



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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April 27, 2015

***Via Electronic Mail Only***

David Kirn  
Water Resources Control Engineer  
California Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
david.kirn@waterboards.ca.gov

RE: Tentative Waste Discharge Requirements for Donner Summit Public Utilities District,  
Wastewater Treatment Plant, Nevada County

Dear Mr. Kirn:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements Order No. R5-2015-XXXX for the Donner Summit Public Utilities District (District) Wastewater Treatment Plant (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding: (1) the mixing zone discussion; (2) the salinity plan requirement; (3) the wet weather compliance language for mass limitations; and (4) duplicative land discharge specifications.

## I. Mixing Zone Discussion

CVCWA is concerned with the discussion in the Tentative Order regarding the availability of a mixing zone when a discharge does not fully mix with the receiving water. Specifically, the Tentative Order requires the District to replace the existing diffuser before it pursues a mixing zone study. The Tentative Order states that the existing side-stream rock diffuser must be replaced with a new stream diffuser designed to completely mix the effluent and the receiving water.<sup>1</sup> The replacement of the diffuser must be an element of the work plan submitted to the Executive Officer for approval: "The Work Plan shall outline the design and construction schedule for installing a stream diffuser, monitoring receiving water flows, and conducting a mixing zone study."<sup>2</sup>

Further, the Fact Sheet suggests that the District cannot obtain dilution credits because its discharge is not fully mixed:

According to the report, the Discharger's existing side stream rock diffuser is not expected to create a completely mixed effluent discharge condition; therefore, the Discharger is not granted dilution credits for constituents with WQBEL's based on aquatic life criteria . . . If the Discharger decides to pursue dilution, this Order requires the Discharger to install a stream diffuser that ensures complete mixing, and to implement receiving water flow monitoring in the vicinity of the discharge prior to conducting a mixing zone study.<sup>3</sup>

The precondition of a fully-mixed discharge before initiating a mixing zone study and pursuing dilution credits is not consistent with the requirements of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP). The SIP plainly allows the Central Valley Regional Water Quality Control Board (Regional Board) to grant dilutions credits for incompletely-mixed discharges: "Dilution credits and mixing zones for incompletely-mixed discharges shall be considered by the [Regional Board] only after the discharger has completed an independent mixing zone study and demonstrated to the satisfaction of the [Regional Board] that a dilution credit is appropriate."<sup>4</sup> The Tentative Order inverts this analysis. It is not necessary under the SIP to first prove that the discharge is completely mixed before the discharger submits a mixing zone study. Rather, a mixing zone study may be used to show that an incompletely-mixed discharge satisfies the requirements of the SIP.

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<sup>1</sup> Tentative Order, pp. 15, 16.

<sup>2</sup> *Id.*, p. 16.

<sup>3</sup> *Id.* pp. F-14 to F-15.

<sup>4</sup> SIP, pp. 16-17.

CVCWA respectfully requests that the precondition for installing a new diffuser prior to initiating a mixing zone study be removed. The SIP allows the Regional Board to consider and grant dilution credits for incompletely-mixed discharges if the mixing zone meets the requirements of the SIP. The Regional Board should not mandate certain technology that ensures a completely-mixed discharge on the pretext that it is necessary for approval of a mixing zone.

## **II. Salinity Plan Requirement**

The Tentative Order requires the District to update and continue to implement a salinity evaluation and minimization plan. The updated plan must be submitted within 9 months of the adoption of the permit, with annual reports due thereafter. The Tentative Order states that the “[d]ischarger shall provide annual reports demonstrating the reasonable progress in the reduction of salinity in its discharge to South Yuba River.”<sup>5</sup>

CVCWA respectfully requests that this language be revised to state: “The Discharger shall provide annual reports demonstrating the reasonable progress in the implementation of the salinity evaluation and minimization plan ~~reduction of salinity in its discharge to South Yuba River.~~” The former language implies that the District must show reductions in salinity in order to comply with the minimization plan requirement. CVCWA does not believe this is what the Regional Board intended by requiring the submission of annual reports. Rather, the salinity plan is a tool to identify sources of salinity from the treatment plant or in the community and develop measures to address the sources of salinity. The annual report should demonstrate that the District is continuing to implement those measures. CVCWA’s requested language is more tailored to this goal.

## **III. Wet Weather Compliance Language for Mass Limitations**

The Regional Board typically includes certain compliance language for mass effluent limitations to account for the fact that mass limits depend on flow, and flow may vary during wet weather periods.<sup>6</sup> This language is missing from the Tentative Order. CVCWA requests that the following language be added to Section VII.D on page 20:

If the effluent flow exceeds the permitted average dry weather flow during wet-weather seasons, the effluent mass limitations contained in Final Effluent Limitations IV.A.1.a shall not apply. If the effluent flow is below the permitted average dry weather flow during wet-weather seasons, the effluent mass limitations do apply.

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<sup>5</sup> Tentative Order, p. 17.

<sup>6</sup> See, e.g., Order R5-2015-0011 (NPDES No. CA0081213), p. 20 [Bear Valley Community Services District; Order R5-2014-0152 (NPDES No. CA0077895), p. 18 [University of California, Davis].

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#### **IV. Land Discharge Specifications**

Some of the Land Discharge Specifications in Section IV.B of the Tentative Order are duplicative. Specifically, specification IV.B.6 concerns the prevention of breeding mosquitoes, as does specification IV.B.9.<sup>7</sup> CVCWA requests that specification IV.B.6 be deleted in order to avoid redundant requirements in the permit.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or [eofficer@cvcwa.org](mailto:eofficer@cvcwa.org).

Sincerely,



Debbie Webster,  
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board  
([pcreedon@waterboards.ca.gov](mailto:pcreedon@waterboards.ca.gov))

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<sup>7</sup> Tentative Order, p. 6.