



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

STAN DEAN – CHAIR, SRCSD STEVE HOGG – VICE CHAIR, FRESNO
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Via Electronic Mail

March 17, 2007

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

Subject: Comments on Tentative Waste Discharge Requirements and Time Schedule Order for Ironhouse Sanitary District's Wastewater Treatment Plant

Dear Mr. Marshall:

The Central Valley Clean Water Association (CVCWA) has reviewed the Tentative Order (TO) and proposed Time Schedule Order (TSO) for the Ironhouse Sanitary District's (ISD) Wastewater Treatment Plant. We understand that ISD will submit detailed comments on a number of provisions of the TO and TSO, and therefore this letter focuses on a single issue of importance to CVCWA, given the potential impact on other permittees within the Central Valley.

CVCWA is very concerned that the TSO does not provide relief from mandatory minimum penalties (MMPs) for exceedances of the final effluent limitations for aluminum and manganese. (TSO at paragraph 8.) As proposed, the TSO would deny ISD relief from MMPs expressly provided by statute. The Water Code allows an exemption from MMPs where the Regional Water Board has issued a TSO to allow time to come into compliance with an effluent limitation that is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge "after the effective date of the waste discharge requirements" and after July 1, 2000. (Wat. Code §13385(j)(3)(A).) The proposed aluminum and manganese effluent limitations meet these criteria. The effluent limitations are new, more stringent requirements that will not apply to ISD's discharge until after the effective date of the WDRs, which have not yet been adopted.

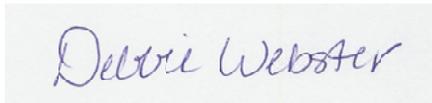
While it is true that ISD has not previously held an NPDES permit, the District is not truly a "new discharger." ISD has for many years held waste discharge requirements for discharge to land. CVCWA is very concerned that a number of small central valley communities will be required to seek surface water discharges in future, both to accommodate growth and due to a lack of available land for irrigation as the communities urbanize. These new surface water discharges

will involve treatment plant upgrades to produce a higher quality effluent than the existing land discharges, and in some cases, the change in discharge will eliminate potential impacts to groundwater. Placing these agencies into immediate exposure to MMPs despite the fact that immediate compliance is not feasible will worsen the fiscal woes of these communities for no environmental benefit.

A State Water Board guidance document suggests that MMP relief is only available for NPDES permit renewals. (SB 709 and SB 2165 Q & A, April 17, 2001.) The plain language of the statute, however, is not limited to those situations. Moreover, the policy reasons asserted in the guidance for taking this more narrow view do not exist in circumstances such as ISD's. There is no question of the treatment plant being "inadequately designed." (Q & A at p. 19.) The constituents at issue here, manganese and aluminum, are not removed at the required levels in state of the art tertiary treatment facilities, and the inability to comply is not due to deficiencies in planning or design. The other justification for limiting the provision is to ensure that "older facilities that were already required to upgrade in order to comply with new effluent limitations prior to July 1, 2000 do not receive an exception to mandatory penalties under this provision." (*Ibid.*) This is not the case with ISD, which is not seeking to gain additional time for an older facility that was already under an obligation to comply. ISD has existing WDRs for discharge to land, and the new and more stringent aluminum and manganese limitations have never before applied to the ISD discharge.

For these reasons, CVCWA requests that the proposed TSO be modified to provide protection from MMPs, as specifically allowed under the Water Code, for exceedances of final aluminum and manganese effluent limitations. Thank you for your consideration of our comments.

Sincerely,

A rectangular box containing a handwritten signature in blue ink that reads "Debbie Webster".

Debbie Webster, Executive Officer
Central Valley Clean Water Association

c: Tom Williams, Ironhouse CSD