

Central Valley Regional Water Quality Control Board
7/8 June 2012 Board Meeting

Response to Comments
for the
City of Lincoln
Master Reclamation Permit
Order R5-2012-XXXX Amending Order R5-2005-0040

The following are Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Order to amend the Master Reclamation Permit for the City of Lincoln. Public comments within the scope of the proposed permitting action, which is specifically for the rescission of the federal NPDES requirements for discharge to surface water resulting from the use of recycled water to irrigated agriculture, were required to be submitted to the Central Valley Water Board by 21 February 2012 in order to receive full consideration.

The Central Valley Water Board received timely comments regarding the proposed Order from the following interested parties:

- The City of Lincoln;
- The California Rice Commission (CRC); and
- Central Valley Clean Water Association (CVCWA).

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

CITY OF LINCOLN (CITY) COMMENTS

CITY COMMENT NO. 1.

The City requests that the following changes, shown in underline/strikeout format, be made to page 3, Finding 8 (and page 2 of the Fact Sheet) of the Master Reclamation Permit:

The Discharger has also proposed to not utilize chlorine within the agricultural reclamation distribution system where the resultant agricultural tailwater may be released to surface waters. The absence of chlorine will eliminate a possible source of toxicity and the formation of trihalomethanes from the use of reclaimed water. The limitations and prohibitions in this Order are based on an absence of chlorine in the agricultural reclaimed water distribution system.

The Discharger may maintain a chlorine residual in the (isolated) portion of the reclamation distribution system serving only municipal, commercial, and industrial uses.

RESPONSE: The proposed permitting action, as described in the Notice of public hearing, is limited in scope to the rescission (removal) of the federal NPDES requirements for surface water discharge from irrigated agriculture, as currently included in the existing 2005 Master Reclamation Permit. Modification of the Master Reclamation Permit findings, prohibitions and requirements that do not pertain to the removal of the NPDES requirements for surface water discharge, is outside the scope of the proposed Central Valley Water Board permitting action.

The requested change to clarify findings regarding the use of chlorine within its agricultural reclamation distribution system is not associated with the proposed action to remove the NPDES requirements. This is an action that pertains to a future update of the water reclamation requirements in the Master Reclamation Permit. Therefore, the requested change is not included in the tentative Order included in the agenda package for this item. The City will have the opportunity to address the waste discharge requirements upon renewal of the Master Reclamation Permit.

CITY COMMENT NO. 2.

The City comments that Field F6 is no longer serving as a flood control basin, and therefore, the City can meet the prohibition of commingling of recycled water with storm water.

RESPONSE: The update compliance information pertains to the prohibitions in the Master Reclamation Permit for discharge to land, and is outside the scope of the proposed permitting action. This information is to be included in a future Central Valley Water Board update of the Master Reclamation Permit.

CITY COMMENT NO. 3.

The City requests that the word "rice" be replaced by the word "crop" on pages 6 and 7 (Findings 25 through 28), page 18 (Order C.8), page 24 (Order G.7), Fact Sheet page 1 (bottom paragraph), and Fact Sheet pages 3 and 5.

RESPONSE: The requested change does not pertain to the removal of the NPDES requirements from the Master Reclamation Permit. The requested change pertains to an update of the Permit. Therefore it is outside the scope of the proposed permitting action. The request is not incorporated into the tentative Order included in the Agenda for this item. (See Response to Comment No. 1)

CITY COMMENT NO. 4.

The City comments that on page 17 (Order R5-2005-0040, section B.3), the pH limit is OK because it applies to the treatment facility discharge.

RESPONSE: Central Valley Water Board staff has noted the comment.

CITY COMMENT NO. 5.

The City requests that the following changes be made to the pH limits on page 18 (Order R5-2005-0040, section C.6.b) and page 21 (Order R5-2005-0040, section E.5), and to the Fact Sheet page 10 (second paragraph) as shown in underline/strikeout format below:

pH shall not be less than 6.0 or greater than 9.0 as a daily average, nor greater than 11.0 at any time.

and

A pond pH limitation range of 6.5 to ~~8.5~~ 9.0 as a daily average helps to ensure that the Discharger's wastewater treatment activities do not cause the groundwater taste and odor objective to be violated.

RESPONSE: The requested change is outside the scope of the proposed Board permitting action. Therefore the requested change has not been made to the tentative permit included in the Agenda for this item. (See Response to Comment No. 1.)

CALIFORNIA RICE COMMISSION (CRC) COMMENTS

CRC COMMENT NO. 1.

In its comments, the CRC states the following:

In general, the CRC does not oppose removal of the NPDES permit requirements because CRC contends that discharges from irrigated agriculture are not subject to the federal Clean Water Act's NPDES permit requirements.

RESPONSE: Central Valley Water Board staff concurs with the comment, which is the basis of the proposed rescission of federal NPDES requirements.

CRC COMMENT NO. 2.

In its comments, the CRC states the following :

From an international marketing standpoint, the CRC is concerned with the marketability of rice grown with recycled water and any commingling of such rice into the normal stream of commerce. Should the City of Lincoln decide to pursue its efforts of using recycled water on rice, the CRC would expect that such rice would need to be completely segregated from the normal streams of commerce available for commercial rice grown in the Sacramento Valley.

RESPONSE: Central Valley Water Board staff has noted the comment. The City of Lincoln's decision to deliver tertiary treated recycled water, and a grower's decision to accept recycled water, for use as an irrigated agriculture water supply is a local decision among the City and the proposed user. The CRC concern expressed in this comment is valid and to be addressed in a forum outside this permitting action.

CRC COMMENT NO. 3.

In its comments, the CRC states the following:

Rice Growers in the Sacramento Valley are currently subject to Resolution No. R5-2006-0053, as subsequently amended by Order Nos. R5-2006-0077, R5-2008-0052, and R5-2011-0032, and the Monitoring and Reporting Program Order No. R5-2010-0805 for CRC. Further, Sacramento Valley rice growers are automatically enrolled and a member of the CRC's commodity-specific coalition. As members of CRC's commodity-specific coalition, rice growers are expected to implement water quality-based management practices to ensure compliance with applicable water quality standards. CRC's program currently focuses on pesticides and other crop inputs that are specific to and typical of rice production. The CRC is concerned that by deferring to the CRC's program for irrigated agriculture into the Master Reclamation Permit that the CRC and its other members may be forced to expand its current program, or anticipated future program, to account for constituents of concern associated with recycled water that are not typically found in discharges from rice operations. Accordingly, where recycled water is used to irrigate rice, we recommend that the Master Reclamation Permit contain appropriate discharge limitations to control the quality of recycled water used for irrigation of rice, and to control the quality as it is discharged from that specific rice operation.

Response: The CRC's concern regarding additional requirements when recycled water is used to irrigate rice, are valid. The proposed recommendations to update the Master Reclamation Permit with discharge limitations to control the quality of recycled water specific to rice operations are concerns to be considered when the 2005 Master Reclamation Permit is updated.

Discharges from rice fields, regardless of the irrigation water supply, are regulated by the Central Valley Water Board's Irrigated Lands Regulatory Program. This fact is the basis for the proposed rescission of the NPDES requirements for the same discharge – to eliminate double regulation of the same discharge. There is no further reference to the Irrigated Lands Regulatory Program in regards to the need for expanded regulation in that program.

Lastly, modifying discharge limitations to control the quality of recycled water used under the provisions of the existing Master Reclamation Permit is an issue of the remaining Master Reclamation Permit requirements, which is outside the scope of the proposed NPDES rescission.

CRC COMMENT NO. 4.

In its comments, the CRC states the following:

If the use of recycled water could result in an expansion of CRC's program to consider constituents not typically associated with rice production, then we would recommend that the City and the rice growers using recycled water reach an agreement to compensate the CRC for any additional costs or burdens that result from the use of recycled water as a water supply. Or, in the alternative, the discharge should be subject to individual waste discharge requirements instead of being allowed to comply with the Water Code through participation in CRC's program.

Response: The above concern is valid. The commenter makes reference to the potential need of separate individual waste discharge requirements, outside of the existing CRC program, for rice fields that are irrigated with recycled water. This concern is not affiliated with the proposed rescission of the NPDES requirements.

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA COMMENT NO. 1.

In its comments, CVCWA states "we support the Proposed Order and amendment of Lincoln's master reclamation permit to remove the NPDES requirements."

CVCWA further states: "Further, given the overlapping regulation of the subject discharges, removing such redundant, unnecessary, and potentially confusing requirements from the master reclamation permit is consistent with state policy for increasing recycled water use within California."

Response: Central Valley Water Board staff concurs with the comment, which is the basis of the proposed rescission of federal NPDES requirements.