

California Redwood Company, Korbel Sawmill

California Redwood Company (hereinafter Permittee) submitted comments on the draft NPDES permit (Order No. R1-2013-0008) in a letter dated March 4, 2013. The following are Regional Water Board staff responses to substantive comments provided by the Permittee:

Comment Nos. 3, 20-23, 37, 38: References to Sludge and Biosolids. The Permittee asserted that all references to sewage sludge, biosolids, etc. are not applicable to the waste stream permitted by the facility and requested that all such references be removed.

Response: The draft Order is a combined surface water discharge (NPDES) and land discharge (Waste Discharge Requirements) permit that covers all wastewater discharges from the Facility excluding discharges from the woodwaste disposal site, which are covered by Order No. R1-2002-0037, and discharges of stormwater that have not commingled with process water, which are covered by Order No. 97-03-DWQ. The domestic wastewater discharges and associated requirements are, therefore, appropriately included in the draft Order. The previous Order No. R1-2002-0037 included the sawmill domestic wastewater collection and disposal system in Finding No. 2 as wastewater that is generated, treated, and discharged from the Facility. Furthermore, section II of the Fact Sheet of the draft Order also described the sawmill domestic wastewater system as one of the discharges associated with the Facility. The Report of Waste Discharge application for the NPDES permit renewal included documentation of the domestic wastewater system including design flow values of approximately 3,000 gallons per day with a total septic tank capacity of 13,350 gallons. Staff has, therefore, retained references to sludge handling practices related to this discharge in the draft Order.

Comment Nos. 4, 32, and 34: Classification as a Major Discharger. The Permittee asserts that it fits the definition of a Headquarters Priority Permit Indicator (HPRI) Code 2 facility because it is in a coastal county not in a major estuary drainage area and is not a §403(c) discharger. The Permittee questioned the applicability of the HPRI Code 3 for the Korbel sawmill because the discharge location is approximately 18 miles upstream of the mouth of the Mad River and requested that the facility be reclassified with an HPRI Code 2 and, as a result, continue to be classified as a minor discharger in the draft Order.

Response: In the draft permit the Permittee is reclassified as a major discharger based on a draft NPDES Permit Rating Work Sheet (the Rating Work Sheet) developed with the draft Order. Factor 6 of the Rating Work Sheet analyzes the proximity to near coastal waters and allocates points toward the overall rating and classification as a minor or major discharger. The draft Rating Work Sheet used the HPRI Code 3 “Discharger into a major estuary or estuary drainage area” contained in the US EPA Integrated Compliance Information System (ICIS), which resulted in an additional 30 points in the overall score. Staff contacted US EPA to determine a functional definition of ‘major estuary’ and ‘estuary drainage area’ to respond to these comments, but unfortunately, there is no definition available. The Rating Work Sheet cannot be developed in a consistent nonarbitrary manner without a definition for these terms. As a result, Staff have decided to retract the draft Rating

Work Sheet and retain the existing classification for the facility as a minor discharger until such definitions are made available by US EPA.

Comment Nos. 5, 26 and 42: Increased Frequency for Chronic Bioassay Monitoring.

The Permittee asserts that there is a significant increase in chronic bioassay monitoring that has an associated increase in compliance costs that is not justified by the existing data because all historic results for acute and chronic toxicity in the effluent discharge have not shown toxicity.

Response: The draft Order has increased the chronic toxicity monitoring from once per permit term in the previous Order to annually in the draft Order to more effectively assess compliance with the Basin Plan narrative water quality objective for toxicity. One datum every five years does not yield a data set sufficiently large to make a statistically significant determination that the permit is protective of water quality. The Regional Water Board needs more data characterizing the discharge since only one sample of chronic toxicity has been analyzed at this facility. The results of that sample conflict with the Permittee's assertion that "Historically, all results...have shown no toxic effects," because they showed a statistically significant reduction in the growth response of *Selanastrum capricornutum* with an associated TUC of >1, and the laboratory control water for *Ceriodaphnia Dubia* did not pass any of the test acceptability criteria. Furthermore, the Regional Water Board has the responsibility to issue permits in a fair and consistent manner. The recently adopted Order No. R1-20012-0046 for the wet decking discharge from Sierra Pacific Industries, Aracata Division Sawmill also contains annual chronic toxicity monitoring requirements. Moreover, other inland surface water dischargers with similar design flows have more stringent biannual and quarterly chronic toxicity monitoring requirements. Staff have, therefore, retained annual chronic toxicity monitoring in the draft Order, but will reevaluate the chronic toxicity monitoring frequency during the next permit development process based on the gathered data and with respect to maintaining consistency with similar dischargers within the region. The Permittee correctly identified that the draft Order provides insufficient justification for the increase in monitoring. To address this deficiency, Staff have amended the fact sheet of the draft Order to more clearly provide the basis for this permit modification.

Comment Nos. 26: Increased Monitoring Requirements. The Permittee asserts that 24-hour composites are not necessary for analysis of the California Toxics Rule (CTR) constituents and that grab samples should be sufficient. The Permittee also commented on chronic toxicity monitoring in this comment, for which a response has already been provided, above. Additionally, the Permittee suggested that monthly monitoring for constituents in Table E-4 is excessive for this type of discharge.

Response: Staff concur with the Permittee's request for grab sampling from the constructed wetland discharge because the retention time within the constructed wetland should be sufficient for near complete mixing of the effluent with a

relatively constant composition. Staff have made the requested change to the *Sample Type* for the parameter *All CTR Pollutants* from *24-Hour Composite* to *Grab*.

Monthly monitoring for constituents in Table E-4 is necessary to assess compliance with receiving water limitation in the draft Order and are only required when discharging at discharge point 001. This monitoring frequency is consistent with the previous Order and with monitoring requirements for similar dischargers in the North Coast Region and has been retained in the draft Order.

Comment No. 41: pH Discrepancy in Fact Sheet. The Permittee identified an apparent conflict between the pH limitations described in Section IV.C.3.a.i of the Fact Sheet and those contained in Tables F-5 and F-10.

Response: Table F-5 in the draft Order incorrectly contained a summary of technology-based effluent limitations that were not included in the Order because the debris effluent limitation guideline was implemented as a Discharge Prohibition in the draft Order and the pH effluent limitation guideline was less stringent than the water quality objective for pH contained in the Basin Plan. Staff have, therefore, deleted Table-F-5 in its entirety because there are no technology-based effluent limitations in the draft Order.

Comment No. 33, 36: The Permittee requested that all references to the landfill and other processes, not associated with the NPDES wet decking discharge, be deleted.

Response: The Permittee correctly identified that the Fact Sheet only applies to the facilities covered by the Order, however, due to the common ownership, common history, physical proximity, and hydrologic overlap of the landfill and the sawmill, Staff have retained references to the landfill within the Facility description in the Fact Sheet. Nonetheless, Staff concur with the Permittee that the landfill is adequately described in the separate Orders. Staff have, therefore, limited references to the landfill in the Fact Sheet to physical location, history and reference to Order Nos. R1-2002-0037 and R1-2013-0011.

Comment Nos. 3, 14-35, 37-40, 43-48: The Permittee made various comments that Staff consider to be minor editorial changes.

Response: Staff concur with the intent of each of the minor editorial changes and have made the requested changes or minor modifications to the requested changes.