



David R. Williams
Tri-TAC Chair
EBMUD
375 11th Street
Oakland, CA 94612
(510) 287-1496
dwilliam@ebmud.com

May 20, 2002

Mr. Kevin Weiss
U.S. Environmental Protection Agency
Office of Wastewater Management, Water Permits Division
1200 Pennsylvania Avenue, N.W.
7th Floor, ICC Building, Mail Code: 4203M
Washington, DC 20460

Dear Kevin:

SUBJECT: COMMENTS OF THE DRAFT MEMORANDUM "NPDES REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS"

Tri-TAC appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) December 21, 2001 draft memorandum titled, "NPDES Requirements for Municipal Wastewater Treatment During Wet Weather Conditions." Tri-TAC is a California-based technical advisory committee comprised of members from public agencies and other professionals responsible for wastewater treatment. Tri-TAC is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association, and the League of California Cities. The constituency base for Tri-TAC treats and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California. The following comments are presented for your consideration prior to finalizing the memorandum.

This letter provides comments on the third item in the memorandum - - Wet weather treatment scenarios at POTW treatment plants. Tri-TAC believes that this issue is critical and should be discussed and resolved through EPA guidance. Tri-TAC recommends that the first two items in the memorandum, "Discharges from emergency overflows" and "Discharges from PEFTFs", continue to be discussed and ultimately resolved through the pending EPA Sanitary Sewer Overflow (SSO) Regulations.

Vice Chair
Sharon Green
Sanitation Districts of Los Angeles County
P.O. Box 4998
Whittier, CA 90607
(562) 699-7411 ext. 2503
sgreen@lacsdc.org

Water Committee Co-Chairs
Monica Oakley
Larry Walker Associates
250 Lafayette Circle,
Suite 200
Lafayette, CA 94549
(925) 962-9700
monicao@lwa.com

Jim Colston
Orange County Sanitation District
P.O. Box 8127
Fountain Valley, CA 92728
(714) 593-7458
jcolston@ocsd.com

Air Committee Co-Chairs
Daniel McGivney
Eastern Municipal Water District
P.O. Box 8300
Perris, CA 92572
(909) 928-6177
dmcgivney@emwd.org

Jay Witherspoon
CH2M Hill
1111 Broadway, #1200
Oakland, CA 94607
(510) 251-2888
jwithers@ch2m.com

Land Committee Co-Chairs
Layne Baroldi
Orange County Sanitation District
P.O. Box 9127
Fountain Valley, CA 92728
(714) 593-7456
lbaroldi@ocsd.com

Bob Gillette
Carollo Engineers
2500 Venture Oaks Way,
#320
Sacramento, CA 95833
(916) 565-4888
rgillette@carollo.com

Blending: A Critical Tool for Treating Peak Wet Weather Flows.

The use of blending is absolutely essential for many Publicly Owned Treatment Works (POTWs) to treat wet weather flows and still meet secondary effluent limitations. A recent survey of AMSA members found that a large number of members operate facilities that are designed to utilize a blending process during peak flow conditions. Blending enables POTW operators to maximize the amount of wet weather flow that can be treated while fulfilling their important obligation to protect the treatment plant from property and treatment process damage.

During wet weather conditions, the treatment plant receives and treats flow volumes many times greater than normal dry weather flows. Collection systems and treatment plants were not designed to store and treat this excess flow, and it would be both inefficient and technologically infeasible and very expensive to redesign these facilities to accommodate all wet weather conditions. Thus the POTW is placed in a no-win situation. An operator who decides to force more flow through the plant than it is designed for, risks biological washout and extended treatment process failure. If the operator decides to protect the plant and not accept additional flow, he/she risks increased overflows from the collection system, basement flooding, and a potentially significant bypass around the entire treatment process. Other options, such as wet weather treatment facilities, do not provide the same level of treatment as that available at a POTW. In fact, EPA had to determine that primary effluent blending operations are appropriate wet weather flow management options in granting federal funds under the Construction Grants Program to build these facilities. These blending facilities were then incorporated into the plant operations and the NPDES permits. For these reasons, blending has always been used as a reasonable means for enabling POTWs to provide treatment to wet weather flows that achieves discharge standards and protects the plant processes.

Tri-TAC's General Comments on Draft Blending Policy

In general, Tri-TAC believes that the Agency is on the right track with its draft blending policy. We agree that the ultimate objective for POTWs during wet weather conditions is to meet secondary treatment standards and to protect the plant from wash-out and other types of wet weather-related damage. In accordance with this objective, the operator should continue to have the flexibility to change the treatment plant's internal process flows as required. Tri-TAC believes that the draft blending policy strikes the appropriate balance between these objectives, and affords the needed operational flexibility to maximize treatment. There are, however, certain areas where the draft policy should be strengthened and clarified prior to finalization.

We presume the purpose of EPA's memo is to provide guidance; additional specificity is necessary to avoid misinterpretation of the intent of EPA's bypass provisions by state permit writers. Tri-TAC contends that NPDES regulations do provide flexibility for permit writers to allow designed-in intentional diversion of wastewater around a treatment unit without triggering bypass, while meeting secondary discharge standards.

Specific Comments on Draft Blending Policy

Definition of Terms

Tri-TAC suggests that the use of terms such as “generally accepted practices and design criteria” (Principle #2) and “generally accepted good engineering practices and criteria” (Principle #43) be clarified through guidance. For example, it is not clear in the draft policy which entity will make the subjective determination of what qualifies as “generally accepted.” Tri-TAC understands that EPA is in the process of developing guidance to provide further clarification on how these terms will be applied in the field. Tri-TAC requests the opportunity to review and provide comments on this guidance when it is released as a draft or before finalized.

Introductory Paragraph #1

Tri-TAC notes that POTWs use blending during certain peak flow events to protect not only biological units, but also other units from damage. Additionally, since there is no documentation from the promulgation of the bypass provisions indicating that the bypass rule was intended to preclude the use of blending as a wet weather flow management option, we recommend the second sentence of the first paragraph be revised to reflect this broader use of blending as follows:

“Peak wet weather discharges from POTWs that are comprised of effluent routed around *one or more* treatment units together with the effluent from the biological units prior to discharge could be approved... .”

Principle #3

Tri-TAC is concerned about the practical implications of requiring the exceedance of capacity in these various units as a precursor to using blending. We cautioned that EPA

1. Clarify that having or building storage/equalization facilities is not a prerequisite to authorizing blending. Consistent with EPA guidance, where I/I is not excessive, reference 40 CFR Part 35.2005 (b)(29) (...flow which does not result in a total flow rate of more than 275 gallons per capita per day), additional storage capacity should not be required. Furthermore, such facilities may be unnecessary as Tri-TAC believes that the trigger to blend in most facilities is more dependent on the status of the secondary microorganisms than on strict hydraulic capacity.
2. Revise principle No.3 to include the term “or” *Alternative flow routing scenarios are only used when flows exceed the capacity of storage/equalization units and “or” biological units...* This revision clarifies that building storage/equalization was not EPA’s intention in this provision.
3. Provide greater flexibility in principle No.3, as stated in the draft letter, “Alternative flow routing scenarios are only used when flows exceed the capacity of existing or planned storage/equalization units and biological treatment units based on generally accepted good

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engineering practices and criteria under the specific circumstances described in the permit application and defined in the permit.” In many cases, storage/equalization units are designed to be used *after* blending to protect public health and receiving waters from untreated SSOs. We feel this practice, if it is a part of a prudently designed wet weather flow management strategy, should be allowed to continue.

Tri-TAC appreciates EPA’s consideration of the above comments. We would be happy to meet with staff to discuss Tri-TAC’s recommendations. Please contact me at 510/287-1496

Sincerely,

A handwritten signature in cursive script that reads "Ben Horenstein, for". The signature is written in black ink and is positioned above the typed name of the signatory.

DAVID R. WILLIAMS, Chair

DRW:BHK:dlp

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cc: Greg Schaner, AMSA