

ITEM: 14

SUBJECT: Delta Regional Monitoring Program

BOARD ACTION: *Consideration of an Order Amending Delta-area Publicly-Owned Treatment Works Waste Discharge Requirements to Allow for Participation in the Delta Regional Monitoring Program*

BACKGROUND: The Central Valley Regional Water Quality Control Board (Central Valley Water Board) requires individual dischargers to conduct monitoring within the Sacramento-San Joaquin Delta (Delta) and tributary waters in the vicinity of their discharge, known as ambient or receiving water quality monitoring. In an effort to evaluate the current conditions and impacts of waste discharges on Delta waters, a coordinated ambient monitoring effort known as the Delta Regional Monitoring Program (Delta RMP) is currently under development.

The ultimate goal is to begin implementing the program with at least some monitoring in 2015 and establish a multi-year program plan by spring of 2016. The Steering Committee's design on the final monitoring design will be partially based on available funds for the program. Currently, the Steering Committee has set \$1.5 million as a target for planning purposes for the first year budget of the program.

The tentative Order proposes amendments to 14 individual Waste Discharge Requirements for NPDES dischargers that discharge to the Delta. The amendment will allow dischargers to participate in the Delta RMP in lieu of conducting their current individual receiving water monitoring programs. The basis for the proposed amendments to the individual Orders are described in the proposed Order and the revisions are shown in Attachments A through N in underline/strikethrough format. The following 14 NPDES dischargers' permits will be amended by this Order to allow for participation in the Delta RMP:

- A. Order R5-2010-0114-03
 - Sacramento Regional County Sanitation District, Sacramento Regional Wastewater Treatment Plant (NPDES No. CA0077682)
- B. Order R5-2014-0014
 - California Department of Corrections and Rehabilitation, Deuel Vocational Institution (NPDES No. CA0078093)
- C. Order R5-2014-0070
 - City of Stockton, Regional Wastewater Control Facility (NPDES No. CA0079138)
- D. Order R5-2012-0115
 - City of Tracy, Tracy Wastewater Treatment Plant (NPDES No. CA0079154)
- E. Order R5-2013-0004
 - Mountain House Community Services District, Mountain House Wastewater Treatment Plant (NPDES No. CA0084271)
- F. Order R5-2013-0125
 - City of Lodi, White Slough Water Pollution Control Facility (NPDES No. CA0079243)
- G. Order R5-2011-0055
 - Lincoln Center Environmental Remediation Trust, Groundwater Treatment System (NPDES No. CA0084255)
- H. Order R5-2013-0157
 - Ironhouse Sanitary District, Water Recycling Facility (NPDES No. CA0085260)
- I. Order R5-2013-0106
 - City of Brentwood, Wastewater Treatment Plant (NPDES No. CA0082660)

- J. Order R5-2014-0073
 - Town of Discovery Bay Community Services District, Discovery Bay Wastewater Treatment Plant (NPDES No. CA0078590)
- K. Order R5-2014-0012
 - City of Rio Vista, Beach Wastewater Treatment Facility (NPDES No. CA0079588)
- L. Order R5-2010-0081-01
 - City of Rio Vista, Northwest Wastewater Treatment Facility (NPDES No. CA0083771)
- M. Order R5-2014-0072
 - City of Vacaville, Easterly Wastewater Treatment Plant (NPDES No. CA0077691)
- N. Order R5-2013-0127
 - City of Davis Wastewater Treatment Plant (NPDES No. CA0079049)

The program development has come a long way in the recent months. Early this summer the Technical Advisory Committee was established as well as four subcommittees, each one focused on one of the priority constituents (mercury, nutrients, pesticides and pathogens). The subcommittee work is wrapping up with recommended design plans to address important assessment questions. The Technical Advisory Committee will review those designs looking for opportunities to combine and collaborate and ultimately recommend one monitoring design to the Steering Committee in late October.

ISSUES:

The tentative amending Order was issued for a 30-day public comment period on 24 July 2014 with comments due by 4 September 2014. Public comments regarding the tentative amending Order were received by the due date from the following:

1. United States Environmental Protection Agency, Region 9 (USEPA)
2. Central Valley Clean Water Association (CVCWA)
3. California Sportfishing Protection Alliance (CSPA)
4. Ironhouse Sanitary District (Ironhouse)
5. Sacramento Regional County Sanitation District (Regional San)
6. City of Stockton (Stockton)
7. State Water Contractors and Westlands Water District (Public Water Agencies)
8. Contra Costa Water District (CCWD)

The following is a summary of the comments on the major permitting issues and Central Valley Water Board staff responses. Detailed comments and responses are included in the Staff Response to Comments document included in the agenda package.

Continuity of Monitoring. USEPA and the Public Water Agencies expressed concern that allowing discharges to cease receiving water monitoring prior to establishment of Delta RMP monitoring plans would result in a large gap in water quality data.

Except in rare circumstances, the individual dischargers and the Delta RMP will not be sampling for the same constituents at the same times and locations; therefore, continuity of monitoring is not an issue. The Delta RMP will incur costs prior to initiating monitoring, so funding will be needed prior to initiating sampling. Also, it is anticipated that at least some POTWs will provide in-kind services to the Delta RMP, such as sampling staff and equipment, analyses in their agency laboratories, or use of existing agency contracts for laboratory services. It will take at least some time to reconfigure these staff assignments and contract services to switch from individual monitoring to Delta RMP monitoring.

Delta RMP Monitoring Programs. USEPA, CSPA, Ironhouse, Public Water Agencies, and CCWD commented that the Delta RMP monitoring programs should include specific pollutants and/or be more substantially developed prior to allowing Dischargers to participate in the Delta RMP and amending the NPDES permits. In addition, CSPA requests constituents of emerging concern, or CECs, should be included to the list of receiving water monitoring requirements.

The Delta RMP is a stakeholder-controlled process and the details of the Delta RMP monitoring programs are still under development. The monitoring programs are expected to evolve with expansion of the program and modification of monitoring efforts as data is received and evaluated. Currently, the State Water Resources Control Board is developing a strategy for sampling CECs in surface waters. Central Valley Water Board staff is participating in that work and the Delta RMP is anticipated as the organization to conduct the sampling.

Cost Neutrality. USEPA, Stockton, and CCWD expressed concerns about the principle of “cost neutrality” for dischargers. Clarification was requested as to whether existing investments are adequate for assessing the condition of the Delta and how the costs will be divided among participating agencies.

The existing, uncoordinated monitoring in the Delta has clearly not been adequate to fully assess the condition of the Delta. The Delta RMP is intended to coordinate existing monitoring, evaluate available data, and, where appropriate, supplement existing monitoring in order to improve the understanding of Delta water quality and inform regulatory decisions regarding Delta waters. Cost neutrality is a controversial part of Delta RMP development. Ongoing operation, maintenance and monitoring costs are substantial for POTWs. Layering an additional cost of regional monitoring upon existing costs would be a strain on local and business finances, and make formation of the Delta RMP more difficult. The concept of cost neutrality is that the Central Valley Water Board is willing to reduce current receiving water monitoring costs in exchange for a more productive use of those funds for regional monitoring. Monitoring costs have risen steadily over the years, new issues will arise, and the cost of the Delta RMP monitoring will increase over time, but the expectation is that Delta RMP monitoring will be more efficient and less expensive than conducting the equivalent work through multiple independent efforts.

Transitioning the Regulated Community into Delta RMP. USEPA, CSPA, Stockton, and CCWD would like the Central Valley Water Board to acknowledge that Dischargers besides POTWs will be transitioned into the Delta RMP. The parties identified include dredging companies, Caltrans, agricultural dischargers, and municipal storm water dischargers.

The Central Valley Water Board fully intends that all parts of the Discharger community will have the opportunity to participate in the Delta RMP. Representatives of Phase 1 and Phase 2 Municipal Separate Storm Sewer Systems (MS4s) and Irrigated Agriculture have seats on the Delta RMP Steering Committee. All other Discharger groups should eventually be incorporated into the Delta RMP. It is expected that the groups that use or have interest in Delta waters will also financially participate in the Delta RMP. These groups may not always be part of the baseline funding of the Delta RMP, but would financially participate in studies of interest to them. This is common in other regional monitoring programs.

Compliance Determination. CSPA commented that removing individual receiving monitoring violated federal regulations, because the monitoring is needed to determine compliance. Furthermore, CVCWA, Stockton, Public Water Agencies, and CCWD commented that it is unclear how the Delta RMP data will be used to determine compliance with the permit limitations and requirements.

Delta RMP data, if scientifically defensible, may be used in conjunction with other receiving water data, effluent data, receiving water flow data, and other pertinent information to determine whether or not a surface water discharge is in compliance with its NPDES Permit. The evaluation is site-specific. Central Valley Water Board staff will work with Dischargers to ensure sufficient monitoring is conducted to evaluate compliance with permit limitations. Dischargers choosing to participate in the Delta RMP must submit a letter to the Board that identifies the specific receiving water monitoring locations and constituent combinations that will no longer be conducted individually. For some dischargers, the individual effluent monitoring and Delta RMP receiving water monitoring will be sufficient. However, it is expected that for some dischargers certain receiving water monitoring will continue to be conducted individually (e.g., in situations where a Thermal Plan exception has been granted, receiving water temperature monitoring may be required in the vicinity of the discharge).

Effluent and Receiving Water Characterization Monitoring. CVCWA and Ironhouse commented that it is unclear whether dischargers are required to conduct receiving water monitoring required for submittal with NPDES permit renewal applications. CSPA also expressed concern that the proposed amendment allows dischargers to cease providing this information to the Board.

The proposed amendment does not remove the dischargers' responsibility to provide adequate receiving water data for their permit renewals. The proposed amendment simply allows dischargers the option of conducting individual receiving water characterization monitoring or utilizing Delta RMP monitoring to address all or a portion of the Characterization Monitoring. If the Discharger is participating in the Delta RMP, data from the Delta RMP will be utilized to characterize the receiving water in the permit renewal. The dischargers may, however, conduct any site-specific receiving water monitoring deemed appropriate and submit that monitoring data with this Characterization Monitoring.

RECOMMENDATION: Adopt Amending Order

Mgmt. Review _____
Legal Review _____
9/10 October 2014
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