

Attachment 2A – Staff Changes to Cloverdale NPDES Permit – Order No. R1-2012-0048

Page/Section of Final Draft	Description of and reason for change	Specifics of Change (Strikeout indicates recommended deletions and underline indicates recommended additions to permit language)
Throughout permit document	Changed to a more neutral term to describe the entity subject to permit requirements	Changed from using the term “the Discharger” to “the Permittee”
ORDER		
I, Table 4	The City has a new contact person	Paul Wade <u>Craig Scott</u> , Public Works Director/City Engineer
II.A (Findings)	Location of this language was changed to be consistent with the revised State Board permit template	“Legal Authorities” finding moved from Fact Sheet section III.A of public review draft to Finding II.A of the final draft of the permit
II.C (Findings)	Location of this language was changed to be consistent with the revised State Board permit template	“Provisions and Requirements Implementing State Law” finding moved from Fact Sheet section III.F of the public review draft to Finding II.E of the final draft of the permit
V. (Receiving Water Limitations)	<p>General narrative language describing the applicability of surface water and groundwater receiving water limitations all moved ahead of section V.A.</p> <p>Modified language to clarify how non-conformance with receiving water limitations is addressed by Regional Water Board.</p>	<p>V. RECEIVING WATER LIMITATIONS</p> <p>Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required to be addressed as part of this Order. <u>However, a receiving water condition not in conformance with the limitation is not necessarily a violation of this order.</u> Compliance with receiving water limitations shall be measured at monitoring locations described in the MRP (Attachment E). <u>The Regional Water Board may require an investigation to determine cause and culpability prior to asserting a violation has occurred.</u></p> <p>Discharges from the Facility shall not cause the following in the receiving waters:</p> <p>A. Surface Water Limitation</p> <p>Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order.</p>

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		<p>Compliance with receiving water limitations shall be measured at monitoring locations described in the MRP (Attachment E). Discharges from the Facility shall not cause the following:</p> <p>B. Groundwater Limitations</p> <p>Receiving water limitations for groundwater are based on water quality objectives in the Basin Plan and are a required part of this Order. Discharges from the Facility shall not cause exceedance of applicable water quality objectives or create adverse impacts to beneficial uses of groundwater. Discharges from the Facility shall not cause the following:</p>
VI.A.2 (Provisions)	Language modified to be consistent with revised State Board permit template	<p>2. Regional Water Board Standard Provisions. The Permittee shall comply with the following Regional Water Board standard provisions. <u>In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:</u></p>
VI.A.2.c (Provisions)	The provision concerning Water Code section 1211 has been deleted because the issue is under the jurisdiction of the State Water Board, not Regional Water Boards. A statement to that effect has been added to section I.B of the Fact Sheet.	<p>Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Water Code § 1211)</p>
VI.C.2.a.ii (Provisions)	Added clarifying language	<p>Toxicity Reduction Evaluations (TRE) Workplan. <u>If not already submitted,</u> the Permittee shall submit a TRE workplan to the Regional Water Board at least six months in advance of any discharge to the Russian River at Discharge Point 001.</p>
VI.C.5.b.iii	Added footnote to identify the specific parameters to be monitored in the influent	<p>⁹<u>The priority pollutant scan shall include CTR and title 22 pollutants. CTR pollutants are those pollutants identified in the California Toxics Rule at 40 CFR 131.38 and title 22 pollutants are those pollutants for which the California Department of Public Health has established Maximum</u></p>

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		<u>Contaminant Levels (MCLs) at title 22, division 4, chapter 15, sections 64431 (Inorganic Chemicals) and 64444 (Organic Chemicals) of the California Code of Regulations. Duplicate analyses are not required for pollutants that are identified as CTR and title 22 pollutants.</u>
Monitoring and Reporting Program		
I.C	Added clarifying language	<u>Laboratories analyzing monitoring samples shall be certified by the California Department of Public Health (CDPH) in accordance with the provisions of Water Code section 13176, and must include quality assurance / quality control data with their analytical reports. If all other analyses are conducted by a certified laboratory, analysis for pH, chlorine residual, dissolved oxygen, and settleable solids may be performed by a noncertified, on-site laboratory, provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in their program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program shall conform to U.S. EPA or California Department of Public Health (CDPH) guidelines.</u>
IV.A, Table E-4	Added a missing footnote that clarifies monitoring requirement. The chronic toxicity monitoring trigger referred to in this added footnote is identified in Section VI.C.2.a of the Order.	⁸ <u>The Permittee shall include reporting regarding compliance with the narrative toxicity objective in Receiving Water Limitation V.A.10 by reporting whether the chronic toxicity test “passed” or “triggered” in relation to the chronic toxicity trigger of 1 TUc (where TUc =100/NOEC). For narrative chronic toxicity reporting, “Passed” shall be reported when chronic toxicity effluent results do not trigger accelerated testing (e.g., a result of ≤ 1TUc). “Triggered” shall be reported when chronic toxicity effluent results trigger accelerated testing by exceeding the chronic toxicity trigger of 1 TUc.</u>
IV.A, Table E-4	Modified language in Footnote 10 to improve clarity	<u>Monitoring for ammonia shall be concurrent with acute whole effluent toxicity monitoring (Section V.A. of this MRP). Effluent and receiving water temperature and pH shall be recorded at the time of that the effluent and receiving water ammonia samples are collected.</u>
IV.B, Table E-5	Added temperature monitoring requirement to be consistent with the requirement in Footnote 12.	Parameter: <u>Temperature</u> ¹² Units: <u>°C or °F</u> Sample Type: <u>Grab</u> Minimum Sampling Frequency: <u>4X/Discharge Season</u> Required Analytical Method: <u>Standard Methods</u>

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V.C.3	Modified language to improve clarity	Compliance Summary. The <u>results of the chronic toxicity testing shall be provided in the most recent monthly discharge self-monitoring reports which shall contain an updated chronology of chronic toxicity test results expressed in TUC, and organized by test species, type of test (survival, growth or reproduction), and monitoring frequency (routine, accelerated, or TRE).</u> ...
X.B.4, Table E-9	Added information describing quarterly monitoring requirements	Sampling Frequency: <u>Quarterly</u> Monitoring Period Begins On...: <u>October 1 following permit effective date</u> Monitoring Period: <u>January 1-31, April 1-30, July 1-31, and October 1-31</u> SMR Due Date: <u>First day of second calendar month following month of sampling</u>
X.C	To provide consistency with terminology in Table 1 of the Order	DMRs are required for facilities designated as major dischargers discharges.
Fact Sheet		
Introductory paragraph	Language modified to provide consistency with revised State Water Board template	As described in section II.B of this the Order, <u>the Regional Water Board incorporates this Fact Sheet as findings of the Regional Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.</u>
I, Table F-1	The City has a new contact person	Paul Wade <u>Craig Scott, Public Works Director/City Engineer</u>
I.B	Added paragraph to describe Water Code section 1211 requirements for changes in the point of discharge, place of use, and purpose of use.	<u>Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Permittee must file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for such a change. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.</u>
I.C	Added missing language	The Discharger <u>Permittee</u> filed a Report of Waste Discharge and submitted an application for renewal of its WDRs and NPDES permit on December 30, 2010. A site visit was conducted on October 18, 2011 to observe operations and collect additional data to develop permit limitations and conditions. <u>Supplemental information was submitted on</u>

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		November 14, 2011, November 23, 2011, and December 1, 2011. The permit application was deemed complete on December 1, 2011.
III.B.2	Added clarifying word	National Toxics Rule (NTR) and California Toxics Rule (CTR). USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995, and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain <u>federal</u> water quality criteria for priority pollutants.
III.B.6	Language modified to be consistent with revised State Board permit template	Antidegradation Policy. 40 CFR 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 is <u>deemed to</u> incorporate the federal antidegradation policy where the federal policy applies under federal law.
III.B.7	Language modified to be consistent with revised State Board permit template	Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit <u>restrict</u> backsliding in NPDES permits.
IV.	Added clarifying language to introductory paragraph	The CWA requires point source dischargers to control ... narrative water quality criteria to protect the beneficial uses of the receiving water <u>where a reasonable potential to exceed those criteria exist.</u>
IV.C.1, 2 nd paragraph	Language modified to be consistent with revised State Board permit template	40 CFR 122.44(d)(1)(i) mandates <u>requires</u> that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause
IV.C.4	Language added to provide consistency with the steps described in the <i>State Implementation Policy for Toxics Control</i> for calculating effluent limitations	Step 1: For each priority pollutant that demonstrate reasonable potential, identify the applicable water quality criterion/objectives for the pollutant(s), and adjust the criterion or objective, if applicable. This step is described in sections IV.C.3.b and IV.C.3.c, above. [Note: Subsequent steps are renumbered as Steps 2 through 4]
IV.C.4, Table F-7	Correction of error in the table describing how the copper effluent limitations were calculated	MDEL Multiplier: 4.55 <u>3.11</u> AMEL Multiplier 3.44 <u>1.55</u> MDEL: 40 <u>20</u> AMEL: 20 <u>10</u>

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IV.D.1	Language modified to be consistent with revised State Board permit template	Except as provided in 40 CFR 122.44(l)(2), federal anti-backsliding regulations require effluent limitations, standards, and conditions contained in reissued permits to be at least as stringent as the effluent limitations, standards, and conditions contained in the previous permit. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.
V.B	Correction made to reflect beneficial uses of groundwater identified in the Basin Plan	The beneficial uses of the underlying ground water are municipal and domestic supply, industrial service supply, industrial process supply, agricultural supply, <u>native american culture</u> , and freshwater replenishment to surface waters aquaculture .
VII.A.2.c	Deleted paragraph due to deletion of corresponding language in Order	Order Provision VI.A.2.c requires the Discharger to file a petition with, and receive approval from, the State Water Board Division of Water Rights prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse. This requirement is mandated by Water Code section 1211.