

ITEM: 17

SUBJECT: City of Woodland Water Pollution Control Facility -
Yolo County

BOARD ACTION: *Consideration of NPDES Permit Renewal*

BACKGROUND: The City of Woodland (Discharger) is the owner and operator of the City of Woodland Water Pollution Control Facility (Facility). (The current City residential monthly flat rate sewer charge is \$68.62.) Up to 7.8 million gallons per day (mgd) of tertiary- treated wastewater is discharged from the Facility to the Tule Canal, an integral part of the Yolo Bypass and a water of the United States. This major discharge is currently regulated by existing Waste Discharge Requirements Order No. R5-200X-XXX (NPDES permit). The tentative NPDES permit renewal proposes an increased in regulated flow of up to 10.4 mgd based on an antidegradation analysis performed by the Discharger. The Discharger recently completed a Facility upgrade and expansion project that increased the Facility's secondary treatment capacity and added tertiary filtration and ultraviolet disinfection.

A tentative NPDES Permit renewal was originally issued for public review on 29 August 2008. Public comments were received from the Discharger, the Yolo Audubon Society, the Central Valley Bird Club, the Conaway Preservation Group, and Reclamation District 2035. Among its public comments, the Discharger commented that oil and grease and settleable solids effluent limitations were included in the proposed permit in error. Staff concurred and on 10 December 2008 re-issued the tentative NPDES Permit for public comments limited to the removal of the subject effluent limitations. Comments on the re-issued tentative NPDES Permit were received by the California Sportfishing Protection Alliance (CSPA).

Additionally, to address State Water Board Order WQ 2008-0008 (City of Davis), a narrative chronic whole effluent toxicity limitation and compliance determination language has been added to the tentative permit.

ISSUES: The major issues regarding the proposed NPDES Permit renewal are summarized below. Further discussion on all public comments is included in Regional Water Board staff Responses to Comments document.

Use of Inhibition Concentration – 25 Percent (IC25): The Discharger requests the option of substituting the IC25 method in place of the No Observed Effects Concentration (NOEC) method when measuring whole effluent toxicity in the effluent. The Discharger believes that the IC25 method is a more dependable estimation of the no effect level and provides a better indication of the ability to see an effect in the toxicity test.

The NOEC method is required in NPDES permits to calculate chronic toxic units because the NOEC endpoint represents no toxicity. This is consistent with the Regional Water Board Basin Plan's narrative toxicity objective and toxicity testing required in the other Regional Water Board's regulatory programs. The point estimate, IC25, assumes that some level of toxicity is acceptable. The selection of an acceptable level of toxicity to ensure compliance with the narrative toxicity objective is not consistent with the Basin Plan narrative toxicity objective.

Use of Fixed Solids as a Measure of Salinity: The Discharger states that "fixed dissolved solids" is a more accurate measure of salinity than electrical conductivity (EC) or total dissolved solids (TDS). The Discharger recommends that monitoring for fixed dissolved solids be added to the monitoring and reporting requirements in the tentative NPDES Permit.

Staff concurs that there are various methods to measure salinity in wastewater. The Discharger did not propose a test method approved in 40 CFR Part 136, as required in the Federal regulations. The Discharger may submit monitoring data for fixed dissolved solids in its discharger monitoring reports and report the correlation between fixed dissolved solids concentration and salinity for future consideration of required salinity monitoring. The tentative NPDES permit or salinity monitoring requirement has not been modified based on this public comment.

Restricted Access to Facility to Conduct Birding Activities: The Yolo Audubon Society and Central Valley Bird Club expressed concern that provisions in the proposed NPDES Permit may limit or eliminate public access to the City of Woodland treatment ponds where migratory and wintering species of birds are monitored.

The provision of concern is in Section VI.C.4.b. of the tentative NPDES Permit, Treatment Pond Operating Requirements. The proposed provision reads: "*Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.*" The intention of the provision is to safeguard the public by limiting exposure to untreated or partially-treated wastewater which may be present in the ponds. The wastewater may contain pathogens and other hazardous constituents. The proposed permit allows Discharger discretion as to how to comply with the operational requirements for the treatment ponds. If the Discharger determines that the current control measures are appropriate to protect the public from direct contact with the wastewater, then they may continue utilizing its existing control measures which do not restrict the existing bird monitoring efforts.

Development of Cities of Woodland and Davis Regional Water Supply and Recycled Water Program: The Conaway Preservation Group and Reclamation District (RD) 2035 express their desire to work collectively with the Cities of Woodland and Davis to develop a regional water supply and recycled water program. The commenters request that the tentative NPDES permit require the Discharger to participate in proposed

discussions and evaluations of an integrated water management plan.

Staff fully supports the proposed regional approach in dealing with water supply and water recycling efforts. The proposed NPDES permit encourages the Discharger's participation in local water management efforts by requiring submittal of annual reports to the Regional Water Board regarding its progress in improving the City's potable water supply for compliance with NPDES permit requirements.

Proposed Permit Impairs Existing Beneficial Uses and Violates Antidegradation Policies: The Conaway Preservation Group and RD 2035 also comment that the proposed NPDES permit will allow increases in EC, TDS, selenium, and boron in discharges to the Tule Canal. The organizations state that this impairment will preclude RD 2035's use of the Tule Canal as a water conveyance for irrigation purposes. In addition, it was stated that the proposed increase in discharge volume violates antidegradation policies.

As discussed in the proposed permit Fact Sheet, the Antidegradation Analysis performed by the Discharger concludes that beneficial uses will not be threatened by the proposed increase in regulated flow and increase in pollutant loading. The analysis also considers the positive impacts on the receiving water due to the recent upgrades to the treatment system which produces Title 22-quality effluent and eliminates pollutants resulting from the previous use of chlorine for disinfecting purposes. The tentative NPDES Permit finds that the proposed increase in regulated flow will not adversely affect existing or probable beneficial uses of the Tule Canal, nor will it cause water quality to fall below applicable water quality objectives. The analysis was performed in accordance with the State Water Board Administrative Procedures Update (APU) 90-004 and federal and State antidegradation policies.

Antibacksliding. CSPA comments that the proposed NPDES Permit contains effluent limitations less stringent than the existing permit for settleable solids and oil and grease contrary to the antibacksliding requirements.

New data indicates that settleable solids have not been detected in the Facility effluent over the term of existing Order No. R5-2003-0031-R01. Additionally, for tertiary treatment facilities that treat wastewater to a concentration of total suspended solids of less than 10 mg/L and turbidity to Title 22 standards, regulating settleable solids is not always necessary. Data demonstrates that there is no reasonable potential for the discharge to cause or contribute to an exceedance of a water quality objective for settleable solids. Therefore, the originally proposed effluent limitations for settleable solids were removed from the tentative NPDES Permit. Removal of these limitations is based on new information and is consistent with anti-backsliding requirements of 40 CFR 122.44(l)(2)(i)(B)(1).

Similarly, oil and grease has not been detected in the effluent over the

term of the existing permit. Additionally, the Discharger is covered under State Water Board Order 2006-0003, a Statewide General WDR for Sanitary Sewer Systems, which requires each enrollee to evaluate its service area to determine whether a Fat, Oil, and Grease (FOG) control program is needed. The Discharger's implementation of the FOG program and treatment process upgrades has resulted in the reduction of oil and grease in the Facility's effluent to non-detectable levels. Therefore, the proposed Order removes the effluent limitations for oil and grease based on new information consistent with anti-backsliding requirements of 40 CFR 122.44(l)(2)(i)(B)(1).

Antidegradation. CSPA commented that the proposed NPDES Permit contains an inadequate antidegradation analysis and that the proposed Order fails to include any discussion of the impacts of removal of the effluent limitations for oil and grease and settleable solids.

Monitoring data for these constituents does not demonstrate reasonable potential for the discharge to cause or contribute to exceedances of water quality objectives. Regional Water Board staff concludes that the Facility upgrades and pollution prevention measures only improve the quality of the discharge, and that the permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16.

Mgmt. Review _____

Legal Review LIO_____

5 February 2009

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