A.3.a, require the City to collect influent samples on varying days selected at random and effluent samples to be collected on days coincident with influent sampling. Finally, the influent and effluent monitoring requirements contained in MRP sections III and IV.A apply during dry and wet weather (e.g., samples collected five times per week may be collected on dry or wet days, or both, depending on the circumstances).

### Additional Information Required

1. We require the City to monitor and report dry and wet weather influent and effluent separately at the monitoring locations described in Table 1. This distinction is necessary to characterize dry and wet weather discharges, clearly delineate data in the CIWQS database, evaluate compliance with the Permit’s dry weather effluent limitations and U.S. EPA’s *Combined Sewer Overflow (CSO) Control Policy* (1994), and determine whether a “wet weather day” has occurred as defined in Permit Attachment A.

**Table 1. Monitoring Locations**

Monitoring Location Name	Monitoring Location Description
INF-001A	During dry weather, any point in the treatment plant headworks where all waste tributary to the treatment system is present and preceding any phase of treatment, and exclusive of any return flows or process side streams that would significantly impact the quantity or quality of the influent (same as Monitoring Location INF-001* during dry weather).
INF-001B	During wet weather, any point in the treatment plant headworks where all waste tributary to the treatment system is present and preceding any phase of treatment, and exclusive of any return flows or process side streams that would significantly impact the quantity or quality of the influent (same as Monitoring Location INF-001* during wet weather).
EFF-001A	During dry weather, any point at the plant following all phases of treatment and prior to contact with the receiving water at Discharge Point No. 001 (same as Monitoring Location EFF-001* during dry weather).
EFF-001B	During wet weather, any point at the plant following all phases of treatment and prior to contact with the receiving water or any effluent from the Westside Wet Weather Facilities at Discharge Point No. 001 (same as Monitoring Location EFF-001* during wet weather).

\* MRP Table E-1 defines Monitoring Locations INF-001 and EFF-001.

- Although the influent and effluent monitoring requirements contained in MRP sections III and IV.A apply during both dry and wet weather, we further require the dry weather monitoring set forth in Table 2 (i.e., at Monitoring Location EFF-001A). This dry weather monitoring is necessary to evaluate compliance with the Permit's dry weather effluent limitations and to ensure sufficient data to conduct a reasonable potential analysis during the next permit reissuance.

**Table 2. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Method
Grease and Oil <sup>[1]</sup>	mg/L	C-24	1/Quarter	[6]
Turbidity	NTU	C-24	1/Quarter	[6]
Total Ammonia	mg/L as N	C-24	1/Quarter	[6]
Chronic Toxicity <sup>[2]</sup>	TUc	C-24	1/Quarter	[6]
Mercury <sup>[3]</sup>	µg/L	C-24	1/Month	[6]
TCDD Equivalents	µg/L	C-24	1/Year	[6]
Table B Inorganic Pollutants <sup>[4]</sup>	µg/L	C-24	1/Quarter	[6]
Remaining Table B Pollutants <sup>[5]</sup>	µg/L	C-24	1/Year	[6]

Abbreviations:

mg/L = milligrams per liter  
 mg/L as N = milligrams per liter as nitrogen  
 TUc = chronic toxicity units  
 µg/L = micrograms per liter

Sample Types and Frequencies:

C-24 = 24-hour composite sample  
 1/Month = once per month  
 1/Quarter = once per quarter  
 1/Year = once per calendar year

Footnotes:

[1] Grease and oil samples shall consist of three grab samples taken at 8 hour intervals during the sample day, with each grab being collected in a glass container and analyzed separately. Results shall be expressed as a weighted average of the three results, based on the instantaneous flow rates at the time each sample was collected.

- [2] Samples for whole effluent toxicity tests shall be collected coincident with routine composite effluent samples. Refer to MRP section V for whole effluent toxicity testing requirements.
- [3] The City may, at its option, sample effluent mercury either as grab or 24-hour composite samples.
- [4] The Table B inorganic pollutants are those inorganic constituents listed in Ocean Plan Table B, excluding mercury.
- [5] The remaining Table B pollutants are the pollutants listed in Ocean Plan Table B, excluding those pollutants with monitoring requirements established elsewhere in this table (i.e., inorganics, mercury, and chronic toxicity) and radioactivity. Because effluent is not chlorinated, chlorine is also excluded.
- [6] The City shall analyze pollutants using the analytical methods described in 40 C.F.R. part 136. The methods shall meet the lowest minimum levels (MLs) specified in Ocean Plan Appendix II. For TCDD congeners, the City shall use U.S. EPA Method 1613 and the MLs specified in MRP Table E-3.

We make this enforceable requirement for information pursuant to Water Code sections 13267 and 13383. The requirement will not place an undue burden on the City relative to the water quality protection to be derived from the required information because the monitoring required herein is comparable to that the Permit requires, and the information is necessary to monitor impacts to receiving waters to ensure protection of beneficial uses. Water Code section 13267 allows the Regional Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. The attachment provides additional information about section 13267 requirements. Water Code section 13383 allows the Regional Water Board to require any person who owns or operates a publicly-owned treatment works to establish and maintain monitoring equipment or methods, sample effluent as prescribed, and provide other information as may be reasonably required.

If you have any questions regarding this matter, please contact Jessica Watkins at (510) 622-2349 or [jessica.watkins@waterboards.ca.gov](mailto:jessica.watkins@waterboards.ca.gov).

Sincerely,

Bruce H. Wolfe  
Executive Officer

Enclosure: 13267 Fact Sheet

Copy to: Laura Pagano, SFPUC, [lpagano@sflower.org](mailto:lpagano@sflower.org)  
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San Francisco Bay Regional Water Quality Control Board

## Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

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### **What does it mean when the Regional Water Board requires a technical report?**

Section 13267<sup>1</sup> of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

### **This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?**

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

### **Are there limits to what the Regional Water Board can ask for?**

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its requirement.

### **What if I can provide the information, but not by the date specified?**

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

### **Are there penalties if I don't comply?**

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

### **Do I have to use a consultant or attorney to comply?**

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

### **What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?**

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

### **If I have more questions, whom do I ask?**

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

*Revised March 2014*

<sup>1</sup> All code sections referenced herein can be found by going to <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.