

Attachment 11

**Staff Report Summary prepared for San Francisco Bay Regional Water Quality Control
Board Hearing on September 11, 2019**

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

STAFF SUMMARY REPORT (Jessica Watkins)
MEETING DATE: September 11, 2019

ITEM: 7

SUBJECT: **City and County of San Francisco, Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project, San Francisco, San Francisco County – Reissuance of NPDES Permit**

CHRONOLOGY: August 2009 – Permit reissued

DISCUSSION: This Revised Tentative Order (Appendix A) would reissue the NPDES permit for discharges from San Francisco’s Oceanside Water Pollution Control Plant, wastewater collection system, and new Westside Recycled Water Project. These facilities collect, treat, and discharge residential, commercial, and industrial wastewater from the western parts of San Francisco. The recycled water project will use treatment plant effluent to produce recycled water and offset potable water consumption.

The treatment plant has a dry weather design capacity of 43 million gallons per day (MGD) and discharges to the Pacific Ocean through a deepwater outfall more than three nautical miles from shore, beyond State territorial waters. Because San Francisco operates a combined sewer system, it uses a single sewer system to collect sanitary wastewater and urban runoff during dry weather, and sanitary wastewater and stormwater during wet weather. During dry weather, San Francisco typically provides secondary treatment for about 11 MGD of combined wastewater. When storms increase flows above about 43 MGD, San Francisco continues to provide primary treatment for up to 65 MGD. During exceptional storms, San Francisco provides “equivalent-to-primary” treatment for additional flows. When flows exceed about 175 MGD, San Francisco sometimes discharges “equivalent-to-primary” treated wastewater through a number of nearshore outfalls.

The Westside Recycled Water Project is expected to produce an annual average recycled water flow of 1.6 MGD, with peak deliveries of up to 4 MGD during summer. The project will employ membrane filtration, reverse osmosis, and ultraviolet (UV) light disinfection. Wastewater from the reverse osmosis process will be mixed with treatment plant effluent prior to discharge.

Since this permit covers discharges to both State and federal waters, we have worked closely with U.S. EPA to facilitate joint reissuance. The Revised Tentative Order updates the permit’s discharge requirements consistent with U.S. EPA’s *Combined Sewer Overflow (CSO) Control Policy*. Most significantly, it requires San Francisco to update its “Long-Term Control Plan” to consider options to eliminate, relocate, or reduce the magnitude or frequency of nearshore discharges.

We received numerous comments from San Francisco and members of the public regarding a draft order circulated for review. Copies of comment letters are available upon request from Jessica Watkins at the Regional Water Board (jwatkins@waterboards.ca.gov, 510-622-2349) or Becky Mitschele at U.S. EPA Region IX (mitschele.becky@epa.gov, 415-972-3492). Appendix B contains a summary of the comments and our responses.

Members of the public are concerned about the impacts of sewer overflows from the combined sewer system on homes and businesses, and generally support new requirements to report such overflows. We and U.S. EPA take these concerns seriously and are discussing potential solutions with San Francisco. The Revised Tentative Order retains requirements to (1) ensure that wet weather operations minimize the frequency, volume, and duration of these overflows; (2) submit a report that describes the location, frequency, and characteristics of these overflows for at least the last 10 years, and considers the impacts of climate change and sea level rise; and (3) report these overflows through the statewide CIWQS database.

San Francisco submitted numerous comments and supporting documents. Most significantly, San Francisco questions U.S. EPA and Board authority to require the Long-Term Control Plan update. San Francisco argues that the requirement is contrary to law and unsupported by available facts and prior findings made by U.S. EPA and the Board. As explained in our Response to San Francisco Comment B.7, we disagree. There are several legal bases for the requirement, including but not limited to federal regulations, the *Combined Sewer Overflow (CSO) Control Policy*, and State Water Board Order No. WQ 79-16. Moreover, the requirement is consistent with U.S. EPA guidance and requirements imposed in consent decrees for other combined sewer systems. Furthermore, not only have the facilities changed since constructed, but recreational use patterns can also change and we have only begun to understand the potential impacts of climate change. San Francisco also has additional changes underway or planned for the near future as part of its Sewer System Improvement Program. The Revised Tentative Order retains the Long-Term Control Plan update requirement with many revisions similar to as proposed by San Francisco (see our Responses to San Francisco Comments A.20 through A.27). Of note, the Revised Tentative Order consolidates several Long-Term Control Plan Update tasks and extends several compliance dates. The tasks are detailed and concrete, although they also provide flexibility for San Francisco to determine the precise means of compliance.

San Francisco also objects to a receiving water limitation that would prohibit discharges that cause or contribute to violations of water quality standards, and to an existing prohibition against discharges creating pollution, contamination, or nuisance. San Francisco argues that these requirements are inconsistent with applicable law and unsupported by facts. San Francisco is also concerned that the requirements create uncertainty and to-be-determined liability. As explained in our Response to San Francisco Comment B.1, we disagree. We do not propose revisions because the proposed requirements are consistent with the Clean Water Act, the *Combined Sewer Overflow (CSO) Control Policy*, NPDES regulations, State water quality standards, and State law. Furthermore, the receiving water limitation and discharge prohibition serve as backstops in the event that the effluent limitations and other provisions in the permit prove to be inadequate. The same receiving water limitation appears in nearly all NPDES permits in the Region including San Francisco's NPDES permit for the wastewater facilities in the eastern portion of San Francisco. Similarly, the discharge prohibition has been in nearly all NPDES permits in the Region since 1993, including San Francisco's previous permits. When the Board most recently updated its Regional Standard Provisions through Order No. R2-2017-0042, it retained this provision.

We expect San Francisco and members of the public to reiterate their concerns at the hearing.

RECOMMEN-
DATION: Adoption of the Revised Tentative Order

FILE: CW-256498

APPENDICES: A. Revised Tentative Order
B. Response to Comments