Regional Water Quality Control Board
Central Valley Region
Board Meeting – 2/3/4 February 2011

Response to Written Comments for Rockwell Automation, Inc. and Porterville Unified School District Groundwater Cleanup System Tulare County Tentative Waste Discharge Requirements/NPDES Permit and Tentative Time Schedule Order

At a public hearing scheduled for 2/3/4 February 2011, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of renewed Waste Discharge Requirements (WDRs) (NPDES No. CA0082708) and a tentative Time Schedule Order (TSO) for the Rockwell Automation, Inc. and Porterville Unified School District, Groundwater Cleanup System. The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2011/ at least ten days before the meeting. The agenda will provide the date the tentative items will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the tentative WDRs and tentative TSO.

This document contains responses to written comments received from interested parties regarding the tentative WDRs and tentative TSO circulated on 29 November 2010. Written comments from interested parties were required by public notice to be submitted to the Central Valley Water Board by 5:00 pm on 3 January 2011 to receive full consideration. Written comments were received from:

1. Rockwell Automation, Inc. (Rockwell), submitted by ARCADIS U.S., Inc. on behalf of Rockwell

Written comments from the above interested party are summarized below, followed by the response of the Central Valley Water Board staff.

ROCKWELL AUTOMATION, INC. (ROCKWELL) COMMENTS, 3 January 2011

ROCKWELL – COMMENT 1a: Rockwell states that it appears the tentative WDRs are missing an average monthly effluent limitation for ammonia.

> **RESPONSE:** An average monthly effluent limitation has not been added to the tentative WDRs. The un-ionized ammonia (as N) effluent limitation included in the tentative WDRs is based on the water quality objective for un-ionized ammonia contained in the *Water Quality Control Plan for the Tulare Lake Basin*, Second Edition, revised January 2004 (Basin Plan). While the Basin Plan does not specify an averaging period for applying the water quality objective, it has been historically applied as a maximum daily effluent limitation.

ROCKWELL – COMMENT 1b: Rockwell states that the selenium and mercury effluent limitations in the tentative WDRs have changed slightly compared to the effluent limitations included in Attachment A of the *Request for Infeasibility Report* letter from the Central Valley Water Board dated 26 July 2010.

> **RESPONSE:** The *Request for Infeasibility Report* letter included proposed/preliminary effluent limitations for mercury and selenium, among other constituents. These preliminary effluent limitations and the limitations included in the tentative WDRs were calculated using effluent data collected between December 2005 through December 2009 and using the procedures contained in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005 (State Implementation Policy or SIP). Originally, Central Valley Water Board staff had determined that the maximum effluent concentrations for mercury (0.43 µg/L on 12 June 2008) and selenium (64.6 µg/L on 12 April 2007) were outliers. These two values were excluded from the calculations when determining the preliminary effluent limitations. Central Valley Water Board staff revisited the statistical procedures used to determine outliers and subsequently concluded that these two values should not be excluded from the effluent limitation calculations. By including these two values, the resulting effluent limitations contained in the tentative WDRs differ from those presented in Attachment A of the *Request for Infeasibility Report* letter. The effluent limitations for mercury and selenium included in the tentative WDRs have been retained.

ROCKWELL – COMMENT 2: Rockwell notes that the tentative WDRs include a nitrate monitoring requirement for the effluent, but not the influent. It states that given the agricultural land use in the area, nitrate may be found in groundwater. It also states that Rockwell may occasionally collect influent nitrate samples and report these results to the Central Valley Water Board. Rockwell does not specifically request that influent nitrate monitoring be added.

> **RESPONSE:** Rockwell's comment has been noted. In the event that Rockwell does collect influent monitoring data for nitrate, Rockwell is encouraged to submit those results to the Central Valley Water Board.

ROCKWELL – COMMENT 3: Rockwell requests that the text in Footnote 4, Table E-3, Attachment E (Monitoring and Reporting Program) of the tentative WDRs be clarified with respect to the different alkalinity fractions to avoid confusion.

> **RESPONSE:** The requested change has been made.

ROCKWELL – COMMENT 4: Rockwell requests that chronic toxicity monitoring be eliminated, as the previous permit allowed Rockwell to discontinue chronic toxicity monitoring if four consecutive quarters of monitoring showed the effluent did not exhibit chronic toxicity. Rockwell included a table with chronic toxicity monitoring results for testing conducted from September 2005 through November 2010.

RESPONSE: The annual chronic toxicity testing requirement has not been eliminated from the tentative WDRs as requested. As stated in Section IV.C.5.b of Attachment F (Fact Sheet) of the tentative WDRs, effluent chronic toxicity testing performed between July 2005 through December 2009 shows the discharge has reasonable potential to cause or contribute to an in-stream excursion above the Basin Plan's narrative toxicity objective and, as such, the tentative WDRs contain a narrative chronic toxicity effluent limitation. Specifically, the chronic toxicity testing conducted in March 2006 and June 2006 showed that the discharge exhibited chronic toxicity at 100% effluent. Order R5-2005-0092 required Rockwell to initiate a Toxicity Identification Evaluation when the effluent exhibited chronic toxicity. Our records indicate Rockwell did not initiate a Toxicity Identification Evaluation after the March or June 2006 chronic toxicity tests were completed. Furthermore, section 4 of the SIP requires chronic toxicity testing to determine compliance with the toxicity objective in the Basin Plan or an effluent limitation based on the objective.

ROCKWELL – COMMENT 5: Rockwell requests that a second receiving water monitoring location be added to Attachment E (Monitoring and Reporting Program) of the tentative WDRs in case the current downstream receiving water monitoring location (identified as RSW-002) becomes unsafe or otherwise infeasible, and that the Central Valley Water Board allow Rockwell to sample at either location.

RESPONSE: A second receiving water monitoring location has not been added. The purpose of receiving water monitoring location RSW-002 is to gather pH, temperature, and total ammonia (as N) data to determine appropriate ammonia criteria. Upon further discussion with Mr. Guy Chammas at ARCADIS on 4 January 2011, Rockwell withdrew its comment.

ROCKWELL – COMMENT 6: Rockwell states that the tentative WDRs do not include a discussion of the potential impacts to groundwater in the area from agricultural land uses. Rockwell requests that the Central Valley Water Board provide a discussion in Section II.B.3 of Attachment F (Fact Sheet) of the tentative WDRs regarding nitrogen, mercury, and selenium concentrations found in groundwater.

RESPONSE: Language has been added to the tentative WDRs acknowledging agricultural land use in the area. However, Central Valley Water Board staff were unable to locate groundwater data for nitrogen compounds, mercury, and selenium in the area; therefore, information on the concentrations of these constituents in groundwater has not been included in the tentative WDRs at this time.

ROCKWELL – COMMENT 7: Rockwell points out that Footnote 3, Table F-2, Attachment F (Fact Sheet) of the tentative WDRs indicates the irrigation season is between late April through October, but Receiving Water Limitation V.A.12 of the tentative WDRs indicates the irrigation

season is March through 1 December. Rockwell requests the irrigation season be standardized in the tentative WDRs.

> **RESPONSE:** Order R5-2005-0092 defined the irrigation season as occurring late April through October of each year. Footnote 3 of Table F-2 in Attachment F is from Effluent Limitation B.2 in Order R5-2005-0092. In a conversation with a representative from the Lower Tule River Irrigation District, the representative stated the irrigation season in the area currently extends from approximately March through 1 December; therefore, the tentative WDRs define the irrigation season as extending from March through 1 December. Footnote 3 of Table F-2 will not be changed, as it reflects what Order R5-2005-0092 contains.

ROCKWELL – COMMENT 8: Rockwell points out that Tables F-11 and F-12 of Attachment F (Fact Sheet) of the tentative WDRs indicate the maximum daily effluent limitation for 1,1-dichloroethylene should be 0.11 µg/L, but Table F-13 of Attachment F and Section IV.A.1.a of the tentative WDRs list the maximum daily effluent limitation for 1,1-dichloroethylene as <0.5 µg/L.

> **RESPONSE:** The maximum daily effluent limitation for 1,1-dichloroethylene in Section IV.A.1.a of the tentative WDRs has been changed to reflect the most stringent of the water quality-based and technology-based effluent limitations (0.11 µg/L in this case).