

Central Valley Regional Water Quality Control Board
6/7 December 2012 Board Meeting

Response to Comments
for the
City of Brentwood
Wastewater Treatment Plant
Tentative Order Amending Order R5-2008-0006 (NPDES Permit No. CA 0082660)
and New Tentative Time Schedule Order

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative order amending Waste Discharge Requirements Order R5-2008-0006 (NPDES Permit No. CA0082660) and tentative New Time Schedule Order for the City of Brentwood (Discharger) Wastewater Treatment Plant (Facility).

The tentative orders were issued for a 30-day public comment period on 24 September 2012 with comments due by 26 October 2012. The Central Valley Water Board received public comments regarding the tentative Order amending the NPDES permit, by the due date from the United States Environmental Protection Agency (USEPA) Region IX.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) REGION IX

The compliance schedule extension for chloride in the proposed permit amendment does not meet the Requirements of the Clean Water Act Section 502 (17) and the Implementation Regulations at 40 CFR 122.2

USEPA commented that the interim compliance schedule milestones are not sufficient to meet the requirements at 40 CFR 122.47 (a) (3), which provides specific examples of interim requirements such as: "(a) submit a complete Step 1 construction grant (for POTWs); (b) let a contract for construction of required facilities; (c) commence construction of required facilities; (d) complete construction of required facilities." The regulations at 40 CFR 122.47(a)(3)(ii) allow progress reports to be included if the interim requirements cannot be readily divisible into 1-year increments, but reports alone are not acceptable as interim requirements. USEPA suggests that the recently adopted compliance schedules for the Cities of Mt. Shasta and Dunsmuir provide the appropriate mix of action-specific milestones and reporting milestones, consistent with federal regulatory requirements. The compliance schedule extension in the proposed amendment also does not include sufficient interim requirements to ensure compliance "as soon as possible." To ensure the compliance schedule meets this requirement, the Regional Board must consider the specific steps needed to modify or install treatment facilities, operations or other measures and the time those steps would take.

RESPONSE: Additional action-specific milestones have been identified and added to the proposed compliance schedule for chloride (see tasks iii-v, in Table 1, below).

Table 1. Proposed Compliance Schedule for Chloride

Task	Description	Date Due
i	Submit a Pollution Prevention Plan (PPP) for Chloride	18 March 2011
ii	Compliance Alternative Investigation and Selection of Preferred Compliance Alternative. Submit a report that includes: 1) a compliance options investigations analysis and 2) a rationale for selection of preferred compliance option(s), and 3) discussion of funding sources. The report shall also describe the selected preferred compliance alternative(s) and schedule for implementing the alternative(s)	31 December 2013
iii	Prepare Agenda Item for City Council Approval of Selected Alternative. Submit a report demonstrating compliance with this task that includes: 1) agenda item prepared that summarizes findings from The Compliance Alternative Investigation and recommended preferred compliance alternative(s), 2) summary of the outcome of the City Council meeting (e.g., resolution on compliance alternative options and selected preferred alternative), and 3) schedule for implementing the selected alternative(s).	30 June 2014
iv	Rate Analysis Report. Submit a report that includes: 1) identification of the funding alternatives and sources and 2) an evaluation of the source of rate revenue necessary to fund recommended compliance alternative(s) and consider alternative funding alternatives such as revenue bonds and/or State Revolving Funds.	31 December 2014
v	Implementation of Expanded Recycle Usage. Submit report that includes a description of the process and steps on how the Discharger will proceed with the implementation of the expanded use of recycle water to reduce discharger of treated effluent into Marsh Creek.	31 December 2016
vi	Progress Reports	31 December 2014 31 December 2015 31 December 2016
vii	Comply with Final Effluent Limitations for Chloride. Submit report demonstrating compliance with the final limits	1 January 2018

When identifying interim milestones, site-specific factors for each facility must be considered. For some facilities it may be appropriate to include interim milestones for construction activities, such as in the case of the Cities of Mt. Shasta and Dunsmuir, where construction projects were needed to install facilities for conventional wastewater treatment. While in this situation where pollution control

alternatives may be the feasible compliance project for chloride, it may not be appropriate to include construction-related milestones. The examples quoted from USEPA from 40 CFR 122.47(a)(3) are only examples and the approach that a particular Discharger must take to address a specific compliance issue, such as the chloride issues for the City of Brentwood, might not necessarily fit the examples in (a) through (d) given in Section 40 CFR 122.47 (a) (3). The alternatives proposed by the City of Brentwood include: (1) investigating and possibly changing the water supply, (2) developing and implementing a control program for customers to minimize the use of Self Regenerating Water Softeners, and (3) expanding recycled water usage. These activities are resource intensive and time consuming tasks for any major municipality and could take a number of years to implement.

Central Valley Water Board staff concur that additional action-specific milestones can be included in the proposed chloride compliance schedule. However, until the City completes its Compliance Alternative Investigation report (due 31 December 2013), specific construction or other action-related milestones cannot be established at this time due to no compliance alternative(s) being selected yet. A reopener provision has been added to the proposed permit amendment that recognizes the potential need for modification of the compliance schedule in the future and allows the Central Valley Water Board to reopen the permit for addition and/or modification of the specific tasks and due dates for the chloride compliance schedule upon completion of the Compliance Alternative Investigation report.