

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
OCTOBER 17, 2023**

ITEM 2

SUBJECT

CONCURRENCE WITH THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD'S ORDER GRANTING AN EXCEPTION TO THE TEMPERATURE WATER QUALITY OBJECTIVE IN THE STATE THERMAL PLAN FOR THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT.

DISCUSSION

On June 22, 2023, the Central Valley Regional Water Quality Control Board (Regional Water Board) adopted [Order No. R5-2023-0033](#) that grants the Mountain House Community Services District (MHCS D) an exception to the temperature objective of the State Water Resources Control Board's (State Water Board) Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California ([Thermal Plan](#)) and adopted an alternative temperature effluent limitation for the MHCS D Wastewater Treatment Plant. This exception requires the State Water Board's concurrence before it becomes effective.

The MHCS D is the owner and operator of the Wastewater Treatment Plant (Facility). The Facility provides sewerage service for the community of Mountain House and serves a population of approximately 21,750. The Facility provides tertiary treatment and ultraviolet light disinfection for up to 3.0 million gallons per day (MGD), with plans to expand the capacity up to 5.4 MGD to accommodate for planned growth within the service area. Construction is currently underway for the Facility expansion. Disinfected tertiary treated wastewater from the Facility is discharged to Old River, a water of the United States within the legal boundary of the Sacramento-San Joaquin Delta.

The Thermal Plan allows the Regional Water Board to provide exceptions to specific water quality objectives so long as the exceptions comply with federal Clean Water Act (CWA) § 316(a) and federal regulations. The applicable exception is promulgated in 40 CFR § 125.73(a), which provides that, "Thermal discharge effluent limitations or standards established in permits may be less stringent than those required by applicable standards and limitations if the discharger demonstrates to the satisfaction of the director that such effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made. This demonstration must show that the alternative effluent limitation desired by the discharger, considering the cumulative impact of its thermal discharge together with all other significant impacts on the species affected, will assure the protection and propagation of balanced indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made."

Section 5.A.(1)a of the Thermal Plan includes a temperature water quality objective applicable to the MHCSD discharge that specifies that “[t]he maximum temperature shall not exceed the natural receiving water temperature by more than 20°F.”

The Regional Water Board granted an exception to the temperature objective as specified in Section 5.A.(1)a of the Thermal Plan and adopted an alternative temperature effluent limitation that specifies that, “*the maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than: 20°F 1 March through 31 October; and 30°F 1 November through 28/29 February.*”

The Discharger prepared multiple reports over the past ten years to evaluate and support the request for an exception to the Thermal Plan Objectives 5A(1)(a). The Discharger submitted the following reports to Central Valley Regional Water Quality Control Board staff (Central Valley Regional Water Board staff) after conducting both a field and temperature modeling study:

- *Field Study in Support of The Temperature Study for the Mountain House Wastewater Treatment Plant*, prepared by Robertson-Bryan, Inc. February 2014
- *Mountain House Wastewater Treatment Plant Temperature Study Report*, prepared by Robertson-Bryan, Inc., January 2016
- *Thermal Plan Exception Justification Report for the Mountain House Wastewater Treatment Plant*, prepared by Robertson-Bryan, Inc., June 2017
- *Thermal Plan Exception Justification Report for the Mountain House Wastewater Treatment Plant*, prepared by Robertson-Bryan, Inc., August 2018

The California Department of Fish and Wildlife, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service (collectively the fishery agencies) assisted MHCSD in developing the goals, questions, and objectives to be addressed by the thermal effects study, and to design the field study elements to obtain the needed information for the study questions. After the thermal effects study was completed, the fishery agencies reviewed the Thermal Plan Exception Justification Report. The fishery agencies did not object to allowance of the exception and alternative effluent limitation.

Based on the evidence provided, the Central Valley Regional Water Board found that the MHCSD adequately demonstrated that the alternative effluent limitation is more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife, as required by CWA Section 316(a).

POLICY ISSUE

Should the State Water Board concur with the Regional Water Board's exception to the temperature objective contained in the Thermal Plan?

FISCAL IMPACT

Regional Water Board and State Water Board work associated with or resulting from this action will be addressed with existing budgeted resources.

REGIONAL BOARD IMPACT

Yes. If the State Water Board concurs with the exception, the alternative less stringent temperature effluent limitation will apply to the Facility's discharge.

STAFF RECOMMENDATION

That the State Water Board:

1. Concurs with the Central Valley Regional Water Board's action granting Mountain House Community Services District an exception to the Thermal Plan and adopting an alternative less stringent temperature effluent limitation as specified in the Central Valley Regional Water Board's Order No. R5-2023-0033.