



## **PUBLIC NOTICE FOR MODIFICATION TO CITY OF SUNNYVALE PRETREATMENT PROGRAM AND MUNICIPAL CODE**

### **SUMMARY**

The San Francisco Bay Regional Water Quality Control Board (RWQCB) has conditionally approved a request by the City of Sunnyvale to modify its Pretreatment Program to **remove discharge limits for Phenols and Cresols**. This modification requires an Ordinance to update the City of Sunnyvale (City) Municipal Code section 12.12. The RWQCB intends to approve the modification if no substantive comments are received during the comment period.

### **PUBLIC COMMENT**

Interested persons are invited to submit written comments on the proposed program modification and ordinance. Comments should be **submitted by June 29, 2021**, to the City in writing by mail or email to:

Sunnyvale Water Pollution Control Plant

1444 Borregas Ave

Sunnyvale, CA 94088

Attn: Pretreatment Program Ordinance

[jchoun@sunnyvale.ca.gov](mailto:jchoun@sunnyvale.ca.gov)

The **City Council Public Hearing for the Ordinance will be held on June 29, 2021**. Meeting details, including how to view and join the virtual meetings, will be available on the meeting agenda 72 hours before the meeting on the City's Legislative Public Meeting Webpage:  
**[sunnyvaleca.legistar.com/calendar.aspx](http://sunnyvaleca.legistar.com/calendar.aspx)**

### **BACKGROUND**

#### **Sunnyvale's Pretreatment Program**

The City of Sunnyvale Water Pollution Control Plant (WPCP) is regulated by NDPES Permit CA0037621, issued by the RWQCB. That permit requires that the City implement a Pretreatment Program to inspect, monitor, and permit industrial and commercial facilities that are regulated through discharge permits and Best Management Practices (BMPs), consistent with federal regulations. Currently, the Pretreatment Program has 30 active industrial wastewater discharge permits issued to Significant Industrial Users. Discharge Permits contain specific limits and requirements for the concentration of pollutants in wastewater discharges. Additionally, hundreds of commercial facilities are regulated through the adoption of BMPs tailored to specific activities commonly found in commercial businesses. When implemented, the BMPs reduce or eliminate the introduction of pollutants into the sanitary sewer.

## **What are Cresols and Phenols?**

Cresols consist of the three monomers of Methylphenol, with the molecular formula C<sub>7</sub>H<sub>8</sub>O (o-cresol, m-cresol, p-cresol). Cresols and cresol derivatives occur naturally in the oils of various flowering plants and trees. p-cresol is found in the urine of animals and humans. Commercially, Cresols are produced as by-products in the fractional distillation of crude oil and coal tars and in coal gasification. They are also formed as by-products during the combustion of wood, coal, and cigarettes.

Cresols have a variety of uses as solvents, disinfectants, or intermediates in the preparation of numerous products. They are commonly used in the production of fragrances, antioxidants, dyes, pesticides, and resins. In addition, p-cresol is used in the production of lubricating oils, motor fuels, and rubber polymers, while m-cresol is also used in the manufacturing of explosives. As of 1992, Cresols were no longer registered for pesticide use in California.

Phenols are a class of aromatic organic compounds consisting of one or more hydroxyl groups attached to an aromatic hydrocarbon group. Phenols are used in household products and as intermediates for industrial synthesis. Phenol and its chemical derivatives are essential for production of polycarbonates, epoxies, Bakelite, nylon, detergents, herbicides such as phenoxy herbicides, and numerous pharmaceutical drugs.

## **Proposed Modification to the Pretreatment Program**

The City's Municipal Code Section 12.12.120 Local Limits for Wastewater includes limits for Cresols (2.0 mg/L) and Phenols (1.0 mg/L). Prompted by previous inquiries from RWQCB contractors during a Pretreatment Compliance Inspection, Sunnyvale reviewed the basis for these limits and history of their use in Sunnyvale's program. Sunnyvale concluded both of these to be legacy pollutants that no longer appear in significant quantities in industrial discharges, are not subject to water quality criteria (as a group), and are not considered pollutants of concern for the WPCP. In the interest of streamlining its sewer use regulations and local limits, the City seeks to eliminate the local limits for Cresols and Phenols.

In accordance with 40 CFR §403.18, the City submitted a request to the RWQCB on September 30, 2021, requesting approval to change its local limits for wastewater discharge, which is considered a substantial modification to the City's Pretreatment Program. The proposed changes would apply to all wastewater dischargers connected to the City's sanitary sewer system. The City would continue to regulate dischargers for the remaining pollutants included in the local limits. The changes will improve program administration, while continuing to protect the City's publicly-owned wastewater treatment facilities. The proposed changes will be incorporated into Section 12.12.120 of the Sunnyvale Municipal Code.

In accordance with 40 §CFR 403.11(b)(1) and 40 CFR §403.18(c)(3), this modification may be approved without additional public notice from RWQCB if no comments or no substantive comments to this notice are received. In such event, the RWQCB will approve the program modification.

Notice regarding this proposed modification was published in the Sunnyvale Sun on May 28, 2021.

## **City Contact:**

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