



November 20, 2007

Mr. James Marshall
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Subject: Comments on Tentative Waste Discharge Requirements for the City of Brentwood Wastewater Treatment Plant

Dear Mr. Marshall:

The City of Brentwood's Public Works Department (City) appreciates the opportunity to provide comments (Attachment 1) on the Tentative Waste Discharge Requirements (NPDES permit No. CA0082660) for the Brentwood Wastewater Treatment Plant issued on October 17, 2007. The City also appreciates Regional Board staff time spent with us to discuss our comments on earlier iterations of this permit.

We have made every effort to identify the key issues and technical corrections that we believe should be addressed prior to the Board adopting a Final Order. The majority of our attached comments on the Tentative Order are technical and factual corrections which we believe can be readily addressed in revisions to this Tentative Order prior to it being sent to your Board.

Please do not hesitate to contact me at 925.516.6070 or our consultant, Dr. Michael Bryan with Robertson-Bryan, Inc. at 916.714.1802 if you have any questions.

Sincerely,

Kristopher W. Vickers
Wastewater Operations Manager

cc: Dr. David Carlson, RWQCB
Mr. Chris Ehlers, City of Brentwood
Mr. Carl Gaston, City of Brentwood
Dr. Michael Bryan, Robertson-Bryan, Inc.

Attachments:
1 - Comments on the Tentative NPDES Permit

RECEIVED
NOV 19 2007

BY:

PUBLIC WORKS DEPARTMENT
708 Third Street, Brentwood, CA 94513
www.ci.brentwood.ca.us

Operations Division
2201 Elkins Way, Brentwood, CA 94513
Phone (925) 516-6000 - Fax (925) 516-6001

Solid Waste Operations
2300 Elkins Way, Brentwood, CA 94513
Phone (925) 516-6090 - Fax (925) 516-6091

Wastewater Operations
2251 Elkins Way, Brentwood, CA 94513
Phone (925) 516-6060 - Fax (925) 516-6061

COMMENTS
ON
TENTATIVE DRAFT CEASE AND DESIST ORDER
AND
WASTE DISCHARGE REQUIREMENTS
FOR
NPDES NO. CA0082660
CITY OF BRENTWOOD
WASTEWATER TREATMENT PLANT
CONTRA COSTA COUNTY

November 20, 2007

CEASE AND DESIST ORDER

(1) Page 1, Item 3 – Copper Limitations. The Regional Water Board is proposing to implement the Basin Plan copper objective because the discharge occurs within the legal boundary of the Delta. The Delta copper objective is neither hardness-based nor water-effect ratio-(WER) based, which means it is 20+ years outdated and thus obsolete, with respect to the current scientific understanding of copper toxicity to aquatic life and how copper should be permitted in NPDES permits. Because the Basin Plan copper criteria is inconsistent with current science and should be eliminated or modified, the California Toxics Rule (CTR) criteria has superseded this outdated and inappropriate objective [See footnote b (applicable to copper), which does not carve out Basin Plan provisions as being maintained; see also 65 Fed. Reg. 31686 (2000) only excluding selenium in the San Joaquin River from being superseded]. The fact that the Regional Water Board has not updated the Basin Plan copper objective as part of its triennial review obligation should not be used as the justification to establish an inappropriate permit limitation for copper for the City of Brentwood.

U.S. EPA's CTR criteria and criteria guidance for copper exceed the Basin Plan value. If the Regional Water Board chooses to implement a more stringent objective than required by federal law, an analysis under Water Code sections 13263/13241 must be performed, or it must be demonstrated that such analyses (including economic impacts to POTWs) was performed when the Basin Plan copper objective was adopted.

The Basin Plan copper objective is not a site-specific objective, but rather an objective that applies to a broad portion of the Basin. In the event that Regional Board staff determine that the Basin Plan objective must be permitted, the City requests that the permit/CDO recognize the appropriateness of determining a site-specific WER adjustment to the applicable objective, and that should studies demonstrate a discharger-specific WER greater than 1.0, that the permit could be re-opened to modify the effluent limitations for copper consistent with the discharger-specific WER adjustment provisions of the SIP. In other words, the City requests that the permit/CDO recognize that a

discharger-specific WER could be applied to the Basin Plan copper objective, should this objective be the basis for the copper permit limitation.

The SIP implements criteria for priority toxic pollutants contained in the CTR, promulgated by the U.S. EPA, as well as other priority toxic pollutant criteria and objectives. The SIP also states: (see Section 1.2 - Data Requirements and Adjustments):

*“The RWQCB may adjust the criteria/objective for metals with *discharger-specific Water Effect Ratios established in accordance with U.S. EPA guidance – Interim Guidance on Determination and Use of Water Effect Ratios for Metals (EPA-823-B-94-001) or Streamlined Water-Effect Ratio Procedure for Discharges of Copper (EPA-822-R-01-005), if appropriate.”*

Nowhere is it stated that this WER adjustment is limited to only CTR criteria. In fact, because the above paragraph states “...adjust the criteria/objective for metals...” suggests that this is intended to apply both to CTR criteria and Basin Plan objectives for metals. Moreover, the permit (p. 4, section j) states: “*The SIP became effective on 28 April 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan.*” [emphasis added]. Hence, consistent with the SIP, derivation of a discharger-specific WER for copper would not require a Basin Plan amendment process.

The City requests the opportunity for deriving and applying a discharger-specific WER for copper be clearly stated in the permit and/or CDO. Additional text should be included to also clarify that a discharger-specific translator also may be derived and applied.

(2) Page 4/5, Item 4 - Temperature. Based on hourly data recorded for the effluent and the receiving water in RBI’s temperature study during the period 7/29/04 through 7/20/05, the maximum differential recorded between the effluent and Marsh Creek (R1) was 19.3°F. The California Thermal Plan includes a provision that states: “*The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20°F.*” Because the City’s data set represents only one winter (the time period when the 20°F limits is prone to be exceeded) and because the maximum measured differential approached the 20°F limitation, the City believes that reasonable potential to exceed this Thermal Plan limit also exists, and thus it too should be covered under the CDO time schedule.

WASTE DISCHARGE REQUIREMENTS

(3) Page 2, G. Water Quality-based Effluent Limitations. This paragraph states: “*The Regional Water Board has considered the factors listed in CWC Section 13241 in establishing these requirements.*” However, nowhere in the permit, fact sheet, or attachments is there an evidentiary basis to support this statement. “Consideration” does not equate with complying with CWC Section 13241 requirements; rather, the factors

need to be assessed by Board staff and staff's findings from the assessment must be disclosed. This has not been done.

(4) Page 6, M. Stringency of Requirements for Individual Pollutants. In the second paragraph, last sentence of this section, the permit states: "*Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.*" This statement is incorrect. The limitations for coliform bacteria included in the permit are more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

(5) Page 7, Q. Standard and Special Provisions. The second paragraph, 2nd sentence states that the Order requires Pollution Prevention Plan for iron. The finding is inconsistent with Provision VI.C.4 (p. 19) and iron should be deleted from this sentence.

(6) Page 9-10, Table 6 – Effluent Limitations and Interim Limitations. Table 6 includes an effluent limitation, based on reasonable potential, for "persistent chlorinated hydrocarbon pesticides," yet interim limitations are provided for only a select few chlorinated hydrocarbon pesticides. The City requests that Table 6 be modified by deleting "persistent chlorinated hydrocarbon pesticides" and putting in its place: alpha-endosulfan and gamma-BHC, which are the compounds that have shown reasonable potential. This same change should be made to Table F-10 and Table F-11 in the Attachment F, Fact Sheet.

Based on the City's semi-annual discharge self-monitoring data for the period from June 2004 through July 2007, 4,4'-DDT has not been detected in effluent samples using methods providing a reporting limit (RL) of 0.01 µg/L. The last effluent sample in which 4,4'-DDT was detected was collected in March 2004. Thus, 4,4'-DDT has not been detected in the effluent for over 3 years. The trial court decision for the City of Woodland's NPDES permit found that, where effluent monitoring demonstrated that two individual pesticides had not been detected within the past three years of monitoring prior to the Regional Water Board's issuance of the permit, there is no basis to find reasonable potential for the pesticides and the Regional Water Board's order should not contain any limitations on these substances. See *City of Woodland v. RWQCB and SWRCB, Order Granting Writ of Mandamus*, Alameda County Superior Court, Case No. RG04-18820 at 13 (May 16, 2005). Based on this court decision, the City requests that the final and interim permit effluent limits for 4,4'-DDT be deleted from the permit. The deletion of 4,4'-DDT needs to be reflected in Table 7 (p. 10), Table 9 (p. 11), and supporting Fact Sheet rationale: section IV.C.3.m (p. F-26), Table F-10 (p. F-34), Table F-11 (p. F-41), and Table F-12 (p. F-43), and Table F-13 (F-44). This deletion should also be reflected in other requirements including Pollution Prevention Plan and Treatment Feasibility (Provision VI.C.1.d, Provision VI.C.7), related Monitoring and Reporting Program requirements (section X.D), and supporting rationale in the Fact Sheet.

With these changes to Table 6, the interim limitations for alpha-endosulfan and gamma-BHC provided on p. 10-11 can remain unchanged.

(7) Page 9, g. Average Daily Discharge Flow. This limitation should be based on average dry weather flow (ADWF), consistent with other permits issued to Central Valley WWTPs, as follows: *“The Average Dry Weather Flow shall not exceed 5.0 mgd.”*

(8) Page 10, 2.a. Interim Effluent Limitations, Footnote #2. As noted on p. 27 of the permit (section 7.a.i), the City’s October 2007 report, *“Infeasibility Analysis and Time Schedule Justifications for the Brentwood Wastewater Treatment Plant,”* (Infeasibility Analysis) provided justification for a time schedule of 5 years to achieve compliance with the final effluent limitation for selenium. As written, this permit provision would make the final effluent immediately enforceable on the CTR sunset date of May 18, 2010. The City requests the following statement be included with footnote #2 to explicitly acknowledge the Infeasibility Analysis and need for compliance schedule beyond May 18, 2010:

“The discharger’s Infeasibility Analysis, dated October 2007, provides justification for a compliance schedule and meets the requirements of Section 2.1 of the SIP. The justification in the Infeasibility Analysis provides for a time schedule for the Discharger to comply with the new limitation for selenium in five years from the effective date of this Order. Allowance of an additional compliance schedule beyond the dates specified above may be granted in a subsequent enforcement order, as the Regional Water Board deems necessary.”

(9) Page 10, 2.b. Chloride. The City requests modification of the proposed interim effluent limitation for chloride of 436 mg/L. Based on the City’s recent quarterly effluent monitoring results, the chloride concentrations are more variable than reflected in the proposed interim chloride effluent limitation of 436 mg/L. The available quarterly effluent chloride values are tabulated below. Based on the additional five sample values for September 2006 through September 2007, the interim effluent limitation should be 455 mg/L.

Quarterly Months	2003	2004	2005	2006	2007
March	390	350	380	370	370
June	350	380	350	340	330
Sept	340	360	390	350	430
Dec	380	400	340	400	
Average = 368 mg/L Std Dev = 26.3 mg/L					

(10) Page 12, A.1 Bacteria. The receiving water limitation for fecal coliform bacteria of 200/400 MPN/100 mL is unnecessary. The effluent limitations for total coliform, which

consists of fecal coliforms and other coliforms, is much lower at 2.2/23/240 MPN/100 ml. Thus, the effluent could never cause an exceedance of the receiving water limitation.

(11) Page 14, B. Groundwater Limitations. The City requests the following modifications (strikeout/underlined) to be consistent with the antidegradation policy and other permits issued by the Regional Water Board:

1. *Release of waste constituents from any storage, treatment, or disposal component associated with the Facility, in combination with other sources, shall not cause the underlying groundwater to contain waste constituents in concentrations greater than background water quality, ~~not violate~~ or water quality objectives, whichever is greater. The discharge shall not cause the groundwater to exceed water quality objectives, unreasonably impact beneficial uses, or cause pollution or nuisance.*
2. *Release of waste constituents from any storage, treatment, or disposal component associated with the Facility shall not, in combination with other sources of the waste constituents, cause groundwater within influence of the Facility to exceed a total coliform organisms median of 2.2 MPN/100 mL over any 7-day period, or exceed background water quality, whichever is greater.*

(12) Page 22, b. Groundwater Monitoring Workplan. No justification is provided for the requirement to conduct additional groundwater monitoring. Brentwood has conducted extensive groundwater monitoring in the past of the historic aeration and effluent storage ponds.

The City believes the provision allowing four months to complete the work plan would not provide sufficient time to prepare and submit the required groundwater monitoring workplan. Due to Budget constraints for the current fiscal year, there is concern that there will be no resources available to start the groundwater monitoring work plan/characterization should an outside consultant/contractor need to be hired. The City is requesting an extension to the time line set forth in the tentative permit to after the end of the fiscal year (June 30th, 2008) in order to properly budget for a potentially large study and the construction of additional monitoring wells if needed. Therefore, the City requests that this provision be modified to provide up to 12 months following adoption of the permit to prepare and submit the work plan.

(13) Page 22, d., Best Practical Treatment or Control. The first sentence should be modified as follows (underline/strikeout): “*If the groundwater monitoring results show that the discharge of waste is threatening to cause or has caused ~~groundwater to contain waste constituents in concentrations statistically greater than background water quality~~ exceedance of the Groundwater Limitations (Section V.B), the...”*

(14) Page 27, 7.a.i. Compliance Schedules. Consistent with the comment above regarding interim effluent limitations for selenium on p. 10, the City requests the following statement be added to this paragraph:

“The discharger’s Infeasibility Analysis provides justification for a time schedule to comply with the new limitation for selenium in five years from the effective date of this Order. Allowance of an additional compliance schedule beyond May 18, 2010 may be granted in a subsequent enforcement order, as the Regional Water Board deems necessary”

(15) Page 27, 7.a.ii. Pollution Prevention Plan. Per the comment above on Table 6 regarding the final effluent limitations for persistent chlorinated hydrocarbon pesticides, and consistent with the rationale provided in section IV.C.3.m (p. F-27), the City requests that the Pollution Prevention Plan refer to the specific pesticides for which reasonable potential has been established - alpha-endosulfan and gamma-BHC, rather than the group of pesticides.

Due to budget constraints for the current fiscal year, there is concern that there will be no resources available to initiate the work plan and time schedule for the Pollution Prevention Plan. The City is requesting an extension to the time line set forth in the tentative draft (6 months from the effective date of the permit) to after the end of the fiscal year (June 30th, 2008) in order to prepare a budget for the Pollution Prevention Plan. Therefore, the City requests that this provision be modified to provide up to 9 months following the effective date of the permit to prepare and submit the work plan.

(16) Page 28, 7.a.iii. Treatment Feasibility Study. Per the comment above regarding the persistent chlorinated hydrocarbon pesticides, the City requests that this section refer to the specific pesticides for which reasonable potential has been established - alpha-endosulfan and gamma-BHC, rather than the group of pesticides.

Due to budget constraints for the current fiscal year, there is concern that there will be no resources available to start the Treatment Feasibility Study should an outside consultant/contractor need to be hired. The City is requesting an extension to the time line set forth in the tentative draft (6 months from the effective date of the permit) to after the fiscal year ends (June 30th, 2008) in order to prepare a budget for the Treatment Feasibility Study. Therefore, the City requests that this provision be modified to provide up to 9 months following the effective date of the permit to prepare and submit the work plan.

(17) Page 29, VII. Compliance Determination. Consistent with Section 2.4.5, Item #1 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), the permit should include a new item “F.” within Section VII, as follows, and re-letter the subsequent items in Section VII:

F. Dischargers shall be deemed out of compliance with an effluent limitation if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the RL.

(18) Page 29, VII.F. Compliance Determination for Chlorinated Pesticides. Based on the comment above regarding SIP Section 2.4.5 Item #1, the following edits are necessary for

the existing Section VII.F text to ensure that the City’s compliance with the “Non Detect” final effluent limitations for chlorinated pesticides is properly assessed:

The non-detectable (ND) instantaneous maximum effluent limitation for persistent chlorinated hydrocarbon pesticides applies to each individual pesticide. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use USEPA standard analytical techniques with a maximum acceptable detection level of 0.05 µg/L. If the analytical result of a single effluent grab sample ~~is detected~~ for any persistent chlorinated hydrocarbon pesticide exceeds its respective RL, a violation will be flagged and the discharger will be considered out of compliance for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed ~~the instantaneous maximum effluent limitation~~ their respective RLs would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

(19) Page E-2, Table E-1. The receiving water monitoring location RSW-004 downstream of the effluent discharge outfall is a redundant and unnecessary location to the RSW-003 monitoring. The City requests that monitoring requirements for RSW-004 be eliminated.

(20) Page E-4, Table E-3. There are no effluent limitations for lead, thallium, diazinon, or chlorpyrifos, thus continued monitoring for these constituents is unnecessary and this requirement should be deleted from the Monitoring and Reporting Program. Page F-50 of the Fact Sheet justifies the need for continued monitoring because Order No. 5-00-171 contained effluent limitations for these metals, and the Bay-Delta is 303d listed for the organophosphate pesticides. This is not sufficient justification for requiring continued monitoring. As stated on page F-24 (lead) and F-31 (thallium), over a nearly 4 year period 46 samples were collected and analyzed for lead and thallium. Similarly, approximately 20 effluent samples have been analyzed for diazinon and chlorpyrifos. This is a sufficiently large enough data set from which to assess the reasonable potential for the discharge to cause exceedance of water quality objectives. In addition, these constituents are priority pollutants and, thus, will be monitored quarterly during the 3rd year of the permit term.

(21) Page E-6, Item V.B.8.b. Chronic Toxicity Testing, Test Failure. There is a factual error in the reference made at the end of this section. The text should refer to section “..a.iii” as shown below (underlined/shaded), rather than section “...a.ii”:

- b. The percent minimum significant difference (PMSD) measured for the test exceeds the upper PMSD bound variability criterion in Table 6 on page 52 of the Method Manual. (A retest is only required in this case if the test results do not exceed the monitoring trigger specified in Special Provisions VI. C.2.a.iii.)*

(22) Page E-8, Table E-5, Land Discharge Monitoring Requirements. Footnote 4 for Table E-5 states that flow shall be measured separately to each pond. This requirement is contradictory to the city’s current monitoring system in which flow is measured at a single location (LND-001) for Ponds 006, 007, 008. It is requested that flow monitoring remain at this location.

(23) Page E-8, Table E-7, Receiving Water Monitoring. Per the comment regarding Table E-1 above, the City requests that the reference to the RSW-004 monitoring location be eliminated.

(24) Page E-9, C., Groundwater Monitoring Program. The reference to Table E-10 in the last sentence in the first paragraph is an error and should refer to Table E-8.

The 2nd paragraph, third sentence states groundwater shall be measured to the nearest 0.01 feet. This is a typographical error and should be 0.1 feet.

(25) Page E-9, Table E-8, Groundwater Monitoring. The requirement for quarterly groundwater sample analyses for nitrate, total Kjeldahl nitrogen, total coliform bacteria, and standard minerals is excessive. The Brentwood WWTP is a relatively new and upgraded facility that meets tertiary treatment standards and provides full nitrification and denitrification. Annual sample analyses for these constituents should be sufficient to characterize groundwater concentrations and changes from background wells over time.

(26) Page E-12, B.5.b. and B.5.c, Reporting Protocols. Reporting protocol “b” is not appropriate for the “ND” objective for persistent chlorinated hydrocarbon pesticides. Its implementation for persistent chlorinated hydrocarbon pesticides fails to define the narrative objective in a quantitative manner for regulatory compliance purposes, and would result in a limitation that would continuously change over time. Consequently, the City requests the following edit (strikeout/underline) to the first sentence: “With the exception of persistent chlorinated hydrocarbon pesticides, sample results less than the RL, but greater than or equal to the laboratory’s MDL, shall be reported as “Detected, but Not Quantified,” or DNQ.”

For “5.c.”, the following edits are requested for the same reason: “With the exception of persistent chlorinated hydrocarbon pesticides, sample results less than the laboratory’s MDL shall be reported as “Not Detected,” or ND. For persistent chlorinated hydrocarbon pesticides, sample results less than the minimum levels published in Appendix 4 of the SIP shall be reported as ND. For persistent chlorinated hydrocarbon pesticides for which minimum levels are not included in the SIP, results less than the laboratory’s Reporting Limit (RL) shall be reported as ND.”

ATTACHMENT F – FACT SHEET

(27) Page F-4, II, Facility Description, 2nd sentence. Add “ADWF” to end of 2nd sentence.

(28) Page F-7, D. Compliance Summary. The City believes the discharge has been in compliance with the permitted capacity of 4.5 mgd ADWF, as the reported exceedances in this paragraph were collected during wet weather months. This paragraph should be deleted.

(29) Page F-14, 2a. BOD₅ and page F-15 (Table F-5). Item 2a states that the 30-day average BOD₅ limitation has been revised to 10 mg/L. This is incorrect; the 30-day average BOD₅ limitation shown in Table 6 (page 8) is 7 mg/L. Overall, this item is within a section of the permit that discusses technology-based limitations. The BOD limitation is water quality-based, not technology-based and, as such, the derivation of the BOD limitation should be omitted from this section and Table F-5.

(30) Page F-19, e. Aluminum. The maximum effluent concentration (MEC) for aluminum was 45.5 µg/L, based on 47 samples collected between 23 September 2002 and 4 June 2006. Therefore, the discharge does not have reasonable potential based on a criteria of 87 ug/l and 750 ug/l. As such, the permit incorrectly states: “*aluminum in the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a level necessary to protect aquatic life resulting in a violation of the Basin Plan’s narrative toxicity objective.*” This language needs to be removed from the fact sheet. The 2005 amendments to the SIP eliminated the reasonable potential trigger for situations where ambient background pollutant concentrations are greater than a priority pollutant objective or criterion.

(31) Page F-21, h. Chloride. Consistent with the City’s comment above on p. 10 requesting modification of the interim effluent limitation for chloride, the 4th sentence of this paragraph should be modified as follows (underline/strikeout): “*The MEC for chloride was ~~400430~~ mg/L, based on ~~14~~ 19 samples collected from 2 September 2002 through ~~5 June 2006~~ September 2007,....*”.

(32) Page F-26, m. Chlorinated Pesticides. The 2nd sentence of the 2nd paragraph should be modified (underline) as follows: “*Final effluent limitations for these persistent chlorinated hydrocarbon pesticides.*”

(33) Page F-27, n. Pathogens. The City requests the following factual corrections (underline/strikeout) to the 1st paragraph: “*The beneficial uses of the receiving water include ~~municipal and domestic supply and~~ water contact recreation, and there is less than 20:1 dilution of the Facility effluent provided by Marsh Creek. To protect these water contact recreation beneficial uses,...*”.

(34) Page F-31, q. Selenium. Per the City’s comment above to p. 27, 7.a.i, the City requests the following text be added to the end of the 3rd paragraph of this section: “*The discharger’s Infeasibility Analysis provides justification for a time schedule to comply with the new limitation for selenium in five years from the effective date of this Order. Allowance of an additional compliance schedule beyond May 18, 2010 may be granted in a subsequent enforcement order, as the Regional Water Board deems necessary*”.

(35) Page F-32, c. Effluent Limitation Calculations. The presentation of the equations for the effluent concentration allowance (ECA) is incorrect. ECA_{acute} and $ECA_{chronic}$ are shown as being directly equal to the CMC and CCC, respectively, whereas the ECA_{HH} equation is shown to have a dilution credit allowance. Furthermore, the sentence above the ECA_{HH} equation implies that dilution credit is only applicable to “human health, agriculture, or other long-term criterion/objective.” Dilution credit may be applied to aquatic life criteria-based ECAs, as provided for in the general equation for calculating ECAs on p. 8 of the SIP: $ECA = C + D(C-B)$. Therefore, the text and equations for the ECA_{acute} and $ECA_{chronic}$ should be modified as follows:

“c. Effluent Limitation Calculations. In calculating maximum effluent limitations, ~~the effluent concentration allowances were set equal to the criteria/standards/objectives.~~ the ECA is calculated as follows:

$$ECA_{acute} = CMC + D(CMC-B); \text{ and}$$

$$ECA_{chronic} = CCC + D(CCC-B)$$

For the human health, agriculture, or other long-term criterion/objective, ~~a dilution credit can be applied.~~ The ECA is calculated as follows:”

(36) Page F-33, Table F-6, WQBEL Calculations for Aluminum. There are mathematical errors in determining the LTAs and MDEL. Table F-6 should be revised and the effluent limitations revised where cited throughout the permit as follows:

Table F-6. WQBEL Calculations for Aluminum

	Acute	Chronic
Criteria ($\mu\text{g/L}$) ⁽¹⁾	750	87
Dilution Credit	No Dilution	No Dilution
ECA	750	87
ECA Multiplier	0.46	0.66
LTA	345	57.4
AMEL Multiplier (95 th %)	⁽²⁾	1.34
AMEL ($\mu\text{g/L}$)	⁽²⁾	76.9
MDEL Multiplier (99 th %)	⁽²⁾	2.20
MDEL ($\mu\text{g/L}$)	⁽²⁾	169

⁽¹⁾ USEPA AMBIENT WATER QUALITY CRITERIA

⁽²⁾ LIMITATIONS BASED ON CHRONIC LTA (CHRONIC LTA < ACUTE LTA)

(37) Page F-34, Table F-8, WQBEL Calculations for Selenium. The ECA multiplier used to calculate selenium effluent limitations correspond to the default coefficient of variation (C_v) of 0.6, rather than the actual C_v of the September 2002-June 2006 data set, which should have been used. In addition, there are mathematical errors in determining the MDEL. The C_v of the selenium data is 0.4 (average = 4.54, standard deviation = 1.73). Table F-8 should be revised and the effluent limitations revised where cited throughout the permit as follows:

Table F-8. WQBEL Calculations for Selenium

	Acute	Chronic
Criteria (µg/L) ⁽¹⁾	20	5
Dilution Credit	No Dilution	No Dilution
ECA	20	5
ECA Multiplier	0.440	0.643
LTA	8.8	3.2
AMEL Multiplier (95 th %)	⁽²⁾	1.36
AMEL (µg/L)	⁽²⁾	4.4
MDEL Multiplier (99 th %)	⁽²⁾	2.27
MDEL (µg/L)	⁽²⁾	10.0

⁽¹⁾ CALIFORNIA DEPARTMENT OF FISH AND GAME WATER QUALITY CRITERIA

⁽²⁾ LIMITATIONS BASED ON ACUTE LTA (ACUTE LTA > CHRONIC LTA)

(38) Page F-36, D. Mass-based Effluent Limitations. Consistent with the City’s comment above to the discharge flow limitation (p. 9, “g”), the 2nd paragraph should be modified as follows (underline/strikeout): “*Mass-based effluent limitations for conventional pollutants were calculated based upon the ~~designed daily discharge flow~~ permitted design capacity of 5 mgd ADWF allowed in Section IV.A.1.4g of the Limitations and Discharge Requirements.*”

(39) Page F-50. Effluent Monitoring. Consistent with the City’s comment above to Table E-3 (p. E-4), the City believes the requirement for continued quarterly monitoring of lead, thallium, chlorpyrifos, and diazinon in effluent samples is unnecessary.

(40) Page F-61, 6.a, Other Special Provisions. The last sentence incorrectly refers to “AGR beneficial uses”. AGR is not applicable to the receiving water and the reference to AGR must be deleted from this sentence.

(41) Page F-62, 7.a, Compliance Schedules. Consistent with comments above to p. 10 and p. 27, the City requests the following statement be included in this paragraph: “*The discharger’s Infeasibility Analysis provides justification for a time schedule to comply with the new limitation for selenium in five years from the effective date of this Order. Allowance of an additional compliance schedule beyond May 18, 2010 may be granted in a subsequent enforcement order, as the Regional Water Board deems necessary.*”

ATTACHMENT G – SUMMARY OF REASONABLE POTENTIAL ANALYSIS

(42) Chloride. – Consist with the City’s comment above on p. 10 requesting modification of the interim effluent limitation for chloride and presentation of data through September 2007, the MEC for chloride should be 430 mg/L.