

ATTACHMENT 1

Response to Comments and Staff Changes **Forestville Water District Wastewater Treatment, Reclamation** **and Disposal Facility, WDID No. 1B831000SON** **Cease and Desist Order No. R1-2011-0015**

Brelje and Race Consulting Engineers on behalf of the Forestville Water District submitted the following comment regarding Cease and Desist Order No. R1-2011-0015:

Comment: Forestville Water District appreciates the additional time that the CDO provides to collect data and study the copper exceedance problem, but remains concerned about the eventual potential cost associated with such course of study. The District is concerned that a Water Effect Ratio for copper may be the only means of compliance and the studies required to develop a WER can cost between \$100,000 and \$150,000.

Forestville Water District requests that Task 4 in the Compliance Schedule be revised to allow use of a WER determined by a statistical compilation of the results of WER studies completed by other dischargers in the State. "The hardship of a \$100,000-plus expense imposed upon Forestville Water District and its customers to conduct a discharger-specific WER study is disproportionate to the benefit achieved from such study versus that of applying existing WER study results."

Response: Regional Water Board staff recognizes that a WER study has high costs associated with it. However, Regional Water Board staff is aware that other small dischargers in the North Coast Region have successfully completed WER studies for significantly lower costs than those identified above.

It is not possible to allow Forestville Water District to determine a WER based on a statistical compilation of the results of WER studies completed by other dischargers in the State. The results of a WER study are dependent on many site-specific factors, including characteristics of the effluent that can affect the form of copper in the effluent. The bioavailability and toxicity of a metal such as copper are affected by water quality characteristics such as hardness, pH, alkalinity, and dissolved organic carbon (natural organic matter). For example, an effluent that has a lot of particulates may have the ability to bind copper and reduce its toxicity, while an effluent without particulates may exhibit higher toxicity. Regional Water Board staff is aware that there is a screening test that can be performed prior to committing to a full-fledged WER to assess whether or not a WER would produce a favorable result for the discharger before committing the financial resources toward the full WER study. This process of using the screening test prior to completing the full WER study has been utilized by several dischargers in the North Coast Region, including Rio Dell, Fortuna, and McKinleyville.

The costs of the mandatory penalties that are assessed for each violation of the current copper effluent limitations should be assessed by Forestville in determining its course of action. Currently, each exceedance of a copper effluent limitation is assessed a mandatory penalty of \$3,000. Forestville has had eight exceedances of copper effluent limitations between December 2005 and December 2010. This amounts to \$24,000 in penalties that have or will be assessed in relation to copper violations.

The following minor changes were made to the CDO by Regional Water Board Staff. The changes were made to provide clarity and correct minor errors and omissions.

1. Finding 1. Change last sentence to read as follows: "... Design treatment capacities are 0.13 million gallons per day (mgd) (average daily dry weather flow), ~~and~~ 0.58 mgd (~~maximum-daily~~ peak weekly wet weather flow), and 0.78 mgd (peak daily wet weather flow).

This change is needed to properly identify design flows.

2. Finding 3. Change last sentence to read as follows: "... Order No. R1-2011-0016 includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions, including final effluent limitations for copper, cyanide, DCBM, ~~chloroform plus DCBM~~ total trihalomethanes, and nitrate."

This correction is needed to be consistent with Order No. R1-2011-0016 which includes effluent limitations for total trihalomethanes in place of chloroform plus DCBM.

3. Finding 7. Change 4th sentence to read as follows: "...Final effluent limitations for copper and DCBM, ~~and chloroform plus DCBM~~ have been retained in Order No. R1-2011-0016 with minor modifications based on a new reasonable potential evaluation utilizing data collected during the term of Order No. R1-2004-0027. Final effluent limitations for copper in Order No. R1-2011-0016 are more stringent than the final effluent limitations in Order No. R1-2004-0027 while final effluent limitations for DCBM in Order No. R1-2011-0016 are slightly less stringent than the final effluent limitations in Order No. R1-2004-0027. ..."

The correction in the first sentence is needed to be consistent with Order No. R1-2011-0016 which includes effluent limitations for total trihalomethanes in place of chloroform plus DCBM. The added sentence is needed to document that final copper effluent limitations in the proposed WDRs are more stringent than those in the previous permit. The finding of more stringent copper effluent limitations is necessary to demonstrate that the Discharger qualifies for a CDO pursuant to section 13385(j)(3) of the CWC.

4. Add sentence to the end of Finding 10, 1st bullet to read as follows: "... Copper was evaluated in light of section 13385(j)(3) of the Water Code (see Finding 13) and found to qualify for a compliance schedule and interim effluent limitations because it meets all of the criteria specified in section 13385(j)(3) of the Water Code, including the requirement that the regulatory requirements in the new permit must be more stringent than the regulatory requirements in the previous permit. Because copper effluent limitations in Order No. R1-2011-0016 are more stringent than copper effluent limitations in Order No. R1-2004-0027, copper is a pollutant that qualifies for protection from MMPs pursuant to section 13385(j)(3) of the Water Code during the interim compliance period in this CDO.

This addition clarifies the reason that copper qualifies for protection from MMPs during the interim compliance period established in the CDO.

5. Change Finding 10, last sentence of 3rd bulleted item to read as follows:
“...The Discharger has not requested a time extension to comply with the final effluent limitations for DCBM because the Discharger believes that the chances of exceeding the final DCBM effluent limitations [during periods of discharge to Jones Creek](#) are low. ...”

This change includes additional information to provide clarity.

6. Add sentence to the end of Finding 10, 3rd bullet to read as follows:
“...Even if the Discharger had requested additional time to comply with DCBM effluent limitations, DCBM does not qualify for protection from MMPs under section 13385(j)(3) of the Water Code (see Finding 13) because DCBM effluent limitations in Order No. R1-2011-0016 are less stringent than DCBM effluent limitations in Order No. R1-2004-0027, thus DCBM does not meet the criteria in section 13385(j)(3)(b) that the new regulatory requirement be more stringent.

This addition clarifies why DCBM does not qualify for protection from MMPs pursuant to the CDO.

7. Change Finding 10, last sentence of 4th bulleted item to read as follows:
“...The Discharger has not requested a time extension to comply with the final effluent limitation of 10 mg/L for nitrate because the Discharger believes that the chances of exceeding the final nitrate effluent limitation [during periods of discharge to Jones Creek](#) are low. ...”

This change includes additional information to provide clarity.