

**Regional Water Quality Control Board
Central Valley Region**

Board Meeting – 8/9/10 June 2011

**Response to Written Comments on
Tentative Waste Discharge Requirements for**

**City of Willows
Willows Wastewater Treatment Plant
Glenn County**

5 May 2011

At a public hearing scheduled for 8/9/10 June 2011, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CA0078034) for the City of Willows Wastewater Treatment Plant. This document contains responses to written comments received from interested parties in response to the Tentative Order. Written comments from interested parties were required to be received by the Central Valley Water Board by 5 May 2011 in order to receive full consideration. Comments were received prior to the deadline from:

1. City of Willows (received 3 May 2011)
2. U.S. EPA (received 4 May 2011)
3. Central Valley Clean Water Association (received 5 May 2011)

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

CITY OF WILLOWS COMMENTS

CITY OF WILLOWS – COMMENT #1 – MUN Issue:

Agricultural Drain C (into which, treated municipal wastewater effluent is discharged at D-001) is a system designed for the primary purpose of conveying or holding agricultural drainage waters.

Therefore, it is the City's recommendation that, all discharges to Agricultural Drain C be exempt from the beneficial use, MUN, and all limitations and restrictions associated with said beneficial use (including, but not limited to: Dichlorobromomethane, Dibromochloromethane, and Nitrate limitations). The tentative permit contains an inappropriate exception to the pH effluent limit.

RESPONSE:

Central Valley Water Board staff concurs that the receiving water may have been constructed or modified for the purpose of conveying agricultural drainage water, as specified in the criteria of Exception No. 2.b. of Resolution No. 88-63. However, the Central Valley Water Board staff does not concur that the MUN designation is inappropriate. The Central Valley Water Board does not have the authority to grant an exception to Resolution No. 88-63 through an individual NPDES Permit adoption. As discussed in Finding II.H of the proposed NPDES Permit, the MUN beneficial use is applied to the receiving waters based on Resolution No. 88-63, which establishes that all waters (with certain exceptions) should be considered suitable or potentially suitable for municipal or domestic supply. The Central Valley Water Board implemented this policy by designating all unnamed waterbodies as having the MUN use. Basin Plan, page II-2.01, states that the Central Valley Water Board may de-designate MUN based on the applicability of one or more of the Resolution No. 88-63 exceptions; however, as specified in page VI-9.00, de-designation of a MUN use must occur through a formal basin plan amendment process.

Moreover, this approach is consistent with subsequently adopted State Board orders. As recognized in the Vacaville Order, the Central Valley Water Board chose to implement 88-63 through a blanket MUN designation for all unidentified waterbodies in the region. Therefore, given that the Central Valley Water Board has made such a designation, the Central Valley Water Board would be required to go through another rulemaking process to change the designation. (WQ Order No. 2002-0015 at pp. 16-17.) See also In the Matter of the Petition of Curtis D. Quinones and Vapor Cleaners, Inc. WQ Order No. 2006-0010 at p. 2, noting that (1) beneficial uses are designated in the Basin Plan through a quasi-legislative process rather than on a case-by-case basis, as in a permit or cleanup order; (2) a Basin Plan amendment is the appropriate vehicle to designate or de-designate uses and that Resolution 88-63 is a tool in designations; and (3) it is not self-implementing.)

CITY OF WILLOWS – COMMENT #2 – EC Limits:

According to the tentative discharge requirements (NPDES NO. CA0078034): "The Basin Plan does not contain a specific EC water quality objective for the Colusa Basin Drain." (II.F.IV.3.v.1 page 93, Fact Sheet page F-27).

However, an interim EC limit of 826 umhos/cm for EC is proposed anyway. This interim performance-based effluent limitation was derived using the 99.9 percentile of the rolling 12-month average effluent concentration from January 2006 through June 2010.

The current, rolling 12-month average effluent EC concentration is 840 umhos/cm. Because the discharger is unable to meet the newly proposed limitation, the EC discharge requirements should be moved to a Time Schedule Order (TSO).

RESPONSE:

Central Valley Water Board staff agrees with the comment. The 12-month average concentration utilizing the latest data (up to March 2011) is 845 umhos/cm. The tentative permit will be revised to include the latest data as the performance based limit.

U.S. EPA COMMENTS

U.S. EPA – COMMENT #1 - Ammonia:

The fact sheet is unclear regarding the applicable criteria for ammonia. I understand that there are seasonal limits and different limits based on the discharge point, but the source of the criteria used to develop WQBELs, discussed on pages F-22 through F-24, is unclear. Please further describe how both the acute and chronic criteria were calculated (considering pH and temperature), and why they are different for each discharge point and season. It would be helpful to include the criteria values within this section to further validate the RPA decision.

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised to clarify the language. Additionally, footnotes have been added to Tables F-6 through F-9, indicating the criteria values that were used for the calculations of the Ammonia effluent limitations.

U.S. EPA – COMMENT #2 – Discharge Points:

The fact sheet description of the discharge points is confusing. Specifically, the second paragraph on page F-4 states the facility was permitted to discharge to GCID and the monitoring data in the table on page F-5 only shows data from this discharge. However, this permit has two discharge points. Did the previous permit only cover discharges to the GCID? Is the discharge to Ag Drain C new?

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised to include both discharge points (Ag Drain C and the GCID). The historic effluent data in Table F-2 includes the maximum effluent data that was discharged to both canals (Ag Drain C and the GCID). The previous permit as well as the proposed permit covers both discharges (Ag Drain C and the GCID).

U.S. EPA – COMMENT #3 – pH Limits:

For the TBEL discussion on pages F-11-12, tertiary requirements should be described as WQBELs, not TBELs, and this should be distinguished. In addition, the pH TBELs of 6.0 -9.0 are correct; however the TBEL summary table shows pH to be 6.5-8.5, which are the more stringent WQBELs. Basically, this section should describe the TBELs, and then describe how the WQBELs are applied because they are more stringent.

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised. The pH effluent limitations are addressed in the WQBEL Section 3.c.iv. of the Fact Sheet are based on WQBELs and not TBELs. The TBELs for pH (6.0 to 9.0 pH units) are not applicable to this discharge, since the WQBELs are more stringent (6.5 to 8.5 pH units).

U.S. EPA – COMMENT #4 – Chronic Toxicity:

The chronic WET RP section on F-35 states there is no RP, but then goes on to say there is an effluent limit (there is not a limit in the permit). Please clarify. Also, it would be helpful to include the chronic WET testing results to justify the RPA decision.

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised to clarify the language. There is a numeric chronic toxicity trigger, but not a chronic toxicity effluent limit.

U.S. EPA – COMMENT #5 – Chronic Toxicity:

The “pattern of toxicity” language, which RB5 agreed to change over a year ago is still in the template language for chronic WET testing. However please change this in the permit (pages 24-25, F-36-37, and F-46).

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised to clarify the language.

U.S. EPA – COMMENT #6 – Discharge Points:

Page 6 of the permit refers to the two discharge points as EFF-001 and EFF-002; however the MRP names them D-001 and D-002, with effluent monitoring to be conducted at EFF-001 only. Please clarify in the permit.

RESPONSE:

Central Valley Water Board staff agrees. The tentative permit has been revised to clarify the language. There is only one monitoring point (EFF-001), however, there are two discharge points (D-001 and D-002).

CENTRAL VALLEY CLEAN WATER ASSOCIATION COMMENTS (CVCWA)

CVCWA – COMMENT #1 – Resolution No. 88-63:

The Tentative Order represents a new interpretation of the beneficial uses of the receiving waters, resulting in application of the MUN designation under Resolution No. 88-63 for the first time to the agricultural drain to which the City discharges. (Tentative Order at p. F-14.) The Tentative Order recognizes that Resolution No. 88-63 exempts from the MUN designation water in systems designed or modified to convey or hold agricultural drainage waters. (Id. at pp. 8, F-14.) However, the Tentative Order incorrectly concludes that the Regional Water Board must amend the Basin Plan to grant the exception in this case. (Ibid.) As a result, the Tentative Order inappropriately includes WQBELs not in the previous permit to protect a nonexistent MUN use. (Id. at p. F-14.) Because the City cannot immediately comply with these WQBELs for dibromochloromethane, dichlorobomomethane and nitrate, the Tentative TSO is also being proposed. (Id. at pp. F-29, F-30; see Tentative TSO at p. 2.)

RESPONSE:

Central Valley Water Board staff does not concur. See Response to Comments, City of Willows, Comment #1 for additional information.

CVCWA – COMMENT #2 – Turbidity Limits:

The Turbidity Requirements Should Be Expressed as Operational Specifications Rather Than Effluent Limitations

RESPONSE:

Central Valley Water Board staff does concur. The turbidity requirements are expressed as operational specifications and not effluent limitations, to be consistent with other adopted Orders (Stockton, Galt and Placer County).

CVCWA – COMMENT #3 – Ammonia Limits:

The Final Effluent Limitations for Ammonia Were Calculated in Error and Must be Revised

RESPONSE:

Central Valley Water Board staff does concur, and has corrected the ammonia limits are in the permit.