

Central Valley Regional Water Quality Control Board
6/7 February 2014 Board Meeting

Response to Comments
for the
Tuolumne Utilities District
Sonora Regional Wastewater Treatment Plant and Jamestown
Wastewater Treatment Plant
Rescission of Waste Discharge Requirements and 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 proposed rescission of the Waste Discharge Requirements Order R5-2008-0162 (NPDES Permit) and Time Schedule Order (TSO) R5-2010-0908 (NPDES No. CA0084727) for the Tuolumne Utilities District (TUD) Sonora Regional Wastewater Treatment Plant and Jamestown Wastewater Treatment Plant (Facility).

The proposed rescission of the NPDES Permit and TSO was issued for a 30-day public comment period on 22 November 2013 with comments due by 23 December 2013. The Central Valley Water Board received public comments contesting the rescission by the due date from the California Sportfishing Protection Alliance (CSPA). Additionally, comments supporting the rescission were received from the Central Sierra Environmental Resource Center, Jamestown Sanitary District, and the Twain Harte Community Services District.

The submitted comments were accepted into the record. All comments summarized below. Comments from CSPA are followed by Central Valley Water Board staff responses.

CENTRAL SIERRA ENVIRONMENTAL RESOURCE CENTER, JAMESTOWN SANITARY DISTRICT AND TWAIN HARTE COMMUNITY SERVICES DISTRICT COMMENTS

Supports rescinding of the NPDES permit.

Central Sierra Environmental Resource Center (CSERC) strongly supports the rescission because TUD has proactively and efficiently completed important work at Quartz Reservoir to eliminate the need for the NPDES permit. CSERC opposed TUD discharging treated effluent into Woods Creek in the past, and are extremely supportive of TUD's effective enlargement of wastewater capacity so as to no longer have a need for discharging effluent.

Jamestown Sanitary District (JSD) and Twain Harte Community Services District (TWCSO) contribute wastewater flows to TUD's regional reclamation system. JSD and TWCSO support the rescission because the alternative of requiring compliance with the NPDES permit effluent limits would only be achieved through significant improvements at both TUD's and JSD's wastewater treatment facilities. The improvements to the effluent storage and land application systems were the cost-effective compliance project and demonstrate the NPDES permit can be rescinded.

CSPA COMMENTS

Comment 1. TUD's Non-compliance with the TSO.

To CSPA's knowledge, TUD has failed to meet nearly all the requirements of the TSO. TUD regularly submits late annual reports. TUD has not completed all portions of the Phase 1 Project. TUD has also not submitted a ROWD for revision of the 2002 WDRs. The requirement to obtain revised WDRs is an essential element of the TSO. Without revisiting the 2002 WDRs, the Regional Board will not have had occasion to consider whether increasing land disposal is in fact the preferred environmentally protective means of disposing of TUD's wastewater. Had the ROWD for revisions to the 2002 WDRs been submitted two years ago as required, the Board would have had occasion to carefully evaluate whether the proposal for 100% land disposal could be accomplished by TUD in an environmentally protective manner. Without this information, neither the Board nor TUD is in a position to say with certainty what the best way forward is.

RESPONSE: Central Valley Water Board staff does not concur. TSO R5-2010-0908 was issued by the Central Valley Water Board requiring compliance with final effluent limitations for copper and zinc in the NPDES permit. In 2009, TUD completed a feasibility study to evaluate project alternatives to comply with the copper and zinc effluent limits. The feasibility study considered treatment alternatives to meet the final effluent limitations and alternatives to expand effluent storage and irrigation areas that would cease the need for surface water discharges to allow the rescission of the NPDES permit. The preferred compliance project was to expand storage capacity and irrigation areas to transition to a 100 percent land disposal system, ceasing its need to discharge to Woods Creek. The TSO required compliance by 1 January 2014.

The TSO included a compliance schedule with interim requirements consistent with TUD's preferred project in the feasibility study, in which Phase 1 included lining of the Rosasco Pond to add 21 acre-feet of storage, installing a deadpool pumping station at Quartz Reservoir to add 218 acre-feet of storage, and adding 51 acres of additional land application sites and appurtenances. The TSO also required submittal of a Report of Waste Discharge (ROWD) to update the existing land WDRs (Order R5-2002-0202) and a requirement to submit a request to rescind the NPDES permit.

Over the past few years TUD has added approximately 53 acres of irrigation area, including sprinkler improvements on the Gardella Property. In addition, improvements have been completed to Quartz Reservoir to increase the storage capacity by 175 acre-feet. Upon making these improvements TUD re-evaluated its water balance based on the actual operations of its land application areas and determined some factors and assumptions in its 2009 evaluation were overly conservative. On 13 September 2013, TUD submitted an updated water balance that demonstrated its effluent storage and disposal system is capable of containing all wastewater in accordance with B.10 of WDR Order R5-2002-0202¹.

¹ "10. In the absence of an NPDES permit for the seasonal discharge of treated effluent from Quartz Reservoir to Woods Creek, the reclaimed water storage system shall have sufficient storage capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration from the Sonora WWTP and the JSD WWTP during the winter months. Design seasonal

The additional improvements originally considered in its 2009 feasibility study are no longer needed to meet the requirements of the TSO. Therefore, TUD requested rescission of the NPDES permit and TSO. The information provided by TUD is also sufficient to evaluate the need for any changes to WDR Order R5-2002-0202 and therefore, TUD met the TSO requirement to submit a ROWD.²

CSPA's assertion that the rescission of the NPDES permit will result in increased discharges to land are incorrect. The rescission of the NPDES permit has no impact on the discharges to groundwater from the effluent storage and land application areas, because no additional discharges to groundwater will occur. TUD currently operates its effluent storage and disposal system to maximize discharges to land and only discharges to Woods Creek as a last resort during wet years when there had been insufficient storage in Quartz Reservoir. With the improvements to Quartz Reservoir to increase storage capacity and the addition of land application areas, TUD now has sufficient effluent storage capacity. TUD is currently operating its effluent storage and land application areas with these improvements. The rescission of the NPDES permit will not change land application operations and therefore, not change its impacts to groundwater. Furthermore, it is the Central Valley Water Board's policy³ to encourage reclamation and reuse and an evaluation of all feasible land discharge options before allowing discharges to surface water. Allowing TUD to continue a surface water discharge is not consistent with the Board's policy.

The TSO required TUD to complete its Phase 1 project to expand land application and storage capacity in order to cease all discharges to surface waters by 1 January 2014. TUD has completed the necessary improvements and provided evidence that surface water discharges are no longer necessary for disposal. Consequently, TUD has fully complied with the TSO.

Comment 2. Non-compliance with the 2002 WDRs

In addition to failing to comply with the 2010 TSO, TUD has failed to comply with the 2002 WDRs, which casts further doubt on any conclusion that rescission of the NPDES Permit is appropriate at this time. In fact, TUD's desire for moving to 100% land disposal system is based on a premise that land disposal is the most "cost-effective" means of disposing of its waste. See 2010 TSO, Finding 8 (citing 2009 Feasibility Study prepared by TUD). The 2009 Feasibility Study however has not considered the complete costs, as it relies on the incorrect assumption

precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns." (p. 16, WDR Order R5-2002-0202)

² The land application areas and Quartz Reservoir are currently regulated in accordance with WDR Order R5-2002-0202, which acts as WDRs pursuant to California Water Code (CWC) section 13263 and a Master Reclamation Permit pursuant to CWC section 13523.1. The Master Reclamation Permit includes provisions to add new land application areas without the need to submit an ROWD. No additional information is needed to update the WDRs for these improvements.

³ The Basin Plan's Water Reuse Policy states, "*The Regional Water Board encourages the reclamation and reuse of wastewater...and requires as part of a Report of Waste Discharge an evaluation of reuse and land disposal options as alternative disposal methods. Reuse options should include consideration of the following, where appropriate, based on the quality of the wastewater and the required quality for the specific reuses: industrial and municipal supply, crop irrigation, landscape irrigation, ground water recharge, and wetland restoration.*"

that TUD is not polluting groundwater. To the contrary, TUD's record of noncompliance with its WDRs demonstrates moving to a complete land disposal system is likely not the most protective, and in any case is premature. It would be unreasonable to shift TUD's operations to an entirely land disposal system, when the only evidence available indicates that TUD's impacts to groundwater are at best unknown. TUD has not demonstrated it can comply with its land disposal WDRs. Therefore it would be inappropriate for the Regional Board to rescind the 2008 NPDES Permit and force TUD into a regulatory program with which it cannot comply.

RESPONSE: The NPDES permit and TSO only regulate surface water discharges to Woods Creek. WDR Order R5-2002-0202 regulates all discharges to land. As discussed in response to Comment 1, above, the rescission of the NPDES permit has no impact on the discharges to groundwater from the effluent storage and land application areas, because no additional discharges to groundwater will occur and it will not result in any changes to its current land disposal operations. Thus, comments regarding WDR Order R5-2002-0202 and the alleged impacts to groundwater are irrelevant to the proposed rescission of the NPDES permit and TSO.

Comment 3. TUD cannot claim it has the capacity to contain all the wastewater it generates, thus an NPDES permit is needed

CSPA comments that TUD cannot state with certainty that it will be able to contain all wastewater within its storage reclamation system, and therefore never discharge to Woods Creek.

RESPONSE: Central Valley Water Board staff does not concur. The water balance submitted by TUD demonstrates the Facility can comply with the storage requirements in WDR Order R5-2002-0202. The water balance analysis adequately demonstrates the reclaimed water storage system has sufficient storage capacity to accommodate all wastewater, design seasonal precipitation, and ancillary inflow and infiltration based on a total annual precipitation with a return period of 100 years.