



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105-3901

Lila Tang, Chief
NPDES Permits Division
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

July 12, 2006

Dear Ms. Tang:

Thank you for the opportunity to comment on the tentative order for the proposed NPDES permit reissuance for the City of Calistoga (permit number CA0037966). The purpose of this letter is to present EPA's comments on the draft permit. We appreciate Board staff's hard work in bringing this permit forward for adoption; the draft was very well written.

Bypass/Blending Provisions

The bypass language contained in the second paragraph of discharge prohibition III.B. inappropriately allows bypasses in the form of wet weather blending at the treatment plant. Blending at the Calistoga treatment plant is a bypass subject to the bypass prohibition in 40 CFR 122.41(m)(4) and Standard Provision A.13 of the permit. The bypass prohibition at 40 CFR 122.41(m)(4) does not provide for authorization of or allowance of bypasses. The regulation does, however, provide that the Board may "approve" an anticipated bypass if the provisions of 40 CFR 122.41(m)(4)(i)(A), (B) and (C) are met (the bypass is unavoidable, there were no feasible alternatives, and the discharger submits proper notice). Approval of an anticipated bypass does not authorize the bypass, but would have the affect of barring the Board from taking enforcement against the discharger for the approved bypass.

The permit must be changed to make the blending (bypasses) subject to 40 CFR 122.41(m)(4). This can be accomplished simply by deleting the second paragraph of provision III.B.

The Board may consider the planned blending at the City of Calistoga treatment plant as an anticipated bypass, however, to do this, the Board must evaluate the planned blending (bypass) and determine if it meets the conditions at 40 CFR 122.41(m)(4)(i)(A), (B) and (C). This evaluation should include an analysis of feasible alternatives. If the Board decides to pursue a feasibility analysis as part of this permit decision, the conclusions of such an evaluation should be stated in the permit findings along with a determination as to whether or not the blending is an approved bypass. The Board may only approve an anticipated bypass for flows that exceed the secondary treatment unit capacities after full

implementation of feasible alternatives. If the Board approves the bypasses, the permit must include the specific conditions under which the bypass would be approved, including specific minimum wet weather flow rates. (The tentative order allows blending “during wet weather”. This provision is too general.) If Calistoga has not yet fully implemented all feasible alternatives for controlling bypasses, the Board may consider including an implementation schedule in the permit for completion of the feasible alternatives.

Nuisance Provision

To be consistent with other permits adopted by the Board, we suggest adding a prohibition against discharges that create a nuisance in Section III.

Collection System

This provision describes conditions in NPDES permit that apply to its collection system. This paragraph appropriately defines the permitted facility to include Calistoga’s collection system. There are several other locations in the permit, however, where it must be made clear that the NPDES permitted facility includes both the treatment plant and Calistoga’s collection system. Please modify the following to describe the facility as treatment plant and collection system:

- Cover sheet, Name of Facility;
- Paragraph I., Name of Facility;
- Finding II.B.1, Facility Description – This paragraph should describe the permitted facility as including the Calistoga’s collection system and wastewater treatment facility. We suggest that the description also include a brief description of the collection system (miles of pipe, number of pump stations, etc.)
- Fact Sheet descriptions of the permitted facility.

We also request that the Board delete the following sentence in Provision VI.C.6.c: “Compliance with these requirements will also satisfy the federal NPDES requirements specified in this Order.” Although the Board anticipates that compliance with the General WDR will also meet the NPDES Permit requirements, it is inappropriate to make such a sweeping statement, especially without knowing the factual context in which a specific compliance issue may arise.

Bypass Discharge Monitoring

We agree with the requirements of MRP paragraph IX.2.h.i which require monitoring of blended/bypassed discharges. We recommend that the Board clarify the sentence stipulating that “if CBOD or TSS *values exceed* the weekly average effluent limits....” Does this mean that if any single sample result exceeds the limit or the average of all samples collected during a seven day period? The reference to the blending allowance in the 3rd paragraph of this section should be deleted. Finally, we suggest that

MRP Section IV makes a cross-reference to the monitoring requirements in Paragraph X.2.

Mercury Monitoring

We recommend either deleting the second sentence of footnote [b] on page E-2 of the monitoring and reporting program, or changing the sentence to read, "The discharger may only use alternative methods if the method has an ML of 2 ng/L or less, and approval is obtained from the Executive Officer prior to conducting the monitoring." At this time, method 1631 is the standard for monitoring mercury, and it is unclear why any discharger would not wish to use that method. At a minimum, an alternative method should be reviewed and approved in advance by the Executive Officer. This change should also be made to footnote [10] on page E-6.

Zinc Limits

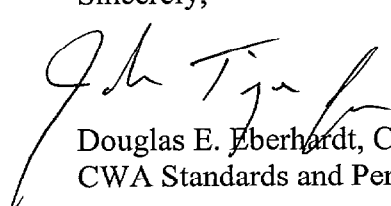
On page F-7, under D, the fact sheet states that there was one exceedence of the zinc effluent limit during the recent permit term. If this is the case, please explain why zinc limits are not included in this draft permit.

Fact Sheet Discussion on Cyanide

We recommend that you review page F-40, the first paragraph under (5), as the discussion about matrix interferences and analytical artifacts appears to be out-dated.

Thank you for your consideration of these comments. We appreciate your efforts to reissue this permit, however, we are compelled to notify you, in accordance with 40 CFR 123.44(b) and the 1989 NPDES Memorandum of Agreement, that the EPA may object to the final permit, if necessary, based on these comments. If you have any questions, please contact me, or Nancy Yoshikawa at (415) 972-3535.

Sincerely,

 7/2/16
Douglas E. Eberhardt, Chief
CWA Standards and Permits Office