

## **Sonoma West Holdings**

On March 8, 2010, Brelje and Race, Consulting Civil Engineers submitted comments on the draft NPDES permit (Order No. R1-2010-0019) on behalf of SonomaWest Holdings (hereinafter Discharger). In its comments, the Discharger requested substantive changes to the draft Order, which have been incorporated in the revised draft Order according to the following staff response to comments from the Discharger; Additional Staff changes to the draft Order are explained after the comment section at the end of this document:

### **Comment 1A Discharge to Receiving Waters. Pages 6 and 12, Sections II.B and III.G**

*The draft permit is limiting discharge based on recent flow history, citing 40 CFR 122.45 (b). This represents a significant change from SWH's historical discharge permit. 40 CFR 122.45 (b) was written for typical East Coast and Midwestern treatment plants, which have no effluent storage. At these plants, wastewater is treated and discharged directly to receiving waters. 40 CFR 122.45 (b) effectively says that these facilities cannot discharge more than they are permitted to treat. This approach, while appropriate for flow-through facilities, does not fit with the restrictions of time of year and percentage of stream flow required by the Basin Plan. Because discharge is limited to 1% of stream flow, and to the period between October 1 and May 14, there are many days on which a discharger could not discharge that day's "production." Because of the percentage and seasonal limitations, dischargers construct storage ponds to hold treated wastewater until it can be discharged. If a discharger stores water during the autumn shoulder season, it will need to discharge at greater than its daily production once the rainy season has increased stream flows. This draft permit limitation effectively fails to recognize the method of operation that establishes the facility's capacity. SWH views the proposed limitation to "production" flows as a major permit issue, and requests that this text be deleted.*

#### **Response:**

The production-based limitations on discharge flows per 40 CFR 122.45 (b) were erroneously included in the draft Order and Regional Water Board staff accept the Discharger's recommendation to use the seasonal and one-percent of stream flow limitations from the existing permit and Basin Plan.

### **Comment 1B Discharge to Receiving Waters. Page F-17, Section IV.A.7 last paragraph**

*This paragraph states that "The authorization of higher rates of discharge to surface water would require an antidegradation [op.cit.] analysis to assess compliance with the requirements of NPDES regulations at 40 CFR 131.12 and State Water Board Resolution No. 68-12." SWH rate of discharge has historically been limited by the basin Plan percentage and seasonal limits. Changes in the agricultural economy that has moved from apple processing to wine production have resulted in reduced wastewater flow rates at the SWH facility. It may happen in the future that the economy shifts to food processing that produces wastewater flows more like those experienced, and permitted, in the past. SWH should not be required to conduct an antidegradation analysis for flows that have historically been permitted. The historically permitted discharge of 1 percent of*

*stream flow is being retained in the proposed permit. Please remove the statement that an anti-degradation analysis would be required if flows return to historically permitted levels.*

**Response:** The Discharger is correct to point out that an antidegradation analysis would not be necessary based solely on an increase of flows to previously permitted levels. Staff have deleted this sentence from the draft Order.

**Comment 1C Discharge to Receiving Waters. Page 14 and F-19, Table 6 Section IV.B.2** SWH [Sonoma West Holdings] requests that the mass-based limits be based on the actual flow discharged (daily or average monthly).

**Response:** The mass-based limits were originally included for consistency with the production-based limitations described in Comment 1A. Since the production-based flow limitations have been eliminated from the draft Order, the mass-based limits have also been removed.

**Comment 1D Discharge to Receiving Waters. Page F-17, Section IV.A.7 first sentence**

*Please revise the first sentence as follows:*

*"From October 1 through May 14 each year, the discharge to Barlow Creek is limited to only excess wastewater as needed to safely operate the storage pond and shall not exceed more than one-percent of the flow of ~~Barlow Creek as measured just upstream from Discharge Point 001~~ Atascadero Creek as measured at the Occidental Road Bridge."*

*This correction will make the Fact Sheet consistent with the permit, Discharge Prohibition III.G, and with the third paragraph of Fact Sheet IV.A.7.*

**Response:** The Discharger is correct to point out this inconsistency. The intent of the draft permit was to retain the use of Atascadero Creek as the reference site for discharge flow comparisons from the previous permit while requiring a special study to determine if Barlow Creek should be used as the reference site. The recommended correction has been made to the draft Order. Note that the quoted Discharge Prohibition III.G on page F-17 has been replaced in its entirety with the correct version contained in the draft Order.

**Comment 2A Stormwater Runoff. Pages 6 and 30, Section II.B.d.i** *The draft permit states, "Storm water from the nonbermed portion of Bench No. 1 and from all other benches can runoff directly to Barlow Creek during storm events, when discharge to land is not occurring and when certain other protective permit conditions are met." SWH requests that the new permit be explicit that stormwater run-off from the bermed portion of Bench No. 1 will continue to be permitted as in the past. The current permit allows stormwater run-off from the bermed area, under the same limitations as for other bench areas. The storage capacity of the domestic treatment system is limited to the 75,000 gallon sanitary wastewater pond. If runoff was not allowed during prolonged rainy periods, the return of tail waters plus ongoing wastewater generation could exceed the capacity of the pond. The pond's emergency overflow directs overflow into the process wastewater transfer pond. Such an overflow would mix domestic wastewater into the process*

wastewater system, which is not desirable. For all these reasons, SWH requests that the new permit explicitly allow stormwater runoff from the bermed part of Bench No. 1, with the same restrictions as for the other benches.

**Response:** Staff have granted the Discharger's request to amend the draft Order with explicit language ensuring that stormwater run-off from the bermed portion of Bench No. 1 will be permitted as in the past and be allowed to discharge to Barlow Creek.

**Comment 2B Stormwater Runoff. Page F-12** *The Fact Sheet states "Further, the discharge prohibition covers storm water runoff from the bench areas, during the time period specified in the Basin Plan requirement." Stormwater is not wastewater, and runoff of stormwater is not reasonably covered by the Basin Plan prohibition of wastewater discharges from May 15 through September 30. The draft permit has already provided for protection of surface waters by requirements for control of stormwater runoff from the benches.*

*A condition could arise in which this limitation would force SWH to make an illegal discharge. Specifically, after a wet winter the storage pond would be at capacity, and late spring rains, such as the May and June rains of 2005, could cause runoff from the benches. If the runoff had to be returned to the storage pond, the large volumes could jeopardize safe operation of the pond, and SWH would be forced to make an illegal discharge. It seems preferable to allow stormwater run-off rather than create a condition that could lead to no choice except an illegal discharge.*

*Also, SWH Bench 4 is low-lying. In years of heavy rainfall, groundwater surfaces on this bench into the late spring and summer. As long as the bench is wet from groundwater, SWH does not use the bench for wastewater treatment, and allows the natural waters to run off the bench. While this water is not stormwater, it is naturally-occurring, and such should not be regulated as a wastewater discharge.*

*While the proposed limitation of stormwater runoff to the discharge season would create unnecessarily onerous operating conditions for SWH, the most essential reasoning against the proposed limitation is that there is no basis for regulating stormwater as wastewater. SWH requests that this sentence be deleted from the Fact Sheet.*

**Response:** Staff have granted the Discharger's request to amend the draft Order by deleting this sentence because it will ensure consistency with the rest of the permit and the Basin Plan.

**Comment 2C Stormwater Runoff. Page E-1 Table E-1** *The table lists a Discharge Point 004, location for taking samples of stormwater run-off from the benches. This location exists, and samples are taken at this location. However, the water sampled is stormwater, and it is not appropriate to categorize it as a discharge. Please replace "004" with "--" in Table E-1, as for other non-discharge sampling locations listed in the table. This change will make Table E-1 consistent with the list of discharge points in Table 2 on the front sheet of the draft permit.*

**Response:** Staff have granted the Discharger's request to amend the draft Order by replacing "004" with "--" in Table E-1 because it will ensure consistency with the rest of the permit and the Basin Plan.

**Comment 3 Recognition of Use of Benches for Wastewater Treatment. Pages 12 and F-6, Sections III.A and III.D** *The draft permit prohibits the discharge of untreated or partially treated wastewater "receiving a lower level of treatment than described in section II.A of the Fact Sheet." However, the minimum level of treatment is not clearly defined. The Fact Sheet acknowledges that the "benches are used as overland flow treatment fields included in the wastewater treatment process." SWH requests that the permit acknowledge that overland flow is the primary means of treatment of process wastewater during the dry season. During the winter, water is treated in the aerated ponds, and is sprayed on the benches in compliance with the permit limitations for wet weather. In the dry season, water is treated on the benches, through overland flow and through travel through the soil. SWH needs to be able to empty its storage pond by the end of September in order to have maximum storage capacity during the wet season and to minimize the need for discharge to surface waters (ref. draft permit page 12, Discharge prohibition G.).*

**Response:** Staff have amended the draft Order to clarify that settling, and oil/water separation are required at all times, overland flow is the primary means of treatment of process wastewater during the dry season, and aeration and/or application to the benches is the primary means of treatment during the wet season.

**Comment 4 New Limits for Total Dissolved Solids, Ammonia, Nitrite and Nitrate in Land Application. Pages 15 and 16, Sections IV.B.1.a and IV.C.1.a** *The draft permit adds limits for total dissolved solids, ammonia, nitrite, nitrate, chloride and sodium at STG-001 and at Discharge Point 003. SWH has not been required to test for these constituents in the past, and there is no knowledge whether SWH will be able to comply with the new limits with the existing treatment system. SWH will submit an Infeasibility Request that the new permit period provide a data-collecting period for these constituents, so that it can be ascertained whether a compliance problem exists.*

**Response:** The Discharger submitted an infeasibility Request on March 15, 2010, and staff have accepted this request and made the appropriate changes to the draft Order.

**Comment 5A Limitations on Hauled Wastes. Pages 30 and 31, Section VI.C.6.e.ii** *Please delete "nor from facilities that produce beer or high proof alcohol" from the categorical list of excluded hauled waste sources. The term high-proof is not well-defined. The major tenants currently are wineries, which produce high proof alcohol by some definitions. Beer making waste is typically higher in BOD than winery waste. The limitation, however, could reasonably be framed as, "Hauled wastes shall not cause hydraulic or BOD loading to exceed the rated capacity of the overland flow benches (90 lb BOD/acre/day, per March 20, 2001, Process Wastewater System Evaluation)."*

**Response:** Staff have accepted the Dischargers comment and have amended the draft Order by deleting "nor from facilities that produce beer or high proof alcohol" from this section.

**Comment 5B Limitations on Hauled Wastes. Pages 30 and 31, Section VI.C.6.e.ii** *The draft permit requires that "No wastewaters containing cleaning compounds shall be accepted." This requirement would effectively eliminate all process waste from food and beverage industries, as wastewater is generated largely during cleaning of food-processing equipment. Please delete this sentence. At minimum, please insert "nonfood-grade" before "cleaning compounds."*

**Response:** In response to this comment, Staff have inserted "non food grade" before "cleaning compounds" in this permit section because it was not the intent of this section to prohibit food-grade cleaning compounds.

**Comment 5C Limitations on Hauled Wastes. Pages 30 and 31, Section VI.C.6.e.iv** *The draft permit requires that the "Discharger shall accept wastewater only during routine business hours and when the Discharger's operations staff is on site." Please delete "only during routine business hours." Hauled wastes are typically from cleaning operations, which typically take place in the evening. SHW operations staff would remain on site to supervise delivery of all and any hauled wastes, as needed to meet the waste generator's schedule.*

**Response:** Staff have amended the draft Order by deleting "only during routine business hours" so not to require the storage of wastewater overnight and because the Discharger has agreed to have employees on site to supervise all deliveries of hauled wastes.

**Comment 6A Testing for Constituents for Which No Limits Are Given. Page E-4 and Table E-4** *The Discharger is being required to test at Effluent Monitoring Location 001 for constituents for which there are no limits: chlorine residual, total coliform bacteria, TKN, Nitrate-N, and ammonia. Please provide the reason for these requirements or remove the requirements. Will the results be used to create future limits? If so, please provide the basis for such future limits and method by which they will be determined.*

**Response:** The monitoring at Discharge Point 001 for constituents without limits is required for future reasonable potential analyses (RPAs) and the associated determination of the need for appropriate effluent limitations during the next permit cycle. RPAs for discharges to surface waters are performed in accordance with the requirements contained in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California. Monitoring for TKN has been removed because there are no water quality objectives that provide the basis for an RPA.

**Comment 6B Testing for Constituents for Which No Limits Are Given. Pages E-11, E-12 and F-30, Sections VI.D Table E-5 and VI.E Table E-6** *Table E-5 lists constituent monitoring requirements at STG-001 and at REC-001. We have requested that limits for total dissolved*

*solids, ammonia, nitrite, nitrate, chloride and sodium be postponed until it can be determined whether SWH will be able to comply therewith. The table also includes aluminum and manganese, for which no limits have been set. The Fact Sheet states that "Monitoring of Aluminum, and Magnesium (presumably "magnesium" was intended to be "manganese" - this apparent error occurs in several places) has been added to facilitate a reasonable potential analysis in the next permit." Please provide the basis for conducting an RPA for discharges to land, the reason that aluminum and manganese have been selected for future limits, and the criteria for determining limits for aluminum and manganese. Also, SWH wants to be confident that the Regional Board understands that the aerated pond is not used at all times, and that it will not be possible to sample at STG-001 when the is empty.*

**Response:** Staff have accepted the Discharger's infeasibility request and have postponed issuance of the respective limits until sufficient data has been collected to determine if there is reasonable potential to exceed Groundwater Quality Objectives. The Discharger is correct to point out that the typographical errors of magnesium were intended to be manganese. Aluminum and manganese were selected for monitoring using Best Professional Judgment based on the likelihood of the presence of these metals in the wastestream from the industrial processes employed. The basis for collecting data to determine the reasonable potential of the wastewater to exceed Groundwater Quality Objectives derives from the Basin Plan requirements for the protection of groundwater quality and associated Beneficial Uses, which in this case include domestic and municipal drinking water supply. The secondary MCLs for aluminum and manganese are included by reference in Table 3-2 of the Basin Plan and the Groundwater Quality Objective Section of the Basin Plan is currently being amended by Staff so this data collection corresponds with the prospective direction of the objectives. Staff do recognize that the aerated pond is not used at all times, and that sampling at STG-001 is only required when there is water in the pond.

**Comment 7 Measurement of Water Level in Pond. Tavke E-5** *SWH requests that monitoring of the storage pond be measured as water depth and remaining freeboard, rather than as volumes.*

**Response:** Staff concur with this comment and have amended the draft Order to require monitoring of water depth and remaining freeboard instead of volume.

**Comment 8A Groundwater Testing. Page E-13, Table E-8** *The draft permit requires annual testing for the full Title 22 drinking water MCL list at each well. SWH feels that this requirement is onerous in that it would return little useful information at considerable expense. SWH wishes the Regional Board to be aware that the cost for laboratory tests for the drinking water slate alone is \$3,000 (January 2010 certified laboratory charges). Under the draft permit, the combined annual laboratory cost for drinking water constituents would be \$18,000 (or \$21,000 if the Regional Board continues to require testing at Well No. 7) every year.*

*SWH continues to require its tenants to adhere to the provisions of its Facility-Wide Operational BMPs Manual (draft permit term VI.C.3.a.), thereby keeping toxins from its waste stream. Most of the contaminants in the drinking water list have a very low probability of occurring in the SWH*

*process wastewater. SWH requests that testing for Title 22 constituents consist only of tri-annual testing of the drinking water well, as recommended by the Groundwater Monitoring and Reporting Plan dated March 16, 2004. Continued monitoring for salts and nutrients at the six wells fits with the Recycled Water Policy and statewide priorities for groundwater protection.*

*Also, SWH is not confident that its monitoring wells are deep enough to reveal the effects of soil treatment. Five of the wells are ten to twenty feet deep; since public drinking water wells are required to be sealed to a minimum of 50 feet below ground surface, the shallow wells provide no practical information about impacts to drinking water. The regularly used potable supply well (RGW-006) is located centrally to and lower than the benches, and therefore provides the best indicator of whether the bench treatment is impacting drinking water quality. The most recent Title 22 test of a sample from the drinking water well was in April 2009; all constituents were below the State MCLs.*

**Response:** Staff recognize that monitoring of the full Title 22 drinking water MCL list introduces a cost factor that causes frequent monitoring to be cost prohibitive. On the other hand, the Discharger has not collected sufficient groundwater data to assess the impacts of domestic and process wastewaters on shallow and deep groundwaters on site. In this comment, the Discharger's assertion that "the shallow wells provide no practical information about impacts to drinking water," is not true. The Regional Water Board is required to protect all existing and potential Beneficial Uses of groundwaters. Shallow groundwaters have existing drinking water and agricultural supply Beneficial Uses that must be protected. To address the competing factors of cost and need for data, Staff have reduced the monitoring frequency from annually to tri-annually, but have retained sampling of all wells, except well No. 7.

**Comment 8B Groundwater Testing. Pages E-2 and E-13, Tables E-1 and E-8** *The list of groundwater monitoring wells includes RGW-007, SWH's alternative drinking water well. This well is an ALTERNATIVE drinking water well - it is not used. SWH does not pump water from this well in routine operations. This well is at the northeast corner of the property, uphill and at a distance from the benches, and thus does not provide information about potential impacts of the wastewater treatment and irrigation on groundwater quality. The regularly used potable supply well (RGW-006) is located centrally and in an area lower than the benches, and therefore provides a more meaningful way to ascertain whether the bench treatment is impacting drinking water quality. Please remove Well No.7 from the list of groundwater monitoring wells to be monitored.*

**Response:** Staff agree that this alternative drinking water well is redundant in the monitoring scheme and have removed the groundwater monitoring well No. 7 (RGW-007) from the groundwater monitoring requirements in VIII.B and Table E-8 of the MRP.

**Comment 9 Statements that Groundwater Shall Not Exceed Title 22 MCLs. Pages E-13 and F-31, Footnotes 12 and 6 respectively.** *Footnotes 12 and 6 state "Groundwater shall not contain concentrations of chemical constituents in excess of the primary maximum contaminant*

levels (MCLs) specified for drinking water in Table 64431-A (Primary MCLs for Inorganic Chemicals) and Table 64444-A (Primary MCLs for Organic Chemicals) of Title 22 California Code of Regulations, Division 4, and Chapter 15 and listed in Table 3-2 of the Basin Plan." This statement appears to be taken from the Basin plan, page 3-11.00, which reads, "Groundwaters used for domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, Title 22, Division 4, Chapter 15, Article 4, Section 64435 Tables 2 and 3, and Section 64444.5 (Table 5) and listed in Table 3-2 of this Plan." SWH does not understand the intention of the statements in the footnotes of the draft permit. These sections could be replaced with text to the effect that the discharge to land application sites shall not cause groundwater to exceed Basin Plan objectives for groundwater.

**Response:** The intentions of the statements in footnotes 6 and 12 are to define the scope of constituents covered under the parameter Title 22 Pollutants. The footnotes have been amended to read:

"Title 22 Pollutants shall include all chemicals necessary for the protection of the municipal and domestic supply beneficial uses and which are applicable to the Groundwater General Objective for Chemical Constituents contained in the Basin Plan including, all chemicals with primary and secondary maximum contaminant levels from Title 22 of the California Code of Regulations."

**Comment 10 Use of "Statistically Significant" in Prohibition of Degradation of Groundwater. Pages 20 and F-29, Section V.B.1** *The Fact Sheet states that the permit has made 'the addition of "statistically" to clarify how to measure the significance of groundwater quality degradation.' The term "statistically significant" in fact does not clarify how to measure change in constituent concentration. Use of the term introduces confusion as to the means of determining and measuring compliance, as no method of analysis and standard for significance are given. More important, the term "statistically" is not supported by SWRCB Resolution 68-16. Please remove the phrase "statistically significant".*

**Response:** The measurement of significant difference using statistical methods is well established. Measurably significant is defined in section 20164 of Title 27 as a change in the monitoring point data that, relative to the reference background value (or other approved reference value or distribution), is sufficient to indicate that a release has occurred, pursuant to the applicable data analysis method (including its corresponding trigger).

Title 27 section 20415(e)(8) prescribes the acceptable statistical methods that may be used: parametric ANOVA, nonparametric ANOVA, a tolerance interval procedure, a control chart approach, or other statistical method that can verify whether there is measurably significant evidence of a release.

No change has been made to the proposed Order in response to this comment.

**Comment 11 “No Detectable Migration of Pollutants” from Benches to Surface Waters. Pages 13 and F-18, Sections III.M and IV.A.13** *Under Discharge Prohibitions, the draft permit states, “The land application of wastewater shall not result in any detectable migration of pollutants from wastewater to local surface water.” This prohibition does not appear in the current permit. SWH is concerned that the language in this draft prohibition is so sweeping as to be unenforceable, and requests that it be revised to read, “The land application of wastewater shall not result in migration of wastewater to local surface water.”*

**Response:** Staff have reevaluated this Discharge Prohibition and find it to be redundant with respect to the operations and management practices required by the existing permit. This Discharge Prohibition has been deleted from the draft Order.

**Comment 12 Dates of Wet and Dry Season Groundwater Sampling. Page E-13 and E-5, Tables E-8 and E-5** *Dates of twice annual sampling: SWH has taken groundwater samples in March and August since 2005, in accordance with the Groundwater Monitoring and Reporting Plan recommendation for wet weather and dry weather sampling. The draft permit requires the times be changed to April and September, stating that “Specifying the sampling month facilitates compliance determination for Regional Board Staff and provides year-to-year data consistency for analysis” (page F-31). SWH would like to point out that March is more representative than April of wet weather, and that several monitoring wells are often dry by August, and likely more would be dry in September. Continuing sampling in March and August would build upon five years of existing “year-to-year data consistency” and provide the most useful data.*

**Response:** The Discharger's comments sufficiently justify monitoring in March and August. Staff have modified the draft Order to require groundwater monitoring in March and August to ensure this year-to-year data consistency.

**Comment 13 Stormwater Monitoring Frequency. Page E-14** *Stormwater runoff monitoring frequency. The draft permit requires stormwater sampling and testing at each event. SWH requests that the frequency be reduced to one per season.*

**Response:** Staff recognize the costly nature of sampling and have reduced the sampling frequency from each event to the first event of each month. Staff believe that once per season would provide an insufficient set of data to rely on for regulatory purposes. If the data collected indicates no potential impacts to surface waters, the Regional Water Board may reduce the monitoring frequency in the future.

**Comment 14 Disposal of Defrost Water. Page F-7 A. Last Paragraph** *The permit is rescinding previous allowance of discharge of water from defrost processes directly to discharge or land application, citing the fact that the facility's cold storage equipment is “no longer” in use. SWH may want to put the equipment into use in the future, and requests that the permit recognize that this sort of water be permitted for discharge to the wastewater treatment and disposal system.*

**Response:** Staff recognize the Discharger's interest in retaining the option to use the facility's cold storage equipment and have amended the draft Order to allow this process. Chemical Oxygen Demand and Temperature were previously removed from the draft Order due to the exclusion of the cold storage process from the draft permit. Now that this process has been reintroduced as a permitted process the draft Order has been modified to include the same effluent limits for Chemical Oxygen Demand and Temperature as the current permit with a monitoring trigger if the process is used.

**Comments 15 A, B, C Regulatory Basis for Some Effluent Limitations. Pages F-23, F-27, F-28, Sections IV.C.3.vi, vii, x, Table F-7, Table F-8**

- A. *Effluent limitations for ammonia are stated to be based on the secondary MCL for taste and odor in drinking water,. Please provide the regulatory citation.*
- B. *Effluent limitations for nitrite are stated to be based on water quality objectives for protection of agricultural water supply. Please provide the regulatory citation.*
- C. *Effluent limitations for sodium are stated to be based on water quality objectives for protection of agricultural water supply. Please provide the regulatory citation.*

**Response:** Having stated the regulatory citation for this effluent limitation, Staff have removed the limitation from the permit in response to the infeasibility request submitted by the Discharger. Issuance of this effluent limitation will be reevaluated after the data collection period is complete. The regulatory citation for this type of effluent limitations follows:

The Water Quality Objectives for Groundwaters in the North Coast Regional Water Quality Control Plan (Basin Plan) contains a General Objective for Tastes and Odors that requires "Groundwaters shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. Numeric water quality objectives have been developed by the State Department of Health Services and U.S. EPA. These numeric objectives, as well as those available in the technical literature, are incorporated into waste discharge requirements and cleanup and abatement orders as appropriate." Furthermore, the General Objective for Chemical Constituents incorporates numerical objectives from Table 3-2 of the Basin Plan, which states in footnote 2 "The values included in this table are maximum contaminant levels for the purposes of groundwater and surface water discharges and cleanup. Other water quality objectives (e.g., taste and odor thresholds or other secondary MCLs) and policies...that are more stringent may apply."

The North Coast Regional Water Quality Control Plan (Basin Plan) designates Agricultural Water Supply (AGR) as an existing beneficial use that must be protected for all groundwaters in the region whether or not they are being used for such a purpose. The Water Quality Objectives for Groundwaters in the Basin Plan contains a General Objective for Chemical Constituents that requires "Groundwaters used for agricultural supply (AGR) shall not contain concentrations of chemical constituents in amounts that adversely affect such beneficial use." The same objective also incorporates numerical objectives from Table 3-2 of the Basin Plan, which states in footnote 2 "The values included in this table are maximum contaminant levels for the purposes of groundwater and surface water discharges and cleanup. Other water

quality objectives (e.g., taste and odor thresholds or other secondary MCLs) and policies...that are more stringent may apply."

**Comment 16 Pollutant Minimization Program. Page 25 Section VI.C.3.b** *It is our understanding that a Pollutant Minimization Program (PMP) would be triggered by non-compliance with the NPDES discharge to surface waters. Please add permit language to clarify this.*

**Response:** Staff have reviewed the file and the referenced memorandum dated May 23, 2003, and have determined that the draft Order correctly references the most relevant study. No change has been made to the draft Order in response to this comment.

**Comment 17 Resolve Report Date Differences. Page 6 Section II.B** *The Report that SWH has is dated March 20, 2001, and is updated in a memorandum dated May 23, 2003*

**Response:** Staff have included language in Section VI.C.3.b of the draft Order to clarify that a PMP is only triggered by non-compliance with effluent limitations for surface water discharges at Discharge Point 001.

**Comment 18 Typographical Error. Page 6 Section II.B** *It appears that in paragraph 3, line 3, "be" should be "by".*

**Response:** This typographical error has been fixed in the draft Order.

**Comment 19 Typographical Error. Page 18 Section V.A** *It appears that the first paragraph should end in a colon, not period.*

**Response:** This typographical error has been fixed in the draft Order.

**Comment 20 Typographical Error. Page 19 Section V.A.11** *It appears that the word "temperature" is missing after "water."*

**Response:** This typographical error has been fixed in the draft Order.

**Comment 21 Typographical Error. Page 28 Section vii.** *It appears that "objectionable orders or files" may have been intended to read "objectionable odors or flies."*

**Response:** This typographical error has been fixed in the draft Order.

**Comment 22 Typographical Error. Page F-6 Last Paragraph** *Please revise the last sentence as follows: "Domestic wastewater is collected in four five septic tanks where settling and anaerobic treatment occurs, ..."*

**Response:** Staff accept this comment as a clarification of the treatment process and have incorporated the suggested changes in the draft Order.

**Comment 23 Domestic Wastewater Effluent Limitation** *Please remove the Settleable Solids effluent limitation on Discharge Point 003 because this has not been required in the past.*

**Response:** Staff accept this comment because the inclusion of Settleable Solids as an effluent limitation was not intended and had been erroneously included in this section. This can be seen in the first draft Order because it was included in the permit, but no accompanying justification was included in the Fact Sheet. Removal of this effluent limitation makes the draft Order consistent with the previous permit and maintains the necessary protections on water quality. The Settleable Solids Effluent Limitation and associated monitoring for Discharge Point 003 have been removed from the draft Order.

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**Staff Modification 1 New Sampling Location for Minimally Treated Process Wastewater  
Pages E-1, E-11**

Staff have included a new monitoring location called LND-001 for Discharge Point 002 that enables sampling of process wastewater, which goes directly from the primary treatment step (screening, settling, and oil/water separation) to land application on the benches. This will provide a representative sampling location for wastewater that is land applied without going to Lake Davis. Staff have also moved Aluminum and Manganese monitoring from STG-001 in Table E-5 to this new location, LND-001 in Table E-6.