



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Certified Mail No. 7008 3230 0000 3863 1314
Return Receipt Requested

August 24, 2012

Bryan J. Smith
Supervising Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 200
Redding, CA 96002

Re: Tentative Order/Draft NPDES Permit for the City of Dunsmuir Wastewater Treatment Plant (NPDES Permit No. CA0078441)

Dear Mr. Smith:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0078441) for the discharge from the City of Dunsmuir WWTP to the Sacramento River, which was public noticed on July 27, 2012. We have concerns about the draft permit that need to be addressed to ensure the permit effectively protects water quality and complies with NPDES requirements. Specifically, we are concerned with the compliance schedule milestones for ammonia. Pursuant to 40 CFR 123.44, we reserve the right to object to issuance of this permit if our concerns are not addressed.

The compliance schedule for ammonia provided in the draft permit is not an "enforceable sequence of actions or operations leading to compliance with an effluent limitation." The compliance schedule includes only report-based milestones. As defined under the State's *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (SWRCB Resolution No. 2008-0025), Section 502(17) of the Clean Water Act (CWA), and 40 CFR 122.2, any compliance schedule contained in an NPDES permit must be an "enforceable sequence of actions or operations leading to compliance with an effluent limitation."

Under the State's policy, the discharger must comply with application requirements in order to receive a compliance schedule in their NPDES permit. In the application, the discharger must demonstrate that time is needed to implement actions, such as designing and constructing facilities, or implementing new or significantly expanded programs and securing financing, to comply with a more stringent permit limit. The application must also include the following documentation:

- a) Diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream, and the results of those efforts;
- b) Source control efforts are currently underway or completed, including compliance with any pollution prevention programs that have been established;
- c) A proposed schedule for additional source control measures or waste treatment;
- d) Data demonstrating current treatment facility performance to compare against existing permit effluent limits, as necessary to determine which is the more stringent interim permit effluent limit to apply if a schedule of compliance is granted;
- e) The highest discharge quality that can reasonable be achieved until final compliance is attained;
- f) The proposed compliance schedule is as short as possible, given the type of facilities being constructed or programs being implemented, and industry experience with the time typically required to construct similar facilities or implement similar programs; and
- g) Additional information and analyses to be determined by the Regional Water Board on a case-by-case basis.

As required under parts (c) and (f), the discharger must propose a schedule for additional control measures or treatment that is as short as possible. It is our understanding that the discharger has provided a proposed schedule per the requirements of the State policy. If the compliance schedule is granted, a specific schedule consistent with the discharger's proposal must be specified in the reissued permit and the information from the discharger's application should be documented in the fact sheet. Reports may also be included as milestones; however a plan of actions or operations, such as obtaining funding, construction permits, and breaking ground, must be included as milestones in any permit compliance schedule in order to meet the requirements of the State's policy and the CWA.

We appreciate the opportunity to provide input on the draft permit. If you would like to discuss these comments, please contact Elizabeth Sablad of my staff at (415) 972-3044.

Sincerely,



David Smith, Manager
NPDES Permits Office (WTR-5)