



# CVCWA Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

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September 30, 2009

Via Electronic Mail

Diana Messina  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[dcmessina@waterboards.ca.gov](mailto:dcmessina@waterboards.ca.gov)

Re: Proposed Modification of Proposed Waste Discharge Requirement (NPDES No. CA 0081558), City of Manteca Wastewater Control Facility

Dear Ms. Messina:

The Central Valley Clean Water Association (CVCWA) has reviewed the proposed Modification of Proposed Waste Discharge Requirement (NPDES No. CA0081558), City of Manteca Wastewater Control Facility (Proposed Modification). CVCWA is concerned that the Central Valley Regional Water Quality Control Board's (Regional Water Board) proposed approach as indicated in the Proposed Modification is inconsistent with the approach described in the Regional Water Board's Response to Written Comment for the City of Manteca – Wastewater Quality Control Facility (17 September 2009) (Response to Comments).

More specifically, the Proposed Modification states that the reasonable potential analysis (RPA) for California Toxic Rule (CTR) metals was modified to use the "minimum observed upstream receiving water hardness" to adjust the applicable CTR metals criteria. The Response to Comments, however, states that the reasonable worst case estimated downstream ambient hardness was used for calculating CTR criteria. To support the use of reasonable worst case estimated downstream ambient hardness, the Regional Water Board relies on the state's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), the CTR, and the State Water Resources Control Board's (State Water Board) Order No. WQO 2008-0008 (Davis Order). (See Response to Comments at pp. 11-12.) Further, the Response to Comments calls out the fact that neither the SIP or the CTR specifically require the use of upstream hardness conditions to calculate CTR criteria. (See *Id.*) Unlike the Response to Comments, the Proposed Modification provides no justification as to why it is

necessary or appropriate to use the minimum observed upstream receiving water hardness to calculate CTR criteria.

CVCWA agrees with the rationalization for selecting hardness to calculate CTR-hardness dependent criteria articulated in the Response to Comments. We agree that current regulations and their interpretation do not require the use of minimum observed upstream hardness but provide the Regional Water Board with the appropriate discretion to identify the reasonable worst case estimated ambient hardness (upstream or downstream depending on the circumstances). (See Davis Order at p. 10, “[ ], regional water boards have considerable discretion in the selection of hardness.”) Further, the State Water Board found that the method for selecting hardness must primarily be protective of water quality criteria for the flow conditions under which particular hardness exists. (See *Id.*) Finally, while the State Water Board also found that the Regional Water Board was justified in using upstream hardness in Davis’ specific circumstances, the State Water Board did not find or conclude that the Regional Water Board should only use upstream receiving water hardness. (See Davis Order at pp. 12-13.) Thus, nothing mandates the use of minimum upstream hardness, nor does the Regional Water Board provide any justification as to why it is appropriate as applied to Manteca.

Considering the lack of justification and conflicting information provided in the Proposed Modification as compared to the Response to Comments, we recommend that the Regional Water Board identify hardness to calculate CTR-hardness dependent criteria in the manner described in the Response to Comments.

Sincerely,



Debbie Webster