



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

FEB 07 2014

Bryan J. Smith  
Supervising Water Resources Control Engineer  
Central Valley Regional Water Quality Control Board  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002

Re: Draft Tentative Order/NPDES Permit for the City of Alturas Wastewater Treatment Plant (NPDES Permit No. CA0078921)

Dear Bryan:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0078921) for the discharge from the Alturas Wastewater Treatment Plant to the Pit River, which was dated January 13, 2014. We have several concerns with the proposed NPDES permit, specifically the compliance schedule, analysis of reasonable potential with limited data, and receiving water monitoring. As indicated in the draft factsheet, we recognize the discharger has indicated the desire to switch to land disposal of wastewater, which would obviate the need for an NPDES permit when implemented. For now, however, the facility continues to discharge into the Pit River; therefore, its Clean Water Act permit must meet all applicable statutory and regulatory requirements, and the proposed compliance schedule and reasonable potential analysis elements of the draft permit do not do so. Pursuant to 40 CFR 123.44, we reserve the right to object to issuance of this permit if our concerns are not addressed.

#### Compliance Schedule

The proposed permit contains a compliance schedule for several pollutants and has included a table of tasks and deadlines. As we have previously discussed, our primary concern is that federal regulations at 40 CFR 122.47 require specific interim milestones in compliance schedules, and the proposed permit require "progress reports" which does not comply with this requirement. Federal regulations at 40 CFR 122.2 define a schedule of compliance as "an enforceable sequence of actions or operations leading to compliance with a water quality based effluent limit [WQBEL]." We acknowledge the compliance schedule table (pg. 23) includes a footnote that progress reports "shall detail what steps have been implemented ...including studies, construction progress, evaluation of measure implemented and recommendations for additional measures." Federal regulations require the delineation of these interim milestones prior to authorization of the compliance schedule. We recommend modifying the table of tasks to delineate more action items<sup>1</sup> and associated due dates. Most importantly, we strongly

---

<sup>1</sup> Indeed the factsheet (pg. 53), describes that "this Order requires the Discharger to submit a *corrective action plan* and *implementation schedule...engineering feasibility study...* that is in

recommend that “evidence of funding” be included in the table of tasks (perhaps by October 1, 2015), since this will help the Regional Board evaluate the level of progress made by the discharger towards achieving significant milestones during the compliance timeframe.

Reasonable Potential Analysis

EPA remains concerned that effluent limits for aldrin, arsenic, mercury, bis (2-ethylehxy) phthalate, carbon tetrachloride and dichlorobromomethane are not included in the draft permit. As described in our June 18, 2012 letter regarding the proposed permit for this facility, the State’s rationale for not including effluent limits for these parameters is inconsistent with federal regulatory requirements and the State’s SIP. Specifically, the conclusion that there is insufficient reliable data to support a reasonable potential analysis is not supported by the record within the draft factsheet. Federal regulations at 40 CFR 122.44(d)(1) provide that effluent limitations must be established for all pollutants that are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard (narrative or numeric). Furthermore, under the provisions of the State’s SIP, if any single effluent data point exceeds the applicable objective for a pollutant, reasonable potential is generally presumed regardless of how many data points are available for analysis. Finally, we note there was ample time between June 2012 and the present for Regional Board staff to request and review additional monitoring data from the facility and thereby produce an improved data set and more up-to-date reasonable potential analysis.

Monitoring Provisions

The permit factsheet appropriately states the Pit River is 303d listed for nutrients, low dissolved oxygen, and elevated temperature. The permit should incorporate adequate monitoring of both discharge and receiving waters to evaluate WWTP inputs relative to upstream conditions. We recommend modifying Table E-3 for quarterly effluent monitoring to include total Kjeldahl nitrogen (TKN) and total phosphorus and for Table E-5 for receiving water monitoring to include quarterly sampling and analysis for total nitrogen and total phosphorus at a minimum.

We appreciate your staff’s work to modify this order/permit since it was last proposed in 2012. We look forward to working with you and your staff to seek a mutually satisfactory resolution prior to issuance of this permit. If you have questions, please contact me at (415) 972-3464 or Peter Kozelka at (415) 972-3448.

Sincerely,



David Smith, Manager  
NPDES Permits Office (WTR-5)

---

compliance with Water Code section 13263.3(d)(3)”; yet these three items are not included in the compliance schedule table of tasks.