

**LATE REVISIONS  
CITY OF LIVE OAK  
WASTEWATER TREATMENT PLANT  
SUTTER COUNTY  
NPDES Permit Renewal (NPDES No. CA0079022)  
and Cease and Desist Order Amendment  
Regional Water Quality Control Board, Central Valley Region  
Board Meeting – 10 June 2011  
ITEM # 20**

**Changes to Proposed NPDES Permit Renewal**

1. **NPDES Permit, Findings.** Section II.H. Water Quality Control Plans. Modify Table 5 – Basin Plan Beneficial Uses, as shown in underline/strikeout format below:

**Table 5. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Reclamation District 777 Lateral Drain No. 1 and Reclamation District 777 Lateral Drain No. 2 (planned for new facility)	<p><del>Existing:</del> Municipal and domestic supply (MUN); Agricultural irrigation (AGR); Water contact recreation (REC-1); Warm freshwater habitat (WARM); Cold freshwater migration (MGR); Spawning, reproduction, and/or early development (SPWN); Wildlife habitat (WILD).</p> <p><del>Intermittent:</del> Ground water recharge (GWR); Freshwater replenishment (FRSH).</p>

2. **NPDES Permit, Fact Sheet (Attachment F).** Section IV.C.2. Applicable Beneficial Uses and Water Quality Criteria and Objectives. Modify the Section as shown in underline/strikeout format below:

**2. Applicable Beneficial Uses and Water Quality Criteria and Objectives**

The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

The Basin Plan on page II-1.00 states: "*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...*" and with respect to disposal of wastewaters states that "*...disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses.*"

The federal CWA section 101(a)(2), states: "*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water be*

*achieved by July 1, 1983.*” Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after 28 November 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section 131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

The Central Valley Water Board considered the factors listed in CWC section 13241 at the time of adoption of the previous Order No. R5-2004-0096 which initially established tertiary level effluent limitations for protection of beneficial uses of the receiving water. The previous permit, however, did not recognize the MUN beneficial use to the receiving water. Although the receiving waters which consist of modified agricultural drains upstream of the Sutter Bypass, which is specifically not designated with the MUN beneficial use in Table II-1 in the Basin Plan, this Order correctly ~~newly~~ interprets the beneficial uses of the receiving waters to include the beneficial use of MUN through implementation of State Water Board Resolution No. 88-63. As stated in Chapter II of the Basin Plan, “Water Bodies within the basins that do not have beneficial uses designated in Table II-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of the Basin Plan” except for two non-applicable exceptions. Furthermore, aAs specified in Chapter IV of the Basin Plan, an exception to Resolution No. 88-63, and removal of the MUN beneficial use designation for the receiving waters, is effective after a Basin Plan Amendment is adopted by the Central Valley Water Board and approved by the State Water Board and Office of Administrative Law. Therefore, this Order contains new effluent limitations necessary to protect the municipal and domestic supply use of the receiving waters.

- a. Receiving Water and Beneficial Uses.** The receiving water is currently the Reclamation District 777 Lateral Drain No. 1 and may change to Lateral Drain No. 2 with the new tertiary treatment facility, which are waters of the United States and tributary to the Sutter Bypass within the Sacramento River Basin. Lateral Drain No. 1 and Lateral Drain No. 2 were apparently constructed prior to 1917 to capture and transport agricultural drain water. Lateral Drain No. 1 was deepened to three or four feet from the original depth of one foot in 1939. Since 1939 there have been limited improvements to the drains other than maintenance. The drains carry only agricultural and urban stormwater runoff and no surface water streams, creeks, sloughs, or other natural waterway discharges into the drains. Consequently, upstream Lateral Drain No. 1 flows are during winter and irrigation seasons, and the downstream flows are effluent dominant

during most of the year. Lateral Drain No. 1 flows south along the western edge of the WWTP and continues until it enters the East Interceptor Canal. Lateral Drain No. 2 flows along the southeast edge of the WWTP until it enters Lateral Drain No. 1 near the southern tip of the WWTP.

The Basin Plan at II-2.00 states that the beneficial uses of any specifically identified water body generally apply to its tributary streams. The Basin Plan does not specifically identify beneficial uses for Reclamation District 777 Lateral Drain No. 1 or Lateral Drain No. 2, but does identify present and potential uses for the Sutter Bypass, to which these waters are tributary. Thus, from the implementation of the Drinking Water Policy in the Basin Plan and the tributary rule, beneficial uses applicable to Reclamation District 777 Lateral Drain No. 1 and Lateral Drain No. 2 are as follows:

**Table F-5. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Reclamation District 777 Lateral Drain No. 1 and Reclamation District 777 Lateral Drain No. 2 (planned for new facility)	<p><u>Existing:</u>                      Municipal and domestic supply (MUN);                      Agricultural irrigation (AGR);                      Water contact recreation (REC-1);                      Warm freshwater habitat (WARM);                      Cold freshwater migration (MGR);                      Spawning, reproduction, and/or early development (SPWN);                      Wildlife habitat (WILD).</p> <p><u>Intermittent:</u>                      Ground water recharge (GWR);                      Freshwater replenishment (FRSH).</p>

3. **NPDES Permit, CONSTITUENTS TO BE MONITORED (ATTACHMENT G).** Modify Section I.A. Drinking water constituents., as shown in underline/strikeout format below:

**A. Drinking water constituents.** Constituents for which drinking water Maximum Contaminant Levels (MCLs) have been prescribed in the California Code of Regulation are included in the *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River Basins* (Basin Plan). The Drinking Water Policy implemented through the Basin Plan defines virtually all surface waters within the Central Valley Region as ~~having existing or potential beneficial uses~~ being suitable or potentially suitable for municipal and domestic supply. The Basin Plan further requires that, at a minimum, water designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the MCLs contained in the California Code of Regulations.