



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

May 6, 2013

Bryan J. Smith
Supervising Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, CA 96002

Re: Tentative Order/Draft NPDES Permit for the City of Red Bluff Wastewater Reclamation Plant (NPDES Permit No. CA0078891)

Dear Mr. ~~Smith~~: *Bryan*

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0078891) for the discharge from the City of Red Bluff Wastewater Reclamation Plant to the Sacramento River, which was public noticed on April 5, 2013. 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. Specifically, we are concerned with the assessment of receiving water data to determine the available assimilative capacity and dilution credits for copper and zinc. Pursuant to 40 CFR 123.44, we reserve the right to object to issuance of this permit if our concerns are not addressed.

The Regional Board should not exclude the discharger's ambient receiving water data from the assessment of assimilative capacity and dilution credits for copper and zinc. The fact sheet of the proposed permit describes the Regional Board's decision to use ambient water quality data for copper and zinc from monitoring conducted by the Department of Water Resources (DWR) instead of the data collected by the discharger. The Regional Board asserts that the DWR data is "more reliably representative" and the discharger's receiving water data showed, on occasion, no assimilative capacity for copper and zinc, whereas the DWR data showed assimilative capacity for these metals. The Regional Board also asserts that compared to the discharger's data, the DWR data maintained a low variance, and that DWR monitoring stations are professionally managed with quality assurance plans that include quality control procedures.

We support the use of the DWR data in addition to the discharger data; however, we do not agree that the discharger data may be excluded from consideration in the reasonable potential analysis. The discharger's data has not been invalidated, and has been reported in accordance with requirements included in the previous permit. The previous permit required the discharger to use a laboratory by the State Department of Health Services or at minimum, a laboratory that institutes a Quality Assurance-Quality

Control Program that is available for inspection by the Regional Board and conforms to USEPA guidelines. Also, when submitting monitoring reports, Appendix D of the previous permit required, pursuant to 40 CFR 122.22(d), the discharger to certify "this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete." To our knowledge, the discharger made no representation that its data are inaccurate or otherwise unreliable. For these reasons, the discharger's data needs to be used for the reasonable potential evaluation.

Also, the monitoring locations are not similar. DWR's monitoring stations are located 8 miles upstream and 1 mile downstream of the discharge. The discharger's monitoring station for assessing receiving water quality upstream of the discharge is required by the previous permit to have been located "immediately upstream of the discharge," which is confirmed by the aerial photograph in attachment C2 of the previous permit. Since the discharger's receiving water monitoring station is much closer to the discharge location, it would likely be more representative of the ambient receiving water quality in the area of the discharge than the DWR data. Both DWR and the discharger performed monthly sampling for four or more years. Thus, it would be appropriate to use the DWR data *in addition to* the data collected by the discharger.

By excluding the data collected by the discharger, useful information about the receiving water is being ignored that may change the decision to allow dilution credits. Allowing a mixing zone, and applying dilution credits to effluent limits for copper and zinc, when there is no assimilative capacity does not meet federal or State antidegradation requirements pursuant to 40 CFR 131.12.

The Regional Board should assess whether acute and chronic aquatic life mixing zones may be appropriate for copper and zinc on a seasonal basis, since the discharger's data seems to indicate both periods of assimilative capacity and periods of no assimilative capacity. If so, dilution credits could be applied on a seasonal basis for these metals.

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)