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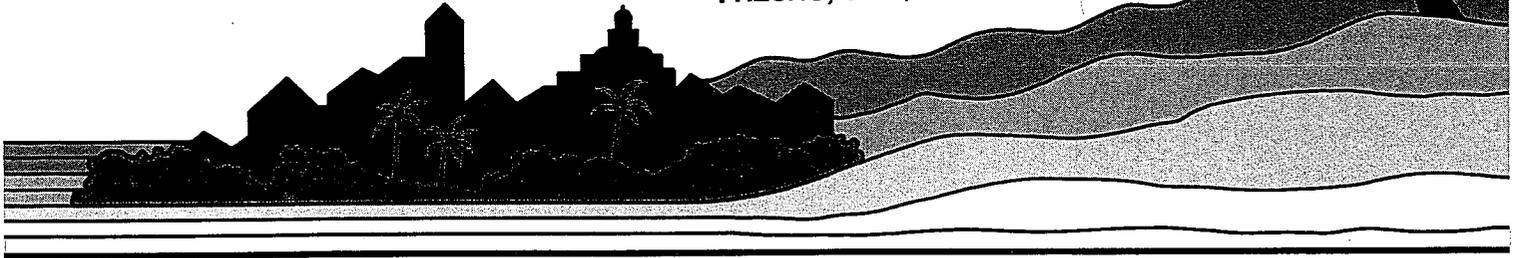
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# CITY OF MERCED

"Gateway to Yosemite"

JUN 24 2014

RWQCB-CVR  
FRESNO, CALIF.



June 20, 2014

Mr. Scott Hatton  
California Regional Water Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, CA 93706

**RE: Tentative Waste Discharge Requirements and NPDES No. CA0079219 for City of Merced WWTF**

Dear Mr. Hatton:

Please accept this letter containing comments regarding the Tentative Draft City of Merced NPDES permit renewal (CA0079219).

## Comment 1

**Section IV.A.1.a, Table 4:** The City requests a protective five-year compliance schedule for the new copper limitation. Per the information sheet, the copper effluent limitation was assigned based on elevated concentrations of copper in the receiving water (maximum observed copper concentration in the receiving water was 5.7 ug/L and the lowest observed hardness of the receiving water was 15 mg/L). There were only three effluent copper samples available, with a maximum concentration of 2.9 ug/L. Although it would appear that the effluent will be fully compliant with the average monthly (6.5 ug/) and peak daily (13 ug/L) effluent limitations, once the copper effluent limitations have been assigned, the City of Merced is subject to mandatory minimum penalties for violation of these limits and increased monitoring.

**Infeasibility Information:** Based on EPA guidance (Technical Support Document for Water Quality Based Toxics Control, March 1991), if only three data points are available describing the effluent, the City is advised to assume a coefficient of variation at 0.6. At a 99% confidence interval and a 99% probability basis, it is possible considering the limited data currently available that the maximum effluent concentration is 5.6 times higher than the highest observed concentration to date, or 16 ug/L. This value exceeds both the average month and peak day assigned effluent limitation. At a 95% confidence interval and 95% probability basis, the maximum effluent concentration would be 3.0 times higher than the maximum observed concentration to date, or 8.7 ug/L. This projected effluent concentration exceeds the average month limitation. Thus, at this time, there is insufficient data to

calculate a site-specific coefficient of variation that would definitively illustrate that the City effluent will always comply with the new limitation and based on EPA guidance it is possible that the City cannot comply with the new limitations.

By providing a 5-year compliance schedule, the City will collect additional effluent data per the quarterly monitoring frequency described by the permit. After two years of data collection (eight additional data points), the City can calculate a site-specific coefficient of variation and more accurately calculate the maximum effluent copper concentration. The City will either find that (1) the coefficient of variation is much lower than the default described by EPA and peak effluent concentrations will be projected to always comply with the new copper limitations (at which point the protections offered by the Time Schedule were of no use), or (2) the City will observe higher concentrations than observed with only three data points and the potential for violating the new effluent limitations will be established. If so, the City will have three years to develop and implement a Water Effect Ratio study to be included as part of the next permit renewal to establish protective, site-specific copper limitations.

#### **Comment 2**

***Other Special Provisions C:*** The requirement for oxidation, coagulation, and filtration does not apply to the Wildlife Management Area (secondary 2.2 water) and Land Application Area (secondary 23 water). The City requests that this requirement be removed from the permit. The area specific requirements, including Title 22 requirement for Hartley Slough, are already included under the Effluent Limitation Requirements for each discharge Location.

#### **Comment 3**

***Monitoring and Reporting Program, III.A.1, Table E-2:*** The Monitoring and Reporting Program requires monitoring of EC at the influent to the treatment facility. The EC test is not accurate in the presence of anaerobic metabolites, which are present in untreated wastewater due to the detention time in the collection system. These anaerobic metabolites are eliminated post aeration, such that the effluent EC is a more accurate indicator of salinity. The City requests elimination of the influent EC monitoring because the data is inaccurate due to the anaerobic metabolites formed in the collection system and the effluent EC (already collected and reported) provides the same and more accurate version of this information.

#### **Comment 4**

***Monitoring and Reporting Program, IV.A.1, Table E-3:*** The City requests that nitrate/nitrite monitoring be combined into a single measurement. There is very little nitrite in wastewater, so the separate testing incurs unwarranted cost.

#### **Comment 5**

***Monitoring and Reporting Program, VII.A.1, Table E-6:*** Please provide a reference for a plant tissue test for the metals testing required by the permit. In the absence of an EPA approved test, the City

requests that this monitoring be eliminated from the permit. Plants do not uptake dissolved salts, of which metals constitute a sub-group.

**Comment 6**

***Monitoring and Reporting Program, VIII.A.1, Table E-7:*** The City requests that receiving water priority pollutant monitoring be reduced to once during the permit cycle. The City is not requesting or making use of dilution credits, so the receiving water priority pollutant monitoring is not useful information to regulating the discharge. Insofar as most priority pollutants are not naturally occurring, the City is being asked to fund the research efforts of other dischargers that are the sources of those priority pollutants.

Thank you for consideration of these items. Please do not hesitate to contact either me at (209) 385-6892 or Yulya Borroum (Stantec) at (916) 773-8100 if we can provide further assistance or clarification.

Regards,

Bill Osmer 6-23-14  
Mr. Bill Osmer  
Public Works Manager - WQC

cc Yulya Borroum, Stantec