

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 25/26 July 2013**

**Responses to Written Comments for the
United States Department of the Interior, National Park Service, Yosemite National Park
Wawona Wastewater Treatment Facility
Mariposa County
Tentative Waste Discharge Requirements/NPDES Permit
and
Tentative Time Schedule Order**

At a public hearing scheduled for 25/26 July 2013, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) (NPDES No. CA0081795) and a Time Schedule Order (TSO) for the United States Department of the Interior, National Park Service, Yosemite National Park, Wawona Wastewater Treatment Facility. The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2013 at least ten days before the meeting. The agenda will provide the date the proposed WDRs/NPDES permit and TSO will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the proposed WDRs/NPDES permit and TSO.

This document contains responses to written comments received from interested parties regarding the tentative WDRs/NPDES permit and TSO circulated on 10 May 2013. Written comments from interested parties were required by public notice to be submitted to the Central Valley Water Board by 5:00 pm on 14 June 2013 to receive full consideration. Written comments were received by 14 June 2013 from:

- National Park Service, Yosemite National Park (Discharger), 31 May 2013
- Central Valley Clean Water Association (CVCWA), 14 June 2013

On 20 June 2013, the Discharger submitted late comments that clarified its previous comments submitted on 31 May 2013. Written comments from the above interested parties are summarized below, followed by the response of the Central Valley Water Board staff. Based on the comments, changes were made to the proposed WDRs/NPDES permit. Central Valley Water Board staff also made changes to the proposed WDRs/NPDES permit to correct typographical errors and to improve clarity.

DISCHARGER COMMENTS

DISCHARGER COMMENT 1: The Discharger indicated that the rationale for effluent limitations and discharge specifications in the permit does not take into account the fact that the facility has not discharged to South Fork Merced River in over two decades. The Discharger requested that the reasonable potential analysis be updated to consider this and to reflect that it is almost certain the effluent can meet water quality objectives based on the discharge history.

RESPONSE: Central Valley Water Board staff disagrees with the Discharger. The proposed WDRs/NPDES permit includes requirements for both a surface water discharge and a land discharge (recycled water). A reasonable potential analysis for the surface water discharge would not necessarily be applicable to the land discharge, and vice-versa, since each discharge has different sets of requirements. The reasonable potential analysis was conducted with an assumption that **if** there is ever a discharge to South Fork Merced River, the discharge has a reasonable potential to cause or contribute to an exceedance of water quality objectives/criteria. The proposed WDRs/NPDES acknowledge that there has not been a discharge to South Fork Merced River in a number of years and is structured such that effluent limitations and certain monitoring requirements do not apply if there is no discharge to the River. Effluent limitations apply only to the surface water discharge and recycled water specifications apply only to the land discharge. Additionally, monitoring requirements have been separated to distinguish between requirements that apply depending on the discharge location.

DISCHARGER COMMENT 2: The Discharger commented that the volume of new requirements tax its ability to achieve its goal of eliminating the need for a NPDES permit by requiring the Discharger to expend resources, time, and finances to meet additional surface water prohibitions, effluent limitations, and sampling and reporting requirements.

RESPONSE: Central Valley Water Board staff disagrees with the Discharger's assertion that the proposed WDRs/NPDES permit includes a significant amount of new requirements. The proposed WDRs/NPDES permit recognizes that the Discharger is pursuing options to eliminate the need for a surface water discharge, and Central Valley Water Board staff supports the Discharger's goal of eliminating the need for surface water discharge. However, based on experience with other projects, staff has to consider the possibility that the project may not be completed before the next NPDES permit renewal, which is required by federal regulations to occur every five years or sooner. Additional monitoring was established in order for staff to have enough data to complete a meaningful reasonable potential analysis as part of the next NPDES permit renewal, if needed.

Staff compared surface water prohibitions, effluent limitations, and sampling and reporting requirements between Order R5-2005-0155 and the proposed WDRs/NPDES permit and found that while there are new requirements, there were also some requirements removed. Additionally, some of the new requirements, including new effluent limitations and some new/additional monitoring requirements, only apply when there is a discharge to South Fork Merced River. There were two noteworthy changes in the monitoring requirements compared to Order R5-2005-0155. The first is for the upstream receiving water monitoring location (RSW-001), which now requires monitoring regardless of discharge. Most of the monitoring required at RSW-001 consists of monthly monitoring and is only required during the period when discharge to the River is allowed (1 December through 31 May), and only for the first two years of the

permit term. The upstream receiving water monitoring is necessary to establish background receiving water conditions for completing a reasonable potential analysis.

The second noteworthy change in the monitoring requirements is the addition of continuous turbidity monitoring at the filters. Continuous turbidity monitoring at the filters was established based on requirements from Title 22 of the California Code of Regulations for turbidity going into the filters and coming out of the filters to ensure adequate disinfection is provided.

The tentative WDRs/NPDES permit required priority pollutant monitoring during the first discharge to South Fork Merced River, or if no discharge to the River occurred within the first two years, monitoring was required once during the third year. Staff proposes to change the monitoring requirements for priority pollutants to be required during the fourth year of the permit term if no discharges to the River occur within the first three years. The requirement to monitor during the first discharge to the River will remain the same.

CVCWA COMMENTS

CVCWA COMMENT 1: CVCWA commented that it disagrees with Central Valley Water Board staff's approach for calculating dilution credits and indicates it considers it "unreasonable to restrict the amount of dilution granted based on the use of existing facility performance as the basis for determining a [nitrite plus nitrate (as N)] dilution credit." CVCWA also commented that the approach taken by staff is arbitrary and should be reconsidered. It suggested using a trigger value, which would require dischargers to submit information explaining increases above the trigger concentration and would avoid "inappropriate permit violations that have no bearing on impacts to water quality or beneficial uses."

RESPONSE: Central Valley Water Board staff disagrees with CVCWA that the proposed dilution credit is "unreasonably" restrictive. The performance-based effluent limitation was calculated using existing effluent and receiving water quality data to avoid allocating an unnecessarily large portion of the receiving water assimilative capacity and possibly violate both state and federal antidegradation policies. The effluent quality data used includes data collected between 1 June and 30 November when discharge to South Fork Merced River is prohibited. A graphical plot of the data indicates that effluent nitrate concentrations vary seasonally and are lowest between 1 December and 31 May (when discharge to the River is allowed). Inclusion of the generally higher nitrate concentrations provides for better prediction of effluent variability and, along with the fact that the Discharger has not discharged to the River in over 20 years, a reduced probability of violations of the proposed effluent limitation. For these reasons and because the Discharger has not provided any other information demonstrating that additional dilution credits are necessary, additional dilution than what is proposed is not justified at this time. However, as noted below, the performance-based effluent limitation has been re-calculated to account for the number of samples collected in one month.

CVCWA COMMENT 2: CVCWA noted that the Fact Sheet (Attachment F) indicates the performance-based effluent limitation for nitrite plus nitrate (as N) was established based on normally distributed data where 95% of the data points lie within 2.0 standard deviations of the mean. CVCWA commented that effluent and receiving water data are nearly always lognormally distributed and requested the Central Valley Water Board use lognormal distribution to calculate the performance-based effluent limitation. CVCWA also requested that, at minimum, average monthly effluent limitations be calculated based on a 98.3 percentile, which corresponds to a once in five-year exceedance, and recommended using the 99.95th percentile (corresponding to 3.3 standard deviations from the mean) for deriving performance-based effluent limitations.

RESPONSE: Central Valley Water Board staff conducted a statistical analysis of the nitrate (as N) effluent data. The analysis shows that the data set is closer to a normal distribution than a lognormal distribution. Staff re-calculated the performance-based effluent limitation using a 99.9th percentile, assuming normal distribution. Use of 95th percentile to calculate an average monthly effluent limitation assumes that multiple samples are collected in one month where high daily concentrations would be averaged out. In this case, the proposed WDRs/NPDES permit requires only once per month sampling of nitrite plus nitrate (as N); therefore, Central Valley Water Board staff proposes to modify the WDRs/NPDES permit by using the 99.9th percentile to calculate the performance-based effluent limitation, which results in an effluent limitation of 52 mg/L.