Message

From: Piziali, Jamie [Piziali.Jamie@epa.gov]
Sent: 7/24/2018 9:12:57 PM
To: Bill.Johnson@waterboards.ca.gov
CC: Smith, DavidW [Smith.DavidW@epa.gov]; Thomas.Mumley@waterboards.ca.gov; Robert.Schlipf@waterboards.ca.gov; Kloss, Christopher [Kloss.Christopher@epa.gov]
Subject: RE: Blending Rule Thoughts

Hi Bill –

We wanted to schedule time to discuss your input below.

I've checked out our calendars here at EPA and the following times would work for us to schedule a call.

Would any of these times work with your schedules?
Friday July 27 - 11am PT (2pm ET)
Tuesday July 31 - 11am PT (2pm ET)
Wednesday Aug 1 - 10am PT (1pm ET)

Thanks!
Jamie

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From: Johnson, Bill@Waterboards [mailto:Bill.Johnson@waterboards.ca.gov]
Sent: Monday, June 18, 2018 4:38 PM
To: Kloss, Christopher <Kloss.Christopher@epa.gov>
Cc: Schlipf, Robert@Waterboards <Robert.Schlipf@waterboards.ca.gov>; Mumley, Thomas@Waterboards <Thomas.Mumley@waterboards.ca.gov>; Smith, DavidW <Smith.DavidW@epa.gov>
Subject: Blending Rule Thoughts

Hi Chris,

Our EPA Region IX comrades suggested we contact you regarding the blending rule under development. We're happy to offer some suggestions based on our experience, and, if you think it would be helpful, we welcome you to contact us to discuss any of this further.

First, I represent the San Francisco Bay Regional Water Quality Control Board, one of nine regional water quality agencies in California. We are a state agency with a regional jurisdiction. We implement the Clean Water Act with respect to NPDES permits here in the San Francisco Bay region. In doing so, our Board has pre-approved "blending" in about 13 NPDES permits. As you know, the word "blending" can mean different things to different people. For us, we mean bypassing biological treatment during wet weather and "blending" primary-treated effluent with biologically-treated effluent prior to discharge. We assume your new rule would define blending similarly.

Although we continue to refine our approach to permitting POTWs that blend during wet weather, in a nutshell, we focus squarely on the federal standard provisions related to bypass in 40 CFR 122.41(m)(4). When POTWs apply for

permit reissuance, they notify us of their need to blend (satisfying the 10-day notice requirement); they explain how blending is necessary to prevent loss of life, personal injury, or severe property damage; and they identify all feasible actions they can implement within the next 5-year permit term to avoid or minimize blending. We then incorporate these findings into our permits and approve blending for the new permit term, with conditions. Typical conditions include maximizing biological treatment and using all available equalization and storage, meeting all effluent limits, and complying with provisions listing all feasible actions that can be taken during the next permit term.

I've attached a recent permit (Order No. R2-2018-0003) to illustrate our approach. I've also attached the full package that our Board considered, including the comments and responses on the draft permit. You might find some of the comments and responses helpful—or at least amusing—as you embark on your rulemaking. I specifically recommend looking at pp. 140-153, 166, and 168-172 of the 174-page pdf.

We've learned a few things as our approach has evolved. One of the most important lessons we've learned is to avoid conflating "blending" with "secondary treatment." We used to say "blending" involved bypassing "secondary" treatment, but this caused considerable confusion. Because we continued to impose effluent limits based on the secondary treatment standards, when dischargers complied with those limits they could argue that they had not bypassed secondary treatment. We are now very careful to say that "blending" involves bypassing the "biological" treatment units. We keep the bypass rule and secondary treatment rule separate and independent.

Another important consideration relates to how much of a POTW's collection system is covered within the NPDES permit. While we acknowledge that a POTW includes its collection system, for practical reasons we rarely name all satellite collection system agencies as co-permittees. However, the smartest alternatives to reduce blending often target infiltration and inflow within the collection systems. Over-building storage and biological treatment capacity may be unreasonable when collection system infiltration and inflow problems continue to grow. We prefer that POTWs implement feasible alternatives that focus on their collection systems, especially since these actions often reduce sanitary sewer overflows too. We name satellite collection system agencies as co-permittees when a POTW blends frequently and has already built out its storage and treatment capacity. Doing so allows us to impose actions that focus on reducing wet weather flows within the collection systems. For example, we consider adoption of a private sewer lateral ordinance to be a feasible action a collection system agency can take to significantly reduce infiltration and inflow over time. To require collection system agencies to adopt such ordinances as a condition of our approval of blending, we must these agencies as co-permittees them within the permit. Of course, we exercise a lot of discretion in naming collection system agencies because, in some cases, POTWs blend infrequently and can implement other meaningful measures to reduce wet weather flows. In such cases, naming the satellites is often not worth the considerable pushback we would likely receive.

By the way, when flows that already meet secondary treatment standards are routed around advanced treatment (e.g., filtration following biological treatment), we generally treat the situation differently. We typically use the word "diversion" for this so we don't get tied up in knots with the "bypass" requirements of 40 CFR 122.41[m]. We don't always expect full advanced secondary treatment during wet weather.

These are just some quick preliminary thoughts about blending. It probably should go without saying that I recommend that EPA keep things simple. The more complicated the rule is, the more there will be to challenge. Focusing on the federal standard provisions in 40 CFR 122.41(m) has been working very well for us. I hope your process goes smoothly for you, and, as I said above, please feel free to contact me if you think I can help in any way.

Bill Johnson
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