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## Central Valley Regional Water Quality Control Board

26 May 2020

Lori Waterman, City Manager  
City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

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### **AMENDED NOTICE OF APPLICABILITY (NOA); MUNICIPAL GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-0085 (NPDES NO. CAG585001); CITY OF ATWATER REGIONAL WASTEWATER TREATMENT FACILITY, MERCED COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) received a Report of Waste Discharge (ROWD) for the Atwater Regional Wastewater Treatment Facility (Facility) on 29 June 2016 from the City of Atwater (hereinafter Discharger) for discharge of tertiary-treated domestic wastewater from the Facility to Peck/Atwater Drain. The Central Valley Water Board also received a Notice of Intent for the Facility on 12 January 2018 requesting enrollment under General Order R5-2017-0085 for Municipal Wastewater Dischargers That Meet Objectives/Criteria at the Point of Discharge to Surface Water (Municipal General Order). On 30 May 2018, the Facility was enrolled under the Municipal General Order and assigned Municipal General Order **R5-2017-0085-001** and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG585001. However, the duration of the NOA was limited to two years (expiration 30 May 2020) due to a chronic toxicity data issue. This issue is addressed in the amendments specified below.

Additionally, the current NOA requires the Discharger to collect characterization monitoring samples at Monitoring Location EFF-001 once per year, and at Monitoring Location RSW-001 twice per permit term. The effluent characterization monitoring is due by February first each year. To date, the Discharger has conducted two effluent characterization monitoring events, one in 2018 and one in 2019, and no receiving water characterization monitoring has been conducted. The amendments specified below also revise the effluent and receiving water characterization monitoring frequency.

### **AMENDMENTS**

1. The Central Valley Water Board staff conducted a reasonable potential analysis for chronic toxicity using the data from quarterly monitoring initiated between May 2018 and February 2020. Based on the quarterly monitoring over the last two years, the

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KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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Facility does not have reasonable potential for toxicity. Therefore, effective immediately, the 30 May 2018 NOA R5-2017-0085-001 is amended as follows:

- a. Remove the expiration date of 30 May 2020.
- b. Remove all the text in Attachment D, Section I.B and replace it with the following:

As described in the 30 May 2018 NOA, the NOA was limited to a two year term because it was unclear if the toxicity test results at the time demonstrated a reasonable potential to cause or contribute to an excursion of the Basin Plan's narrative toxicity objective. Consequently, the 2018 NOA required chronic toxicity monitoring using a dilution series and stated Central Valley Water Board staff would conduct a new reasonable potential analysis by 31 March 2020.

The chronic toxicity data monitoring results from May 2018 to February 2020 show that none of the reported results exceed 1 TUc. Thus, the Facility discharge does not have reasonable potential to cause or contribute to an excursion of the Basin Plan's narrative toxicity objective.

2. With the characterization monitoring schedule specified in the 30 May 2018 NOA, the Central Valley Water Board will not receive all the monitoring data in time to facilitate a timely permit renewal. To ensure Central Valley Water Board has the data it needs to identify data issues earlier in the permit renewal process, effective immediately, the 30 May 2018 NOA is amended as follows:

- a. Remove the sampling frequency text in Table 11 and replace it with the following:

Between 1 June 2020 through 30 November 2020, one sampling event at Monitoring Location EFF-001 and one sampling event at RSW-001;  
Between 1 December 2020 through 31 May 2021, one sampling event at Monitoring Location EFF-001 and one sampling event at RSW-001.

- b. Add the following text to the end of the subsection entitled "Monitoring Report Submittals":

The effluent and receiving water characterization monitoring required in Table 11 for the monitoring period ending 30 November 2020 is due by 1 January 2021. The effluent and receiving water characterization monitoring required in Table 11 for the monitoring period ending 31 May 2021 is due by 1 July 2021.

- c. Remove Attachment D, Section II.A.1.h.

The [Municipal General Order](#)

([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2017-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2017-0085.pdf)) is also available online. You are urged to familiarize yourself with the entire contents of the document.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA amendment, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home Page](#) ([https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)) or will be provided upon request.

*Original Signed by Clay L. Rodgers for:*  
Patrick Pulupa  
Executive Officer

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