6/21/06 BdMtg Item ___
Chlorine Policy
Deadline: June 5, 2006
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From: "Setoodeh, Steve" <SSetoodeh@eid.org>
To: <commentletters@waterboards.ca.gov>
Date: Mon, Jun 5, 2006 5:35 PM
Subject: Chlorine Policy Comments

Song Her, Clerk to the Board

State Water Resources Control Board

Executive Office

1001 I Street, 24th Floor

Sacramento, CA 95814

Fax: (916) 341-5620

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Subject: Comments on the California State Water Resources Control Board (SWRCB)

Proposed Total Residual Chlorine and Chlorine-Produced Oxidants Policy

Dear Ms. Her:

The El Dorado Irrigation District appreciates this opportunity to provide our comments on the draft "Total Residual Chlorine and Chlorine-Produced Oxidants Policy" (Chlorine Policy) released for stakeholder comment in April 2006.

El Dorado irrigation District is a public utility district supplying potable water to approximately 100,000 people in western slopes of Sierra Nevada Mountains and irrigation water to agricultural customers. We, also, provide wastewater, recycled water, hydroelectric, and recreation services. The district uses chlorine to disinfect our drinking water, recycled water, and treated wastewater to protect public health.

Background Information

The District occasionally has to discharge treated (chlorinated) drinking water into public storm water collection systems or other surface drainage systems as a part of routine maintenance (such as line

flushing, and hydrostatic testing),and sometimes on an emergency basis due to water line ruptures or accidental discharges at water treatment facilities. During scheduled discharge, the District dechlorinates all waters prior to discharge.

At the September 2005 Stakeholder Meetings held in Oakland and Los Angeles, SWRCB staff, SWRCB Board Members and stakeholders discussed the first draft of the Chlorine Policy. Participants at the Los Angeles meeting heard a presentation by Metropolitan Water District of Southern California (MWD) describing the technology limitations that made it infeasible for potable water discharges to comply with the proposed Chlorine Policy numeric effluent limits. Both the State Water Board members and the SWRCB staff indicated they understood the issues facing drinking water utilities and staff would provide language in the revised Chlorine Policy and Substitute Environmental Document (SED) excluding potable water discharges from the Chlorine Policy. They indicated that these types of discharges would continue to be regulated under the Municipal Separate Storm Sewer System (MS4) Permits and Regional Water Quality Control Board (RWQCB) General Permits, which would have been acceptable to the groups participating in the meeting.

Association of California Water Agencies and other drinking water agencies provided comments to the SWRCB staff to help ensure that the language included in the second draft of the Chlorine Policy accomplished what had been promised by the SWRCB staff at the September 29, 2005 Stakeholder Meeting.

When the April 2006 draft Chlorine Policy was released for public comment, many of us stakeholders were troubled to read that the new draft would unfortunately capture almost all drinking water dischargers. The new draft language would include discharges from drinking water utilities if operating under an NPDES permit (such as the various RWQCB General Permits for Potable Water Discharges or De Minimus Discharges). The SWRCB staff reiterated that drinking water utilities were not intended to be part of the policy and gave evidence of their intention by a lack of cost estimates for drinking water utilities to comply with the Chlorine Policy in the Economic Analysis.

While we have been working cooperatively with the SWRCB staff to find a solution, we are concerned over conflicting comments made by SWRCB staff indicating that language would be inserted requiring potable water dischargers to prove to their respective Regional Boards they could not feasibly adhere to the Chlorine Policy when staff and the SWRCB Board has already acknowledged drinking water utilities were never supposed to be included under the Policy's requirements. In addition, the original intent of the Chlorine Policy was to create a consistent chlorine policy for California, which would not result from deferring feasibility decisions to the Regional Boards.

We are extremely concerned by the proposed draft Chlorine Policy since drinking water utilities are currently included under its restrictions and simply cannot dechlorinate to the level that is required in the policy document. We, as well as other drinking water utilities, do not have stationary treatment facilities and must dechlorinate in the field using Best Management Practices (BMPs) and Best Available Technology Economically Achievable (BAT). There is no field monitoring equipment available that will detect total residual chlorine to the proposed Chlorine Policy dechlorination level of 0.019 mg/L (1-hr average, freshwater). Additionally, there are no field devices that can ensure precise dechlorination to that stringent level. Water utilities, instead, are regulated under MS4 Permits and RWQCB General Permits to ensure that potable water discharges do not impact water quality. Under these permits, water utilities are required to implement Best Management Practices (BMPs) or meet numeric effluent limits that are based on BAT to reduce the discharge of total residual chlorine to the maximum extent practicable (MEP). Consistent and effective BMPs and BATs have been developed for the state of California and are used by many water agencies throughout the state.

Conclusions and Recommendation

While EID appreciates the efforts made by the SWRCB staff to work with affected water utilities on compromise language that would be agreeable to all parties, we continue to have the following issues with the Chlorine Policy:

* Since the first draft of the Chlorine Policy was published, potable water dischargers were given assurances by SWRCB staff that they were not included in this policy and would instead be regulated by their existing permits.
* Potable water utilities were not included in the Economic Analysis for the Chlorine Policy; further demonstrating there was no intent to include drinking water activities.
* SWRCB staff has also agreed that regulation of potable water discharges through BMPs and BATs is the only feasible option.
* Even with the repeated acknowledgement that the SWRCB understood the infeasibility of drinking water utilities' ability to adhere to the policy, the draft Chlorine Policy released in April 2006 and proposed for adoption includes potable water dischargers.
* ACWA has been given only anecdotal evidence as to why, if the SWRCB does not intend to capture potable water under this policy, the State Board is not able to exempt them from the policy.
* While the Chlorine Policy is designed to create statewide consistency, the language is confusing and could result in several different interpretations if adopted as currently written.
* Lastly, ACWA also represents POTWs throughout the state and

supports the concerns addressed in the California Association of Sanitation Agencies (CASA) comment letter.

- If it is in fact determined that a categorical exemption for potable water discharges is not legally allowable, then language that otherwise accomplishes this stated goal must be developed. It is our belief that this can be resolved and we have been working to that end since the second draft of the Chlorine Policy was published in April 2006. However, the aforementioned issues will take time to resolve and as a result we urge the SWRCB not to take action on this policy during the Public Hearing on June 19th. We are committed to a collaborative process that will best serve the needs of our member agencies and statewide water quality.

If you have any questions regarding the comments presented in this letter, please contact me at (530) 642-4129.

Sincerely,

Steve

Steve Setoodeh, Ph.D., P.E.

Director, Facilities Management Dept.

El Dorado Irrigation District

(530) 642-4129

CC: <DaveB@ACWA.com>