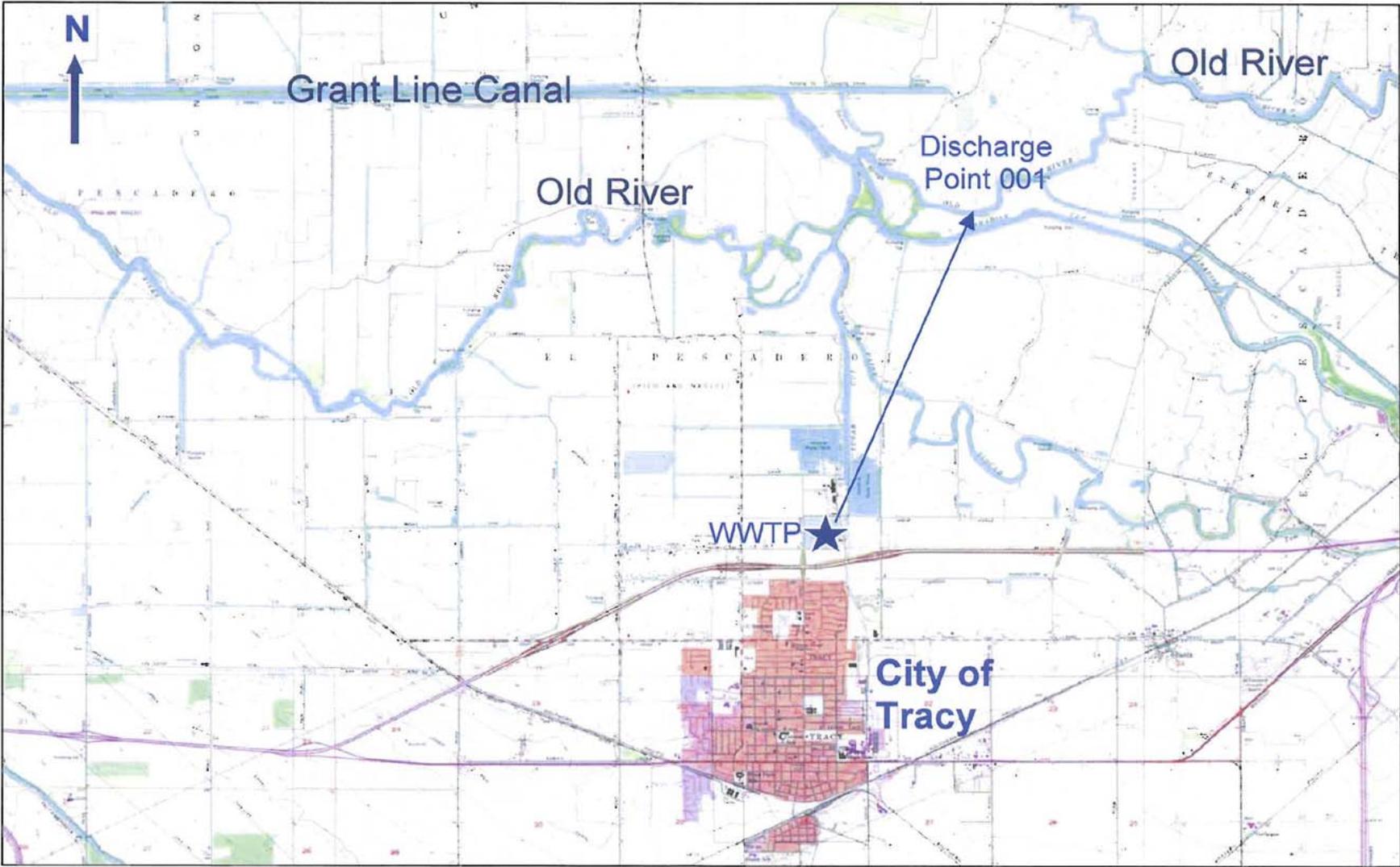


CONSIDERATION OF PROPOSED ORDER
REMANDING AN NPDES PERMIT TO THE
CENTRAL VALLEY WATER BOARD
IN THE MATTER OF OWN MOTION REVIEW OF
WASTE DISCHARGE REQUIREMENTS (ORDER R5-
2007-0037 [NPDES No. CA0079154]) FOR THE CITY
OF TRACY, CENTRAL VALLEY REGION.
SWRCB/OCC FILE A-1846(a) and A-1846(b)

Steven H. Blum
Senior Staff Counsel
Office of Chief Counsel

The background of the slide features several concentric, light blue circular ripples that resemble water droplets or ripples in a pond, scattered across the lower half of the page.

**FIGURE B-1
TOPOGRAPHIC MAP**



Changes to Proposed Order

1. Changes Were Circulated on May 7, 2009
 - a. E.C.
 - i. Direction to State Board staff to assist
 - ii. Footnote 13 – removed erroneous language
 - iii. Added some clarifying language about interim planning opportunities, some of which was requested by CVWB -- including Footnote 17
 - b. Additional Typo – Page 19, Line 6. Instead of “a monitoring requirement” it should read “an effluent limit...”
 - c. Dilution credits – CVWB requested clarifications
 - d. Chronic Toxicity -- CVWB requested clarifications
 - e. Bis(2-ethylhexyl)phthalate – Supports CVWB’s conclusion that no effluent limit was required for Bis(2), because split sample demonstrated lack of reasonable potential

Comments On Changes

1. CVWB – Requests amended language and greater discretion to accept or reject individual samples
2. City of Tracy – Mainly requests the State Water Board to apply Tosco approach
3. CVCWA – Requests Tosco approach & wants to remove statement in footnote 17 about interim planning solutions being easier for salts than for toxic or bio-accumulative pollutants

Responses to Comments on Changes

1. Bis-2 – No need to include CVWB’s language
– SIP requires RP determinations to include J-Flagged samples if there is no reason to exclude the samples
2. Tosco
 - a. Tosco Approach Disapproved by USEPA when it considered the SIP
 - b. State Water Board’s compliance schedule policy reflects EPA position:
 - i. Final Limits must be included in permit
 - ii. Limits must be based on applicable standard and not a future event, e.g. TMDL or SSO adoption

Responses to Comments on Changes

1. CVCWA—objects to Footnote 17 that salts “are more amenable to interim planning solutions than bio-accumulative or toxic pollutants.”
 - a. Objects to implication that salt control is easy. The proposed order does not say that; it simply states that it is easier to implement planning solutions for salt than the other contaminants.
 - b. Technical and legal staff believe footnote is accurate and should be left as it is

Figure F-1
South Delta Temporary Barrier Locations

