

**Regional Water Quality Control Board
Central Valley Region**

Board Meeting – 22/23/24 September 2010

**Response to Written Comments on
Tentative Waste Discharge Requirements and Tentative Cease and Desist Order
for**

**Rio Alto Water District,
Lake California Wastewater Treatment Plant**

23 August 2010

At a public hearing scheduled for 22/23/24 September 2010, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CA0077852) and a tentative Cease and Desist Order (Tentative Orders) for the Rio Alto Water District, Lake California Wastewater Treatment Plant. This document contains responses to written comments received from interested parties in response to the Tentative Orders. Written comments from interested parties were required to be received by the Regional Water Board by 25 August 2010 in order to receive full consideration. Comments were received prior to the deadline from:

1. Rio Alto Water District, Discharger (received 11 August 2010)
2. Rio Alto Water District, Discharger (received 23 August 2010)
3. U.S. EPA (received 16 August 2010)

Written comments from the above interested parties are summarized below, followed by the response of the Regional Water Board staff.

RIO ALTO WATER DISTRICT (DISCHARGER) COMMENTS

Rio Alto Water District (Discharger) – COMMENT #1:

Based on new data, the interim limits provided in the tentative Cease and Desist Order for zinc, chlorodibromomethane, and dichlorobromomethane should be recalculated to ensure the Discharger can remain in compliance during the compliance schedule.

RESPONSE:

The Discharger provided additional data characterizing the concentrations of zinc, chlorodibromomethane, and dichlorobromomethane in the effluent. The measured concentrations are higher than previously reported, and indicate that the Discharger may not be able to comply. The intent of the interim limits and compliance schedule in the Cease and Desist Order is to establish an enforceable ceiling that reflects the Discharger's current ability to control pollutants. Therefore, based on the new

information, it is appropriate to modify the interim limits in the Cease and Desist Order. The method of calculating the interim limits does not change, but the resulting interim limits are higher than in the original tentative CDO.

Regional Water Board staff agrees with the Discharger's comment and proposes to modify the interim limits in the CDO.

Rio Alto Water District (Discharger) – COMMENT #2:

Concentrations of zinc, chlorodibromomethane, and dibromochloromethane in the effluent are similar to, or less than, concentrations at other wastewater treatment plants in the area, but the proposed effluent limits for these constituents are more stringent than at these other wastewater treatment plants.

RESPONSE:

The other wastewater treatment plants referred to by the Discharger have been granted mixing zones and dilution credits, therefore the respective effluent limits are less stringent than proposed for the Discharger. There is currently no information available to justify granting mixing zones and dilution credits to the Discharger. If, in the future, the Discharger provides sufficient information to justify mixing zones and dilution credits, then the effluent limits may be recalculated.

Regional Water Board staff does not propose any changes in response to this comment.

Rio Alto Water District (Discharger) – COMMENT #3:

The tentative permit requires monitoring of the municipal water supply that is redundant with requirements by the California Department of Public Health. The tentative permit also requires monitoring of biosolids that is redundant with requirements by landfills receiving the biosolids.

RESPONSE:

Any monitoring conducted for other entities that also meets the requirements of the tentative permit can be submitted to satisfy the monitoring requirements of the tentative permit. There is no requirement to sample or monitor twice, for the same constituent, at the same frequency.

Regional Water Board staff does not propose any changes in response to this comment.

Rio Alto Water District (Discharger) – COMMENT #4:

It would be costly to purchase and install a new composite sampling device to monitor the influent. The Discharger requests an alternate method of complying with this requirement.

RESPONSE:

The intention of the composite sampling requirement is to properly characterize both the influent and effluent water quality. This objective does not necessarily require the use of a composite sampler.

Regional Water Board staff proposes to add language to the tentative permit to allow the Executive Officer to approve an alternative composite sampling methodology.

Rio Alto Water District (Discharger) – COMMENT #5:

The Discharger is concerned that the new effluent turbidity monitoring may lead to violations.

RESPONSE:

There is no turbidity effluent limit, therefore there is no chance for a turbidity effluent violation or imposition of mandatory minimum penalties. The tentative permit does contain a receiving water limit for turbidity based on the Basin Plan water quality objective. The receiving water turbidity monitoring, in addition to the effluent turbidity monitoring could, in some cases, indicate that the discharge caused a receiving water violation. Enforcement action for such a violation is at the Regional Water Board's discretion, and would be based on multiple factors explained in the State Water Board's Enforcement Policy.

Regional Water Board staff does not propose any changes in response to this comment.

Rio Alto Water District (Discharger) – COMMENT #6:

The effluent limits for total chlorine residual are expressed as 0.011 mg/L and 0.019 mg/L, but the Fact Sheet contains a reference to 0.01 mg/L and 0.02 mg/L. The Discharger requests clarification.

RESPONSE:

The effluent limits are correct. The limits for total chlorine residual are 0.011 mg/L as a 4-day average, and 0.019 mg/L as a 1-hour average. The Fact Sheet reference will be corrected. The Discharger is required to use analytical methods sensitive to and accurate at plus or minus 0.01 mg/L.

Regional Water Board staff proposes to correct the reference in the Fact Sheet.

Rio Alto Water District (Discharger) – COMMENT #7:

The Discharger requests that chlorine residual monitoring not require a continuous analyzer.

RESPONSE:

As stated in the permit, hourly sampling during discharge is sufficient, at the discretion of the Executive Officer. Hourly sampling has been acceptable at this facility in the past, and will continue to be so in the future, however Executive Officer approval could be rescinded if necessary to protect water quality or implement applicable Policies or Regulation.

Regional Water Board staff does not propose any changes in response to this comment.

Rio Alto Water District (Discharger) – COMMENT #8:

The Discharger requests that the proposed pH effluent limit be changed back to 6.0 to 9.0 as in the previous permit.

RESPONSE:

The proposed pH limit is consistent with implementing the Basin Plan pH water quality objective of 6.5 to 8.5. An effluent limit of 6.0 to 9.0 would require a mixing zone and dilution credit to be applied. There is inadequate information to include a mixing zone and dilution credit at this time. Additionally, past monitoring data indicates that the Discharger can comply with the tighter pH range limit.

Regional Water Board staff does not propose any changes in response to this comment.

Rio Alto Water District (Discharger) – COMMENT #9:

The Discharger is concerned that it may be expensive and difficult to comply with the new 7-day median coliform effluent limit.

RESPONSE:

The proposed permit contains effluent limits for total coliform organisms that are intended to ensure the Basin Plan's objectives for pathogens are met, and that consider guidance provided by the California Department of Public Health (DPH) for water bodies with identified beneficial uses of irrigation or contact recreation. Beneficial uses designated for the Sacramento River in the vicinity of the discharge include (in part) agricultural irrigation, and body contact water recreation. The current permit's effluent limit is 23 MPN/100mL as a 7-day median and 500 MPN/100mL as a daily maximum. The only change in the proposed permit is to add a limit that total coliform organisms not exceed 240 MPN/100mL any more than once in any 30-day period. This change should be relatively easily achieved at the Facility. The current permit does contain a typographical error on page 4 stating that the 23 MPN/100mL limit is based on a monthly median, but the effluent limits table is clear that the limit is to be evaluated as a 7-day median. If the limit in the proposed permit were changed to a monthly median, it could constitute unacceptable backsliding as addressed by 40 CFR 122.44(l).

Regional Water Board staff does not propose any changes in response to this comment.

U.S. EPA COMMENTS

U.S. EPA – COMMENT #1:

The tentative Order should not contain a reopener based on implementing the Biotic Ligand Model because the Central Valley Water Board is not currently authorized to use the BLM approach to evaluate criteria.

RESPONSE:

Regional Water Board staff agrees with U.S. EPA's comment and proposes to remove the reference to the Biotic Ligand Model.

U.S. EPA – COMMENT #2:

The tentative Order incorrectly states that the Basin Plan incorporates U.S. EPA water quality standards for ammonia and aluminum. The Basin Plan includes narrative standards, which are then interpreted by the Regional Board, using U.S. EPA national recommended criteria.

RESPONSE:

Regional Water Board staff agrees with U.S. EPA's comment and proposes to remove the language stating that the Basin Plan incorporates U.S. EPA water quality standards for ammonia and aluminum.

U.S. EPA – COMMENT #3:

The Regional Board should change the language under the Chronic WET requirements, to exclude the words "a pattern of," as this is subjective.

RESPONSE:

Regional Water Board staff agrees with U.S. EPA's comment and proposes to modify the Chronic WET requirements to clarify what constitutes a "pattern of toxicity."

U.S. EPA – COMMENT #4:

There is an inconsistency in the submittal requirement for the TRE Workplan. The tentative order requires submittal of the TRE Workplan in 6 months; however other permits from the Regional Board require 90-day submittal. We suggest the Regional Board be consistent in implementing any language changes in their permits.

RESPONSE:

The preparation of the TRE Workplan is a significant administrative and economic requirement being required of the Discharger for the first time. Regional Water Board staff expects that the Discharger will require the assistance of an environmental consultant to prepare the work plan. In light of the significant requirements being placed on the Discharger, and based on this small Discharger's relatively limited resources, Regional Water Board staff believes it is appropriate to give the Discharger 6 months to produce and submit an acceptable TRE Workplan. This allowance does not excuse the Discharger from implementing a TRE, if necessary during the 6 month period. Therefore, Regional Water Board staff do not do not believe that the submittal date should be changed.

U.S. EPA – COMMENT #5:

The Chronic WET monitoring frequency should be increased to better protect water quality and beneficial uses.

RESPONSE:

The discharge has shown adverse affects at 100% effluent. Regional Water Board staff agrees with U.S. EPA's comment and proposes to increase the Chronic WET monitoring frequency from twice in the life of the permit to annually.

U.S. EPA – COMMENT #6:

The applicability of the pretreatment requirements, and the QA submittal for Whole Effluent Toxicity testing should be clarified.

RESPONSE:

Regional Water Board staff agrees with U.S. EPA's comment and proposes to modify the tentative Order to clarify that the pretreatment requirements are not applicable to the Discharger, and that the requirement for QA submittal for Whole Effluent Toxicity testing is applicable.