



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105

Certified Mail No. 7008 3230 0000 3863 1499
Return Receipt Requested

June 18, 2012

Bryan J. Smith
Supervising Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 200
Redding, CA 96002

Re: Tentative Order/Draft NPDES Permit for the City of Alturas Wastewater Treatment Plant (NPDES Permit No. CA0078921)

Dear Mr. Smith:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0078921) for the discharge from the City of Alturas WWTP to the Pit River, which was public noticed on May 18, 2012. We have concerns about the draft permit that need to be addressed to ensure the permit effectively protects water quality and complies with NPDES requirements. Our comments focus primarily on the reasonable potential analyses for aldrin, bis (2-ethylhexyl) phthalate, carbon tetrachloride, and mercury, effluent limits for salinity and turbidity, and the implementation of compliance schedules. Pursuant to 40 CFR 123.44, we reserve the right to object to issuance of this permit if our concerns are not addressed.

A. Reasonable Potential Analysis with Limited Data

The permit should impose WQBELs for aldrin, bis (2-ethylhexyl) phthalate, carbon tetrachloride, and mercury. While we appreciate the additional information provided in the proposed permit to explain why the data points for aldrin, bis (2-ethylhexyl) phthalate, carbon tetrachloride, and mercury may not be representative of the discharge, it stands that additional data is unlikely to change the reasonable potential (RP) determination, unless the Regional Board can provide justification for excluding these data points in a future RP analysis with the additional data. 40 CFR 122.44(d)(1) requires that effluent limitations be established for all pollutants which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. Limits may be required when the effluent concentration does not exceed, but has a reasonable potential to cause an excursion above the water quality standard. For these pollutants, the effluent concentrations exceed the applicable water quality standards.

EPA's Technical Support Document for Water Quality-Based Toxics Control states that when characterizing an effluent for the need for an individual toxicant limit, the regulatory authority should use any available effluent monitoring data as the basis for the decision. The State's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP) confirms this by stating that the Regional Board shall use all available, valid, relevant, representative data and information.

We are concerned about misuse of the SIP's consideration of inappropriate or insufficient data in the reasonable potential analysis. The SIP provides examples where this exception is warranted, including evidence that a sample has been erroneously reported or is not representative of effluent or ambient receiving water quality; questionable quality control/quality assurance practices; and varying seasonal conditions. The fact sheet does not provide adequate justification to invalidate the data points that exceed the State water quality standards.

Unless the Regional Board can provide justification for excluding the current available data points in a future RP analysis with additional data, the result is unlikely to change, since the existing data point would need to be included in the data set.

If more monitoring data is needed to confirm reasonable potential, it should be acquired prior to reissuance of the permit, rather than a condition of the reissued permit. In the future, if the Regional Board is uncomfortable with setting limits based on one data point, more frequent monitoring should be required in the previous permit in order to obtain the data necessary for the next permit renewal (i.e. more than one priority pollutant scan).

Other Regional Boards (and until recently, this Regional Board) have established reasonable potential and imposed limits based on only one data point, so determining that the discharge does not have reasonable potential to exceed water quality standards because there is only one data point would be inconsistent with past State interpretations of the SIP and federal NPDES regulations.

B. Effluent Limits for Total Dissolved Solids (TDS) and Electrical Conductivity (EC)

The proposed permit includes an effluent limit for TDS, but not for EC, while both may have reasonable potential to exceed water quality standards. It is unclear whether the agricultural water quality goals for EC and TDS are applicable to this waterbody. If so, the RP analysis and any necessary WQBELs should be based on these objectives. Some salinity constituents can act as indicators for others; however, using TDS as an indicator for EC is inconsistent with how the Regional Board usually addresses salinity. In most cases, the Regional Board has applied an effluent limit for EC to act as an indicator for all other salinity constituents. Please clarify.

C. Compliance Schedule for TDS

Interim TDS effluent limits are provided; however TDS is not included in the compliance schedule milestones and deadlines on page 28 of the proposed permit. If a

compliance schedule is being authorized for TDS, the pollutant should be subject to milestones and a final deadline, and this should be specified in the proposed permit.

D. Effluent Limit and Compliance Schedule for Turbidity

The proposed permit is backsliding from an effluent limit imposed in the previous permit for turbidity. Instead of an effluent limit, operational requirements are being proposed in the permit. In addition, a 5-year compliance schedule has been authorized for these requirements. The fact sheet explains that the operational requirements are sometimes more stringent than the previous effluent limit and therefore meet antibacksliding requirements; however it is not clear how the water quality standards for turbidity are being implemented. If the facility has reasonable potential to exceed the turbidity water quality standard, then the permit must include effluent limitations. Also, the proposed permit does not require monitoring for turbidity in the receiving water, so compliance with the receiving water limit will not be demonstrated. Most importantly, if the proposed permit is authorizing a compliance schedule for turbidity, interim limits must be included in the permit.

E. Aluminum Interim Effluent Limits

An interim effluent limit for the 200 µg/l final annual average effluent limit for aluminum should be included in the proposed permit. Page F-57 indicates an interim annual average effluent limit was established at 479 µg/l, the maximum observed annual average for a calendar year; however, this interim limit was not included in the proposed permit.

F. Interim Compliance Schedule Milestones

The interim milestones for the compliance schedule for BOD₅, TSS, aluminum, ammonia, TDS, and turbidity should be based on actions, such as obtaining permits for construction of upgraded treatment facilities, rather than report-based.

G. Pollution Prevention Plan Deadlines

The proposed permit should include deadlines for submittal of the pollution prevention plans for aluminum and ammonia.

We appreciate the opportunity to provide input on the draft permit. If you would like to discuss these comments, please contact Elizabeth Sablad of my staff at (415) 972-3044.

Sincerely,



David Smith, Manager
NPDES Permits Office (WTR-5)

