

Marshall, James@Waterboards

From: Sablad.Elizabeth@epamail.epa.gov
Sent: Monday, December 17, 2012 9:47 AM
To: Messina, Diana@Waterboards
Cc: Marshall, James@Waterboards; Smith.DavidW@epamail.epa.gov
Subject: Mountain House WWTP draft permit

Hi Diana,

Regarding the draft permit for Mountain House WWTP, our concerns remain the same as noted in our comments on the preliminary draft permit regarding the need for water quality-based effluent limits for iron, manganese, and aluminum, and that the compliance schedule for methylmercury must meet the requirements of 40 CFR 122.47. Please refer to our October 25, 2012 letter on the City of Tracy WWTP draft permit, where we raised these same concerns.

Sincerely,
Elizabeth

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EPA Comments on Mountain House WWTP predraft permit:

1. The data for iron, manganese, and aluminum demonstrate reasonable potential to exceed water quality objectives, so effluent limits need to be included in the permit. For each of these pollutants, the effluent concentrations do not exceed the applicable water quality objectives, but the receiving water concentrations far exceed the objectives. In establishing RP, a permit writer needs to consider whether a discharge causes or contributes to an existing receiving water exceedance, so they must consider whether the receiving water exceeds water quality objectives even if the receiving water is not currently on the 303(d) list. For iron, manganese, and aluminum, the facility is contributing to an excursion above the water quality objectives and thus, reasonable potential is established. The proposed permit states that these are not priority pollutants and so BPJ was used instead of the SIP RPA procedure. Both the SIP and TSD RPA procedures would determine RP based on this information. Additionally, this raises antidegradation and antibacksliding concerns, since limits were included in the previous permit for iron and aluminum. In the absence of an established alternative procedure for determining reasonable potential, and consistent with federal regulations, the data for iron, manganese, and aluminum demonstrates RP and effluent limits need to be included in the permit. Not including effluent limits for pollutants that demonstrate RP is a basis for objection to the permit.
2. The compliance schedule for the methylmercury TMDL final WLAs does not appear to meet the requirements of 40 CFR 122.47, which requires action-based interim requirements (such as securing financing and commencing construction) and that the schedule lead to compliance with the final effluent limits “as soon as possible.” There is no evidence in the fact sheet that the discharger needs the entire time provided in the TMDL to meet the final WLAs. The TMDL specifically states that the WLAs shall be met as soon as possible, but no later than 2030. The fact sheet should document the reasons why the length of the compliance schedule is necessary for the discharger, that it is as short as possible, and that it meets each of the criteria under 40 CFR 122.47. The milestones and time necessary to complete them should be tailored to the discharger’s specific needs. Reports may be included when the interim milestones cannot be readily divided into 1-year increments. If flexibility is needed, it is possible to revise interim milestones through minor modification during the permit term. The recently adopted permits for Mt. Shasta and Dunsmuir included compliance schedules that were consistent with federal requirements.