



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

March 31, 2015

Nichole Morgan
NPDES Permitting Branch, Supervisor
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Draft Tentative Order/NPDES Permits for:

- Manteca Wastewater Quality Control Facility (NPDES Permit No. CA0081558)
- Bell-Carter Olive Company and City of Corning/Bell-Carter Industrial Wastewater Treatment Plant (NPDES Permit No. CA0083721)

Dear Ms. Morgan:

Thank you for the opportunity to review and comment on two draft permits - City of Manteca (NPDES Permit No. CA0081558) which discharges to the San Joaquin River and Bell-Carter Olive Company (NPDES Permit No. CA0083721) which discharges to the Sacramento River. The tentative public notices for these NPDES permits were provided in January 2015, and included in the Supplemental Notice regarding ammonia effluent limits in discharges from these (and other NPDES permitted facilities) which was dated March 3, 2015. We acknowledge Board staff efforts to consider the water quality benefits of applying EPA's ammonia criteria as part of implementing the Board's narrative water quality objective for aquatic toxicity, including carefully evaluating the 1999 criteria in comparison to the 2013 criteria when calculating the ammonia limits. Ultimately, EPA is concerned the proposed final ammonia effluent limits are not adequate to ensure protection for all aquatic life. Specifically, we recommend the NPDES permits for these two facilities include ammonia effluent limits calculated consistent with the 2013 criteria, assuming mussels present. As discussed further below, we also have concerns the proposed permits may be inconsistent with federal anti-backsliding and anti-degradation requirements.

The updated 2013 criteria take into account data for sensitive invertebrate species including mussels and non-pulmonate snails. The historical information, as well as more recent studies have shown freshwater mussels existing in various Central Valley waters, including the Sacramento and San Joaquin River (The Nature Conservancy report, 2010). A 2014 study established the presence of *Unionid* mussels present in the Feather River near the Oroville WWTP outfall (CH2MHill technical memo, 2014). We assert that improving water quality conditions in the San Joaquin and Sacramento rivers will lead to improved habitat and recolonization of mussels and snails in these waters. The aquatic invertebrate community are

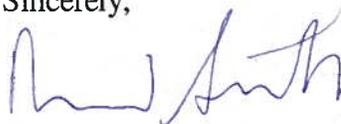
essential prey for federally-listed fish species (e.g., green sturgeon) that inhabit the San Joaquin and Sacramento River watersheds and spawn in the freshwater tributaries.

The City of Manteca facility discharges to waters within the Bay Delta system and should be treated consistent with similar POTW discharge facilities that have NPDES permits with ammonia effluent limits based on mussels present (e.g., Stockton and Discovery Bay). Researchers have found historical shell middens and mussels were present in waters downstream of Manteca in 2009, thus it is reasonable to assume mussels present when calculating ammonia limits for this facility. Additionally, we have concerns that the proposed ammonia limits may be inappropriately relaxed in comparison to existing limits and current facility performance; therefore, the proposed permit may be inconsistent with federal anti-backsliding and anti-degradation requirements.

The Bell-Carter Company and City of Corning facility discharges to the Sacramento River, where mussels have historically existed and were found present in downstream waters in 2009. Although, we understand the facility has performed a recent mixing zone study and the revised dilution credit is more stringent (now 20:1), we recommend the Board consider reducing or eliminating the dilution credit for ammonia discharges to adequately protect all applicable beneficial uses. Also, we understand the facility's discharges are improved when including filtration as part of the treatment system. Thus, we recommend the facilities current performance¹ and optimized treatment be closely evaluated and considered when determining the ammonia limits. Given the proposed average monthly effluent limit for ammonia is nearly twice the value of the existing permit limit, we have concerns regarding backsliding and federal anti-backsliding and anti-degradation requirements and expect sufficient justification to be provided.

We look forward to working with you and your staff to seek a mutually satisfactory resolution prior to issuance of these permits. If you have questions, please contact me at (415) 972-3464 or Peter Kozelka at (415) 972-3448.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Smith".

David Smith, Manager
NPDES Permits Section (WTR 2-3)

¹ Factsheet includes Bell-Carter Industries Record of Waste Discharge information that the facility's average effluent ammonia concentration is 2 mg/L.