

Central Valley Regional Water Quality Control Board  
4/5 June 2015 Board Meeting

Response to Comments  
for the  
Sierra Pacific Industries, Quincy Division  
Sawmill and Cogeneration Facility  
Tentative Waste Discharge Requirements

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The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements (NPDES Permit No. CA0080357) renewal for the Sierra Pacific Industries (Discharger), Quincy Division Sawmill and Cogeneration Facility (Facility).

The tentative NPDES Permit was issued for a 30-day public comment period on 23 March 2015 with comments due by 24 April 2015. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Discharger. Some changes were made to the proposed Permit based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

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## **DISCHARGER COMMENTS**

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### **Discharger Comment I. General Comments on the Tentative Order.**

In general, SPI believes that the investments made into the facility have demonstrated significant and continual water quality improvements, and should result in a corresponding reduced regulatory burden (e.g., reduced monitoring and less overall resource commitment to studies or other requirements that are no longer reasonable or necessary). SPI urges the Central Valley Water Board to consider the reasonableness of added or tightened requirements versus water quality improvements that are expected, and to weigh the cost/benefit of imposed requirements, particularly for those added requirements that are without sound regulatory basis.

The Tentative Order serves as an individual storm water discharge permit in lieu of coverage under the General Permit. The Tentative Order states that the reason for authorizing the storm water discharges under an individual permit, as opposed to the General Permit, is “due to the complexity of the Facility and unique threats to water quality.” While SPI acknowledges that the storm water generated in the log deck area of the site can be susceptible to contamination with wood derivatives, such as chemical oxygen demand (COD), this circumstance is no different than the many similarly situated facilities who continue to be solely regulated by the General Permit, or facilities of other types that have the potential to create storm water of a more problematic character. SPI objects to the Central Valley Water Board’s new inclusion of several inappropriate Industrial Storm Water Action Levels (Action Levels) for non-storm water related pollutants and the ratcheting down of values for constituent-appropriate Action Levels for storm water to well below what is applicable to the rest of the industry via the General Permit and the balance of this same site. The establishment of overly stringent, and unnecessary, requirements places unnecessary burden upon SPI, sets up SPI for failure, and may subject SPI to third party action liability and/or Water Board enforcement.

**RESPONSE:** Central Valley Water Board staff does not concur. Discharges of process water and storm water from the log deck pose an elevated threat to water quality. Past discharges have caused exceedances of effluent and receiving water limitations, and have exhibited acute and chronic whole effluent toxicity. Some facility improvements have been

made to reduce process water discharges and eliminate pollutants from entering storm water, however, the industrial storm water discharges from the log deck and process water discharges continue to threaten receiving water beneficial uses.

## **Discharger Comment II. Effluent Limits.**

The Discharger comments and Central Valley Water Board staff responses regarding the effluent limits for several constituents are provided below:

### 1. Copper

The Discharger requests consider retaining the existing limits for copper of 3.3 ug/L and 6.6 ug/L as opposed to the proposed limits of 2.2 ug/L and 4.5 ug/L as a monthly average and daily maximum, respectively. The current permit used effluent hardness of 45 mg/L, whereas the proposed permit uses receiving water hardness of 30 mg/L. The Discharger proposed to use a more appropriate hardness value, or simply impose a limit based solely on the California Toxics Rule (CTR) acute criteria. The Discharger's request is based on the following: 1) the limits were based on the assumptions of water effect ratio of 1, zero dilution, no assimilative capacity, and conservative EPA translators to convert dissolved limits to total recoverable limits; 2) the receiving water quality, with one exception, meets the acute and chronic CTR standards for copper in both upstream and downstream samples. The one time that the CTR standards were not met, the upstream copper concentration appeared to be the primary cause, not SPI's discharge.

**RESPONSE:** For calculating the CTR criteria for copper the hardness must be consistent with design low flow conditions and protective of water quality criteria under all flow conditions. For the tentative Order a minimum downstream receiving water hardness of 30 mg/L (as CaCO<sub>3</sub>) was used. However, because during portions of the year Mill Creek can be effluent dominated, the downstream ambient hardness that is consistent with the design low flow conditions is equivalent to the effluent hardness because the effluent is, in effect, the ambient surface water under these regularly occurring conditions. Therefore, the CTR criteria have been recalculated using a design ambient hardness of 36 mg/L (as CaCO<sub>3</sub>), which is the minimum observed effluent hardness. Using the hardness from the previous permit to calculate the CTR criteria, as requested by the Discharger, would not be protective, because the effluent has been demonstrated to have a lower hardness, which results in more stringent criteria.

### 2. Lead

The Discharger requests the process water lead limits would be more appropriately based on the CTR acute criteria and at a design hardness of 45 mg/L. The Discharger's request is based on the intermittent nature of the discharges, and that discharges are only expected during significant storm events that would exhibit hardness values above the average of 45 mg/L.

**RESPONSE:** Central Valley Water Board does not have discretion to not consider the CTR chronic aquatic life criteria for lead. The State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) is the implementation Policy for CTR priority pollutant criteria for the protection of freshwater aquatic life. The effluent limits in the proposed Order have been calculated in accordance with

the SIP, which requires consideration of both the acute and chronic CTR criteria in the calculations.

3. Zinc

The Discharger requests that the zinc effluent limit should be deferred until enough data is available to reasonably and appropriately demonstrate reasonable potential or if a new limit is adopted, the selection of the hardness value should consider the circumstances of the discharge, which would suggest a limit based hardness value of 45 mg/L. The Discharger's request is based on: 1) the limited availability of zinc data, 3 effluent samples, and 1 set of upstream/downstream receiving water samples and 2) receiving water data available suggest that zinc concentrations are not a concern in the receiving water.

**RESPONSE:** Central Valley Water Board staff does not concur. Zinc is a known constituent of concern for storm water discharges from sawmills. The reasonable potential analysis (RPA) for zinc was conducted based on 3 effluent samples of the process wastewater between January 2012 and March 2014. There were no sampling or laboratory quality issues associated with the data. This is sufficient data to conduct an RPA. See the response for Copper, above, regarding the appropriate hardness for calculating the CTR criteria.

4. Chemical Oxygen Demand (COD)

The tentative order includes a new COD limit for process water discharges. The effluent limit is derived from the EPA Multi-Sector General Permit for *storm water* discharges, and the sole basis cited for its inclusion is the Central Valley Water Board staff's "best professional judgment." The imposition of this limit is unreasonable, in contravention of Water Code section 13000, and is not supported by findings and evidence in the administrative record. The General Permit imposes the same requirement for COD as an action level for storm water discharges; however, that Permit is applicable only to storm water discharges, and specifically states that NALs are not derived from either BAT/BCT requirements or receiving water objectives. The tentative order seems to be tying this limit to BAT requirements of 40 CFR 125.3 by claiming that a best professional judgment (BPJ) effluent limit is required for COD.

**RESPONSE:** Central Valley Water Board staff concurs. The process wastewater for this Facility is not the same as the industrial storm water that the EPA Multi-Sector General Permit regulates. Therefore, the technology-based effluent limits for COD for the process wastewater have been removed from the proposed Order.

5. Iron

The Discharger requests removing the new effluent limits for iron, or minimally defer setting a limitation until additional data is available because establishing an iron limitation based on such variable sets up the discharger for failure and there is no meaningful relationship between effluent concentration and receiving water concentration. The Discharger's additional bases for the request are: 1) the total recoverable iron concentrations vary widely in the upstream receiving water, the downstream receiving water, and the effluent whether from natural or anthropogenic sources, will drastically alter the results; 2) on occasions the effluent is lower in iron than both receiving water sampling locations, and at other times it is higher, which makes it

difficult to predict the impact of the effluent iron concentration on receiving water quality based on the data set evaluated.

**RESPONSE:** Central Valley Water Board staff concurs. For priority pollutants, the SIP dictates the procedures for conducting the RPA. Iron is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used its judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent. The most stringent objective is the Secondary MCL, which is derived from human welfare considerations (e.g., taste, odor, laundry staining), not for toxicity. Secondary MCL's are drinking water standards contained in Title 22 of the California Code of Regulations. Title 22 requires compliance with these standards on an annual average basis, when sampling at least quarterly. To be consistent with how compliance with the standards is determined, the RPA was conducted based on the calendar year annual average effluent iron concentrations. Since the process wastewater discharge from the Facility is short-term and infrequent, the discharge does not have reasonable potential to cause or contribute to an exceedance with the Secondary MCL for iron.

### **Discharger Comment III. Log Yard Flushing Study.**

The Discharger believes that the study is not needed at this time given that rainfall capture is only one of several BMPs that could be implemented to meet the action levels and the results of any flushing study will not affect the volume of rainwater collected because the Discharger is already collecting the maximum amount possible in an effort to minimize any discharge of storm water from the log deck area. Additional basis for this request are the following: 1) the collection system is set up to collect as much rainwater as possible, which is greater than the first 2 inches after cessation of sprinkling. Given the improvements completed during the permit term to reduce water quality impacts to the surface water (see detailed list on section IV.D.4. of attachment F) the Discharger noted that the volume of precipitation that can be captured will be even greater to ensure that no process water is entrained in the storm water discharge from this area and 2) the tentative Order already contains required procedures and certifications for demonstrating separation of process water from storm water.

**RESPONSE:** Central Valley Water Board staff does not concur. The current permit contains requirements to complete a log yard flushing study, but the Discharger did not complete it. Technical information is currently unavailable to evaluate whether existing BMPs for eliminating or reducing pollutants of concern in storm water discharges for the log yard area are adequate. Water quality data indicates the discharge exhibits acute and chronic toxicity and threatens beneficial uses in the receiving water. Additional BMPs, potentially including storing more log yard area runoff, may be necessary. The log yard flushing study is appropriate to provide data on feasible pollutant reduction capabilities. Ceasing log yard operation to conduct the flushing study is not necessary or desirable. The flushing study should be performed during standard facility operations of the log yard area, including use of equipment, to ensure that representative data is collected.

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#### **Discharger Comment IV. Industrial Storm Water Action Levels (Action Levels).**

The Discharger disagrees with establishing Action Levels for pollutants that are not prescribed as a concern for sawmills and log yards.

#### Sample Averaging Results

The Discharger requests operational flexibility to comingle industrial storm water (after the first flush) from Pond 1 or 2 with industrial storm water from Pond 4 and monitor that combined discharge under both the General Permit and this Order at our discretion, as an industrial storm water BMP. In this way the Action Levels could be applied as averaging times, which is consistent with numeric action levels (NALs) in the State Water Board's General Industrial Storm Water Permit (General Permit), in which averaging of results is allowed from multiple storm water discharge points. The Discharger's reasons for this request are the following: 1) the comingling of industrial storm water from Ponds 1 or 2 with Pond 4 would be an effective BMP for meeting NALs, particularly if the volume of discharge from Pond 2 were significantly less than the volume generated from Pond 4 and 2) this approach would offer a much more accurate representation of the total industrial storm water being discharged from the site.

**RESPONSE:** Central Valley Water Board staff does not concur. As discussed in Comment II above, the discharge from the log yard area poses elevated risk to receiving water quality and therefore an individual permit is proposed, rather than relying on the General Permit. In this case, the General Permit does not contain adequate conditions or monitoring requirements to ensure that receiving water quality is protected. Therefore, the proposed individual permit should not be directly compared to the General Permit. Site-specific factors have been considered in developing the proposed individual permit.

Additional Discharger's comments and Central Valley Water Board staff responses regarding the Action Levels for specific constituents are provided below:

#### 1. Total Suspended Solids (TSS)

**Comment:** The Discharger requests to modify the action level of maximum daily effluent limitation of 100 mg/L to be as an annual average to be consistent with the General Permit and the standard applicable to all other regional industrial storm water discharges.

**Response:** Central Valley Water Board staff does not concur. At this time, performance with action levels based on long-term annual averages is not appropriate for TSS, COD, total recoverable zinc, and tannins and lignins due to historic compliance issues with waste discharge requirements during intermittent, short duration storm events.

#### 2. Copper, Total Recoverable

The Discharger requests that the Action Level for copper be removed because copper is not an industrial storm water pollutant applicable to sawmills and log yards. The storm water Action Level for copper is based upon process wastewater (EFF-001) and receiving water data. Instead, storm water data should have been evaluated. Thus, the Discharger suggest to set an action level for copper using a more appropriate action level 33.2 ug/L, which is consistent with the NAL for copper in the General Permit and consistent with the action level that would apply to other regional sawmill facilities.

**RESPONSE:** Central Valley Water Board staff does not concur. The Action Level for copper was included to protect beneficial uses. Ideally, copper data from the industrial storm water discharge (SW-001) would be used to determine the need for an action level for copper. In this case, however, industrial storm water data was not available so the best available data were used. With regard to the appropriate Action Level, the NAL in the General Permit does not consider site-specific effluent and receiving water conditions. The action level in the proposed permit is calculated based on site-specific hardness data and is necessary to ensure the beneficial uses of the receiving water are protected.

3. Zinc, Total Recoverable

**Comment:** The Discharger requests that the Action Level for zinc be set consistent with the NAL applicable to the rest of the industry through the General Permit. The General Permit establishes an action level for zinc of 260 ug/L, as an annual average. Additionally, the Discharger comments that the receiving water is not impaired for zinc and there are no applicable TMDLs. Thus, there is no need to use the receiving water hardness to derive the NAL.

**Response:** Central Valley Water Board staff does not concur. The NAL in the General Permit does not consider site-specific effluent and receiving water conditions. The Action Level in the proposed permit is calculated based on site-specific hardness data and is necessary to ensure the beneficial uses of the receiving water are protected. Furthermore, zinc can have acute and chronic effects over shorter time frames than a year and the discharge only occurs in the wet season, so evaluating on an annual average basis may not be adequately protective.

4. Chemical Oxygen Demand

**Comment:** The Discharger requests that the COD limit of 120 mg/L be an annual average instead of a maximum daily to be consistent with the General Permit, which is applicable to all other sawmills.

**Response:** Central Valley Water Board staff does not concur. COD is an indicator parameter for overall discharge quality and can have short-term effects on dissolved oxygen levels and related toxicity issues. Therefore, it is appropriate to include the Action Level as a daily maximum.

5. Iron, Total recoverable

**Comment:** The Discharger requests that establishment of an NAL for iron be deferred until completion of the pollution source assessment and any Storm Water Pollution Prevention Plan (SWPPP) revisions (1 October 2015). If a potential source of iron to storm water is identified, the Discharger could then add iron to the monitoring requirements described in the SWPPP. Additionally, the storm water action level for iron is based upon process (EFF-001) and receiving water data, instead storm water from SW-001 should have been evaluated.

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**RESPONSE:** Central Valley Water Board staff concurs. The industrial storm water action level for iron has been removed from the proposed Order.

6. Tannins and lignins

**Comment:** The Discharger requests to remove the NAL for tannins and lignins because: 1) the General Permit does not contain NALs for tannins and lignins at sawmills, planning mills, or log yards; and they are unaware of any other sawmills that have action levels for tannins and lignins, and 2) numeric criteria or objectives for tannins and lignins have not been developed.

**Response:** Central Valley Water Board staff does not concur. Tannins and lignins are groups of pollutants associated with the wood products processed at the facility. Tannins and lignins are toxic to aquatic life and may be a cause of whole effluent toxicity exhibited in the discharge. Therefore, inclusion of an Action Level for tannins and lignins is appropriate. The Action Level value for tannins and lignins is established based on review of limited analytical results provided by the Discharger and may not be fully protective of receiving water quality objectives for Mill Creek may require future reassessment.

7. Chronic Toxicity

**Comment:** The Discharger requests to remove the Action Level for chronic toxicity because: 1) the State Implementation Plan contains implementation gaps regarding the appropriate form and implementation of chronic toxicity limits; 2) a numeric TUC Action Level effectively imposes an effluent limitation since accelerated chronic toxicity monitoring and TRE requirements could be triggered and exceedance of the Action Level could result in Regional Water Board and/or third party lawsuit liability; 3) the storm water discharge from the Facility is intermittent and chronic toxicity for intermittent storm water discharges is not meaningful and should not be applied as an Action Level; 4) the operation of the new storm water retention pond, discharges are expected to be so infrequent that the chronic toxicity test, which requires daily renewals, will not be able to be conducted; 5) the proposed Order establishes Action Levels for zinc, COD, and TSS, and includes a storm water effluent limitation for pH and settleable solids. These Action Levels and limitations on storm water discharges are fully indicative of BMP performance and fully protective of water quality and 6) storm water discharges to inland surface waters under the General Permit are not required to monitor for toxicity.

**Response:** Central Valley Water Board staff does not concur. The facility's discharge has demonstrated whole effluent toxicity. The Action Level for chronic toxicity is identified in the proposed Order as a monitoring trigger, not an effluent limitation. Exceedance of the trigger requires further evaluation of chronic toxicity in the discharge and potential completion of a toxicity reduction evaluation (TRE). Due to the intermittent nature of storm events, the Discharger has the option to tailor an appropriate incident-specific toxicity investigation by submitting an alternative toxicity evaluation study work plan in lieu of a TRE. The Discharger is required to investigate the cause and demonstrate that toxicity has been eliminated to the extent practicable in order to demonstrate compliance with Basin Plan's narrative toxicity objective.

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### **Discharger Comment V. Salinity Evaluation and Minimization Plan**

The Discharger requests to remove this requirement. The Discharger comments that since there is no reasonable potential to discharge salinity, it does not make sense for the permit to require implementation of a salinity reduction plan and require annual monitoring and reporting pursuant to such plan.

**RESPONSE:** Central Valley Water Board does not concur. Retention pond water monitoring has demonstrated elevated levels of electrical conductivity (i.e., salinity). Retention pond water is used for log yard sprinkling and monitoring data for total dissolved solids and electrical conductivity indicate presence of salinity in discharges to Mill Creek from the log yard area. Although the discharge does not exhibit reasonable potential for salinity, in order to ensure that the Discharger will continue to control the discharge of salinity, the proposed Order includes a requirement to continue to implement a salinity evaluation and minimization plan.

### **Discharger Comment VI. Monitoring and Reporting Requirements**

The Discharger's comments are addressing monitoring and reporting requirement concerns with: 1) Industrial storm water monitoring for copper, lead, chronic toxicity, and priority pollutants; 2) Pond monitoring; 3) Receiving water monitoring; 4) Groundwater monitoring; 5) Ash monitoring; and 6) Ash application area requirements.

**RESPONSE:** Central Valley Water Board staff reviewed and provided responses to the Discharger's six specific comments listed above as follows:

1) Industrial Storm water Monitoring for Copper, Lead, Chronic Toxicity, and Priority Pollutants

**Comment:** The monitoring requirements for industrial storm water discharges at Location SW-001 are identical to the monitoring requirements applicable to the discharge of process water at Location EFF-001. The Discharger comments that significant investments in facility infrastructure to segregate industrial storm water from process water, and the tentative Order, therefore, contains separate requirements applicable to industrial storm water. The Discharger requests that monitoring of industrial storm water should not include, copper, lead, chronic toxicity, or Priority Pollutants and other Constituents of Concern.

**Response:** Central Valley Water Board concurs that the monthly monitoring requirements for lead should be removed for the industrial storm water discharge. The proposed Order has been modified to remove these monitoring requirements. Monitoring for copper and chronic toxicity is necessary, however, to evaluate compliance with the Industrial Storm Water Action Levels, and once per permit term monitoring for Priority Pollutants and Other Constituents of Concern is needed to ensure adequate information is available for the next NPDES permit renewal.

2) Pond Monitoring Requirements - Section VI.A.1. pg. E-8.

**Comment:** This section adds several monitoring requirements for the ponds that have not been required in previous Orders. Specifically, electrical conductivity, pH, total dissolved solids, dissolved oxygen, arsenic, and manganese have been added, and monitoring of Pond 5 has been added. The Fact Sheet provides no technical or regulatory basis for the new monitoring requirements, but simply states the added monitoring is necessary to assess impacts of the discharge on groundwater. Since the tentative Order already requires a groundwater characterization study, and an anti-degradation analysis for groundwater, and a Title 27 exemption evaluation for groundwater, and additionally contains increased groundwater monitoring and reporting requirements, the addition of weekly and quarterly pond monitoring requirements is excessive. SPI requests that any new pond monitoring requirements be deferred to the conclusion of the required groundwater studies, which will provide information regarding any contaminants of concern in groundwater – information which is not currently available to justify the added monitoring.

**Response:** Central Valley Water Board staff does not concur. The Discharger must conduct monitoring of process water contained in facility retention ponds to comply with the proposed Order requirements to complete antidegradation and Title 27 exemption analyses. Additionally, based on groundwater monitoring results for EC, TDS, arsenic, and manganese, concentrations for all the downgradient monitoring wells are higher than the background (upgradient) monitoring wells and in some cases these concentrations are also above the water quality objectives (see Figures F-1 through F-4 of the antidegradation Section IV.D.4. of the proposed permit). This indicates that groundwater degradation is occurring and to determine the source of this degradation it is critical that the Discharger must account for retention pond monitoring and groundwater characterization results to complete this evaluation.

3) Receiving Water Monitoring requirements - Section VI.A.1 pgs. E-8 and E-9.

**Comment:** The Discharger comments that the proposed requirements do not provide any meaningful reduction in monitoring for the industrial storm water as compared to process water or compared to the prior Order. The Discharger's comment is based on the following: 1) There is no regulatory basis to require receiving water monitoring during discharges of exclusively industrial storm water; 2) The General Permit, applicable to all other discharges of industrial storm water, does not require receiving water monitoring. The enhanced storm water monitoring already required, numeric action levels, and BMP evaluations and improvements already required are fully protective of the receiving water and ensure storm water is being managed and 3) during past discussions with Water Board staff regarding proposed improvements to segregate all storm water, one of the distinct advantages discussed was reduced monitoring requirements.

**Response:** Central Valley Water Board staff does not concur. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

4) Groundwater Monitoring Requirements - Section VIII.B.3. pg. E-10.

**Comment:** The Discharger request a monitoring reduction provision to be added, similar to the prior Monitoring and Reporting Program, that would allow for a reduction of groundwater monitoring to annual after 12 consecutive quarters.

**Response:** Central Valley Water Board staff concurs and a footnote has been added to Table E-7 for Groundwater Monitoring Requirements. The footnote reads as follows:

<sup>4</sup> After 12 consecutive quarterly sampling events, monitoring may be reduced from quarterly to annually upon Executive Officer approval.

5) Ash Monitoring Requirements - Section IX.B. pg E-11.

In this section the ash monitoring requirements have been modified by removing monitoring requirements for general minerals, aluminum, boron, iron, and manganese and by adding monitoring requirements for ash limiting capacity, total phosphorous, and CAM 17 Metals. Additionally, the monitoring frequency has been increased from annually to monthly or twice a year depending on the constituent.

**Comment:** The Discharger request that the monitoring frequency remain annual, except for dioxin, which should be once during the permit term because: 1) the ash quality is fairly consistent and there is no justification provided for increasing the monitoring frequency and 2) proper handling of the material, when used as a soil amendment, is already regulated by CalRecycle and the CA Department of Food and Agriculture.

**Response:** Central Valley Water Board staff does not concur. The proposed frequency for ash and cooling tower solids monitoring is appropriate. Even though the Discharger has a relatively consistent source of wood fuel, some variation in ash quality will occur and a monitoring frequency of twice per year is reasonable. Regarding the proposed monitoring frequency for Dioxin, Central Valley Water Board staff recognizes the high cost for monitoring of this constituent. Therefore the monitoring frequency is proposed as only once per year. Additionally, upon approval of the Executive Officer, footnote 5 of Table E-9 in the Tentative Order allows the monitoring frequency for Dioxin to be reduced after two consecutive years of data have been submitted. Dioxins are known to be present in wood ash and present a threat to human health and the environment at extremely low concentrations; therefore Central Valley Water Board staff believe reducing monitoring for this constituent to once during the permit term would not be appropriate.

6) Ash Application Area - Section X.B.2. pg. E-11.

The Discharger is required to record information about wood ash removed from the Facility and submit in the monthly SMR that includes the following information: a) disposal location or soil amendment application area (i.e., name and address), and b) volume and/or weight of ash for each location/area.

**Comment:** The Discharger request that the reporting requirements for ash be consistent with the Cal Recycle requirement at Public Resources Code Section (PRC) 44107

because of the following reasons: 1) ash may be sold to intermediate soil amendment producers that use ash as an ingredient in proprietary soil blends that are packaged for sale on the open market. In such cases, the application area will not be available to the Discharger and 2) Cal Recycle has promulgated an ash reporting requirement in PRC 44107 through Senate Bill 498, effective January 1, 2015. This regulation requires an annual report, including information on ash disposition, be submitted by April 1st of each year for the preceding year. The requirement acknowledges that final disposition information may be unavailable to the producer.

**Response:** Central Valley Water Board staff concurs. At the request of the Discharger and consistent with PRC 44107, the Tentative Order has been modified to include an annual report deadline of 1 April each year for ash monitoring completed as specified in Attachment E. In addition, information regarding final application area by end users is not required for Facility ash that has been sold or supplied to intermediate producers for use in manufacturing commercial soil amendment products.