



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold
Schwarzenegger**
Governor

February 7, 2008

Marcus Drumm, General Services Manager
Loleta Community Services District
P.O. Box 236
Loleta, CA 95551

Dear Mr. Drumm:

Subject: Response to Comments, National Pollution Discharge Elimination System Permit draft Order R1-2008-0001

File: Loleta Community Services District, Wastewater Treatment Facility, Waste Discharge Requirements WDID No. 1B800810HUM

On January 25, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) staff received Comments Regarding Draft Order No. R1-2008-0001. The January 25 comments requested that the Regional Water Board consider several issues during the renewal of your National Pollution Discharge Elimination System Permit (NPDES permit). Each of your comments/concerns is presented below, followed by the Regional Water Board staff's response.

Comment

I Facility Information

Design Flows:

Operations and Maintenance Manual, Loleta Sanitary District, Wastewater Treatment Facility Operations and Maintenance Manual.

p. 1 "In 1978, a new clarifier, sludge wasting tank, and disinfection facilities were added and the capacity increased to 100,000 gpd."

Figure I-2 Load Data and Design Criteria

	1978 (current)	1998 Projection
Average Dry Weather Flows	81,000	95,000
Peak Dry Weather Flows	188,000	211,000
Maximum Monthly Flows	143,000	158,000
Peak Wet Weather Flows	761,300	816,000

Thus the design flow should read 100,000 gpd (average dry weather). It should also be greater than the 1998 projections, but I have not found exact numbers in the engineer's report.

Response

Your comment requests a last minute change to the permit-specified design flow. Section 122.45(b), title 40 of the Code of Federal Regulations¹ requires permit effluent limitations for publicly owned treatment works to be calculated based on "design flow;" however, that term is not specifically defined. The design flow requested in your permit renewal application (EPA Form 3510-2A) for the Loleta facility is 0.081 million gallons per day (mgd) for average dry weather flow. This design flow was the same as referenced in the previous permit.

In order to request an expansion to the facility design flow, we would need to receive a revised permit application along with technical data to show that the facility's collection, treatment and disposal system is capable for handling this flow in a manner that is protective of water quality and does not result in the discharge of untreated or partially treated wastewater. In order for us to justify an increase in the flow limits contained in this permit from those applied in the previous permit would need to satisfy anti-backsliding requirements in accordance with 40 CFR 122.44(l)(1). This would require the Loleta Community Service District (District) to provide the Regional Water Board staff with sufficient information to conduct a thorough antidegradation analysis, including analysis of alternatives to discharge to surface waters and of the condition of the receiving waters. At this time, we do not have any of the information necessary to justify the requested change. Our staff would be available to work with you in order to facilitate such a change in the future.

Comment

IV. Effluent Limitations - pH

The District of Loleta would benefit from a relaxation of the pH 6.5 Basin Plan standard to the USEPA pH 6.0 standard. The District has been successful in decreasing the effects of Inflow and Infiltration and plant loading, although we have not yet achieved the 225 gpd per person USEPA guideline. During winter rains it is not uncommon for influent to enter the plant at or below pH 6.5. Our permit requires chlorination and dechlorination, both of which contribute to depress the pH below permissible levels. The rainwater itself is the cause of the pH problem.

As described in the permit, we discharge to a wetland, which is tributary to an unnamed slough, and the Eel River. The slough is eutrophic, and I am sure that the testing required under this permit will show that our discharge is incapable of dropping the pH of the slough below 6.5.

¹ All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

Response

The permit limit in question is based on objectives contained in the Water Quality Control Plan for the North Coast Region. Section 301(b)(1)(c) of the CWA and section 122.44(d) of the federal regulations requires that NPDES permits to specify effluent limitations more stringent than technology-based effluent limitations, if necessary to achieve water quality standards set forth in the Basin Plan. In addition, sections 402(o)(2) and 303(d)(4) of the Clean Water Act (CWA) and section 122.44(l) of the federal regulations prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Information and/or circumstances necessary to satisfy requirements for consideration of relaxed limitations has not been provided to our agency. Therefore, the effluent limitation for pH will remain unchanged.

Comment

Reporting Requirements - River Flow Reporting Requirements:

I could not find the report requirement for receiving water flow under the present permit in the new permit. If they will be required, the District requests that only the Eel River Daily flow be required. The ratio of flows from the WWTF and the Eel River are consistently in the range of 1:10,000, far in excess of the 1:100 preferred. The Van Duzen dries up long before the Eel. The data for the Van Duzen is reported in minute by minute cubic feet per second estimates, so either massive calculations or good faith estimates are required to report Van Duzen flow.

Response

Comment noted and permit language modified. Please be aware of the Special Study contained in Provision VI.C.2.b of the new permit, which requires a study related to the ratio of wastewater discharge to receiving water flow at the discharge point in order to ensure compliance with the Basin Plan discharge rate restrictions.

Comment

Prohibition on Discharges to the Tributary May 15 Through September 30th

The tributary to which Loleta WWTF discharges is seasonal and controlled at this point by the water table in the Eel River Basin. I assume that the purpose behind the prohibition is to prevent discharges while the Eel is running low and impacts to beneficial uses would be magnified. Since the volume of flow in the Eel and the flow through the tributary are controlled identically by the water table, the enforcement of exact dates does not serve the purpose for which they exist. Since the dates serve no purpose as it relates to the Loleta discharge, the District requests a waiver from a specific date requirement in the permit.

Response

The seasonal discharge period for the Eel River is contained in a Basin Plan prohibition. The Basin Plan prohibition does not provide for a waiver of this policy. Every three years the Regional Water Board considers amendments to the Basin Plan. If you wish to pursue a potential amendment to the seasonal discharge prohibition, please contact staff regarding the triennial review process. No change will be made to the draft Order at this time.

Conclusion

Draft NPDES Permit Order No. R1-2008-0001 for the Loleta Community Service District Wastewater Treatment Plant has not been substantially changed since the public comment period; therefore, no additional comment period is required. The Regional Water Board will hold a public meeting to consider comments and objections to the proposed permit on March 6, 2008, at the Fortuna River Lodge, 1800 Riverwalk Drive, Fortuna, California beginning at 9:00 a.m., or as announced in the Regional Water Board's agenda. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed NPDES Permit.

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by February 29, 2008. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by Regional Water Board Chair and usually will allow no more than 10 minutes for Regional Water Board staff and City staff and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

The tentative Order, related documents, and comments received have been enclosed. Copies of these documents are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220. The WDRs and associated documents are also available on the Regional Water Board's website at <http://www.waterboards.ca.gov/northcoast/agenda/pending.html>.

Sincerely,

Lisa Bernard
Sanitary Engineering Associate

Return Receipt Requested

cc: Robyn Stuber, U.S. EPA, Region 9, CWA Standards and Permits Office (WTR-5)
75 Hawthorn Street, San Francisco, CA 94105; Stuber.Robyn@epamail.epa.gov