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October 1, 2019

Tomas Torres
Director, Water Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
torres.tomas@epa.gov

Dear Director Torres,

On behalf of the San Francisco Public Utilities Commission (SFPUC), I am writing to inquire about the status of the Oceanside National Pollutant Discharge Elimination System Permit (#CA0037681) (Permit). As you know, the Permit is co-issued by the U.S. Environmental Protection Agency (EPA) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). The Regional Board adopted the permit on September 11, 2019. At the adoption hearing, an EPA representative testified that the Agency "worked closely with" the Regional Board and reiterated "EPA's support for the [Permit]." However, it has now been 20 days since the Regional Board hearing and it appears there is confusion within EPA over the status of the Permit, who may be authorized to meet with the SFPUC to discuss our concerns, and how and when the Permit may ultimately be issued.

At this point, our understanding is that the Permit is currently being reviewed by the EPA Office of Water in Washington, DC. Can you please confirm that is correct? If so, why would the Permit be subject to further review by the Office of Water, given EPA's testimony on September 11 that it supported the Permit as written? We question whether review by the Office of Water at this point is inconsistent with the NPDES permitting regulations and EPA's standard practices.

SFPUC has significant concerns with the Permit, as expressed in our May 20, 2019 comments and a September 9, 2019 letter (*attached*). We respectfully requested an opportunity to meet with EPA – before it adopts the Permit – to work through our concerns. *See* Email from SFPUC to M. Stoker, EPA Region 9, Regional Administrator, September 19, 2019 (*attached*).

The delay in the adoption of the Permit may be related to the September 26, 2019, letter from Administrator Wheeler (*attached*), which made numerous inaccurate statements about San Francisco and its combined sewer system. Notably, the letter included statements that are inconsistent with the findings and the terms of the Permit. We are available at your convenience to explain in detail why those statements are inaccurate.

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OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

We hope that the Office of Water is reviewing the permit because EPA agrees that there are significant national implications associated with the terms in the Permit, and that it is evaluating options to resolve those issues via application of a clear and nationally consistent approach that would be incorporated into the final Permit terms. We welcome the opportunity to meet with the Office of Water to discuss this permit in the context of nationwide impacts on combined sewer systems.

The SFPUC values its working relationship with the EPA; we believe collaborative work on the Permit will ensure the continued protection of the water quality of the Pacific Ocean and San Francisco Bay. I look forward to the opportunity to discuss finalization of the Permit with you in more detail.

Sincerely,

Greg Norby
Assistant General Manager
Wastewater Enterprise
San Francisco Public Utilities Commission

Attachments (3)

cc: Sylvia Quast, U.S. Environmental Protection Agency
Ellen Blake, U.S. Environmental Protection Agency
Elizabeth Sablad, U.S. Environmental Protection Agency
Becky Mitschele, U.S. Environmental Protection Agency
Bill Johnson, San Francisco Bay Regional Water Quality Control Board
Jessica Watkins, San Francisco Bay Regional Water Quality Control Board