



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

Certified Mail No. 7002 3150 0004 3519 4239
Return Receipt Requested

June 14, 2013

Gayleen Perreira
Senior WRCE
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Tentative Order/Draft NPDES Permit for the City of Davis Wastewater Treatment Plant (NPDES Permit No. CA0079049)

Dear Ms. Perreira,

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0079049) for the discharge from the City of Davis WWTP to Willow Slough Bypass and Conaway Ranch Toe Drain, which was public noticed on May 21, 2013. 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 about the removal of effluent limits for iron and the inclusion of information in the fact sheet insufficient to support a number of effluent limit determinations and compliance schedules. Pursuant to 40 CFR 123.44, we reserve the right to object to issuance of this permit if our concerns are not addressed.

A. Iron

There appears to be an error in the rationale for determining whether there is reasonable potential for the discharge to exceed the water quality objective for iron. The fact sheet includes a discussion (page F-31) of the reasonable potential analysis for iron that reports maximum effluent concentrations (MECs) for iron at outfalls 001 and 002 that are not consistent with the historic data included in Tables F-2 and F-3, and also not consistent with the data used in the RPA spreadsheet. The fact sheet states the data used to determine the MECs was from September 2011 through December 2012, but there is no justification why this period was used, instead of using the data from the entire permit term. Even so, the MECs included in the discussion are not consistent with the data for this time period. At outfall 001, the MEC from the RPA spreadsheet is 2,700 $\mu\text{g/l}$, which exceeds the 1,000 $\mu\text{g/l}$ water quality objective and is consistent with the value listed in Table F-2 of the fact sheet. At outfall 002, the MEC from the RPA spreadsheet is 4,200

µg/l, which also exceeds the water quality objective and is consistent with the value listed in Table F-3 of the fact sheet. Since the MECs from the data exceed the applicable water quality objective, effluent limits must be included in the permit. Effluent limits were included in the previous permit based on the same water quality objective and they must be retained, as none of the exceptions to the anti-backsliding requirements have been met.

B. Manganese

The previous permit required the discharger to perform a study to determine a site-specific objective for manganese to protect the agricultural use of the receiving water. However, the fact sheet of the proposed permit provides no assessment of manganese. It is not clear why there is no follow-up information based on this study or whether a reasonable potential analysis has been conducted for manganese. The fact sheet needs to provide a reasonable potential analysis for manganese, particularly in light of concerns raised during the prior permitting cycle about manganese.

C. Compliance Schedules for EC and Methylmercury

The fact sheet provides an inadequate explanation of how the compliance schedules for electrical conductivity and methylmercury meet the requirements of 40 CFR 122.47. The fact sheet must demonstrate that the compliance schedules will lead to compliance with the final effluent limitations "as soon as possible" and that the interim milestones are action-based and sufficient to ensure compliance at the end of the schedule. The Regional Board must consider the specific steps needed to modify or install treatment facilities, operations or other measures and the time those steps would take. The length of the compliance schedule will need to be re-evaluated each permit term and, as we have discussed with your colleagues, it is possible to revise interim milestones and associated scheduled through minor permit modifications during the permit term.

D. RPA Documentation

It appears that the RPA table in Attachment G lacks information on a number of pollutants. It is important that the fact sheet document all aspects of permit development. Therefore, we expect all pollutants that were detected in the effluent would be addressed in the RPA table.

We appreciate the opportunity to provide input on the draft permit. Please contact me at (415) 972-3464 or Elizabeth Sablad of my staff at (415) 972-3044 if you have any questions regarding our comments.

Sincerely,



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