

**Response to Comments  
and Staff Changes Made to Public Review Draft  
Occidental County Sanitation District Wastewater Treatment Facility  
WDID No. 1B830010SON**

**Tentative Waste Discharge Requirements Order No. R1-2012-0101  
And  
Tentative Cease and Desist Order No. R1-2012-0102**

*Comment letters on the September 20, 2012, draft NPDES permit (Order No. R1-2012-0101) and Cease and Desist Order (Order No. R1-2012-0102) for the Occidental CSD Wastewater Treatment Facility were received from:*

- A. United States Environmental Protection Agency (email from Amelia Whitson), October 17, 2012
- B. Sonoma County Water Agency (letter signed by Wendy Gjestland), October 22, 2102
- C. California Department of Public Health (letter signed by Janice Thomas), October 19, 2012

*This document provides Regional Water Board staff responses to comments provided by each commenter. The responses indicate whether or not changes were made to the permit and cease and desist order (CDO) in response to the comment. Additions to permit language are indicated with underline text and deletions are indicated with strikethrough text. Changes made to the CDO are highlighted in gray.*

*Following the Response to Comments is a summary of additional changes made to the public review draft of the tentative permit by Regional Water Board staff.*

**A. United States Environmental Protection Agency**

**Comment 1.** The permit should impose an effluent limit for cyanide based on the available effluent data for this parameter. 40 CFR 122.44(d)(1) requires that effluent limitations be established for all pollutants which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. Limits may be required when the effluent concentration does not exceed, but has a reasonable potential to cause an excursion above the water quality standard. For cyanide, the effluent concentration exceeded the applicable water quality standard during the previous permit term.

**Response:** The tentative permit has been modified to include an effluent limitation for cyanide. The following changes were made to the final version of the tentative permit:

Order Section IV.A.1.a, Table 4 and Fact Sheet section IV.D, Table F-13 were modified to add the following effluent limitations for cyanide: Average Monthly Effluent Limitation (AMEL) of 4.3 µg/L and Maximum Daily Effluent Limitation (MDEL) of 8.5 µg/L.

Fact Sheet sections I.D, IV.C.4, and IV.E have been modified to add “cyanide” to the narrative list of pollutants with reasonable potential.

Fact Sheet section IV.C.3.b, Table F-9, Table Note 5 has been deleted as follows:

~~“5. Although the MEC for cyanide exceeded the most stringent water quality objective of 5.2 µg/L, the 13 other samples were less than 5.2 µg/L. In lieu of establishing an effluent limitation for cyanide, the MRP requires additional monitoring to collect enough data to determine whether or not reasonable potential exists for cyanide.”~~

Fact Sheet section IV.C.3.b, Cyanide has been modified to reflect the finding of reasonable potential as follows:

“Cyanide. The CTR establishes both aquatic life and human health water quality objectives for cyanide. Effluent monitoring data submitted by the Permittee between September 2008 and May 2011 revealed concentrations of cyanide ranging from <2 µg/L to 9.2 µg/L in 14 samples. A determination of reasonable potential has been made based on the MEC of 9.2 µg/L exceeding the most stringent water quality objective for protection of aquatic life of 5.2 µg/L. Only one sample exceeded the most stringent water quality objective of 5.2 µg/L and no samples exceeded the acute effluent limit of 22 µg/L. Eleven of the 14 results were non-detect at method detection limits ranging from 2 µg/L to 4.8 µg/L and one sample was detected between the method detection limit of 2 µg/L and reporting limit of 5 µg/L. Based on these findings, effluent limitations have not been established for cyanide, but monthly monitoring for cyanide has been established to gather additional data to determine whether or not reasonable potential exists for cyanide. In addition, the Permittee has proposed to investigate the modification of analytical methods and sample preservation techniques to determine if these are creating false positive results for cyanide.

Fact Sheet section IV.C.4, Tables F-10 and F-11 have been modified as follows:

**Table F-10. Determination of Long Term Averages**

Pollutant	ECA		ECA Multiplier		LTA (µg/L)	
	Acute	Chronic	Acute	Chronic	Acute	Chronic
<u>Cyanide</u>	<u>22</u>	<u>5.2</u>	<u>0.3211</u>	<u>0.5274</u>	<u>7.064</u>	<u>2.742</u>

**Table F-11. Determination of Final QBELs Based on Aquatic Life Criteria**

Pollutant	LTA (µg/L)	MDEL Multiplier	AMEL Multiplier	MDEL (µg/L)	AMEL (µg/L)
<u>Cyanide</u>	<u>2.742</u>	<u>3.11</u>	<u>1.55</u>	<u>8.5</u>	<u>4.3</u>

Fact Sheet section IV.C.4, Step 3 was modified to add a sentence to the end of the first paragraph in Step 3 as follows:

“For this analysis, the CV for copper and lead were calculated to be 2.2 and 0.77, respectively and the default CV of 0.6 was used for silver and cyanide.”

Fact Sheet section IV.C.4, Step 4, Table F-11 was modified as follows:

**“Step 4:** WQBELs, including an average monthly effluent limitation (AMEL) and a maximum daily effluent limitation (MDEL) are calculated using the most limiting (lowest) LTA. The LTA is multiplied by a factor that accounts for averaging periods and exceedance frequencies of the effluent limitations, and for the AMEL, the effluent monitoring frequency. Here the calculated CV for copper is 0.7 and for lead is 0.70. The CV for silver is set to the default CV of 0.60. The CV values identified in Step 3 are used to establish the MDEL and AMEL multipliers used in this analysis. The sampling frequency for all three pollutants is set equal to 4 (n = 4). The 99th percentile occurrence probability was used to determine the MDEL multiplier and a 95th percentile occurrence probability was used to determine the AMEL multiplier. The sampling frequency for all ~~three~~ four pollutants is set equal to 4 (n = 4).”

In addition, the CDO, Finding 11, Table 4 has been modified to include an AMEL of 4.3 µg/L and MDEL of 8.5 µg/L for cyanide.

CDO Requirement 3 has been modified to include an interim MDEL of 9.2 µg/L for cyanide.

**Comment 2.** The reasonable potential analysis and effluent limit calculation for copper should be based on all available, valid, and representative data submitted by the discharger. If a data point is omitted from the effluent calculation, justification should be provided for why that particular data point was not considered.

**Response:** This comment is referring to the fact that the reasonable potential analysis (RPA) summarized in the public review tentative permit was performed with the omission of one sample result of 470 µg/L that appeared to be an outlier. Based on USEPA’s comment, the RPA was re-calculated with the inclusion of this sample result. Inclusion of this sample result changed the coefficient of variation from 0.7 to 2.2 which in turn changed the final effluent limitations. The following changes were made to the final version of the tentative permit:

Order section IV.A.1.a, Table 4 and Fact Sheet section IV.D, Table F-13 have been modified to change the AMEL for copper from 3.6 µg/L to 2.5 µg/L.

Fact Sheet section IV.C.3.b, Table F-9 has been modified to change the MEC for copper from 83 µg/L to 470 µg/L.

Fact Sheet section IV.C.4, Step 3, Table F-10 was modified as follows:

**Table F-10. Determination of Long Term Averages**

Pollutant	ECA		ECA Multiplier		LTA (µg/L)	
	Acute	Chronic	Acute	Chronic	Acute	Chronic
Copper	7.834	5.51	0.11	<del>0.190</del> 0.187	0.86	<del>1.02</del> 1.03

[Note: Regional Water Board staff made this change to provide enough significant figures in the intermediate steps of the calculations to show that the final effluent limitations in Table F-11 are correct. The calculations are actually performed using a spreadsheet tool with an infinite number of significant figures.]

Fact Sheet section IV.C.4, Step 4, Table F-11 was modified as follows:

**Table F-11. Determination of Final WQBELs Based on Aquatic Life Criteria**

Pollutant	LTA (µg/L)	MDEL Multiplier	AMEL Multiplier	MDEL (µg/L)	AMEL (µg/L)
Copper	0.86	<del>9.14</del> 9.09	<del>2.92</del> 2.91	7.8	<del>3.6</del> 2.5

The following changes have been made to the final version of the tentative CDO:

Finding 11 of the CDO, Table 4 has been modified to change the AMEL for copper from 3.6 µg/L to 2.5 µg/L.

Finding 24, 4<sup>th</sup> sentence of the CDO has been modified as follows:

“Interim limitations for copper reflect a 95<sup>th</sup> percentile concentration due to the fact that the copper data set is lognormal with a high coefficient of variation (2.2), and it would not be appropriate to set an interim limit based on a markedly high result (e.g., 470 µg/L) in a dataset with an average of 20.4 µg/L and a median of 17 µg/L. ~~several of the highest effluent concentrations (470 mg/L, 83 mg/L and 63 mg/L) are questionable concentrations.~~

## B. Sonoma County Water Agency

**Comment 1.** The Permittee requests that the compliance schedule in the CDO be longer than the one proposed in the tentative cease and desist order. The Permittee submitted a narrative description of how the Permittee’s request for a compliance schedule is consistent with the State Board Compliance Schedule Policy and a proposed schedule that would achieve construction of a proposed capital improvement project (CIP) within 7 years, full operation of the CIP in compliance with applicable waste discharge requirements within 7.5 years, and submittal of final as-built drawings and results of performance tests within 8 years of permit adoption.

**Response:** Section 13385(j)(3)(C) of the Water Code requires that CDO compliance schedules be as short as possible and no longer than 5 years in length. This section of the

Water Code also authorizes the Regional Water Board, following a public hearing, to extend the compliance schedule for an additional period not exceeding five years in length, if the Permittee demonstrates diligent progress toward bringing the waste discharge into compliance with final effluent limitations in the NPDES permit and that the additional time is necessary to comply with the final effluent limitations.

The proposed CDO has been modified to include a new provision (new Requirement 6 of the CDO) that identifies the requirements for extensions of the compliance schedule pursuant to Water Code section 13385(j)(3)(C) and to add clarification to the provision that allows the Regional Water Board Executive Officer to authorize extensions of the CDO compliance schedule (Requirement 5 of the CDO).

During Regional Water Board staff's review of this comment, a few additional changes were made to the CDO, as follows:

Finding 21.b was modified to clearly state that the pollutants subject to the CDO have new or more stringent effluent limitations. This change was made to clearly demonstrate that this condition of Water Code section 13385(j)(3)(B) has been addressed.

Finding 21.c, last sentence, has been modified to remove the language that is more appropriately stated in Requirement 5, as follows: ~~"The compliance schedule requires completion of a CIP within five years of the adoption date of the new permit, Order No. R1-2012-0101. and includes a provision (Requirement 5) that allows the Permittee to request an extension of time, up to 10 years from the permit adoption date, if the Permittee demonstrates that additional time is necessary."~~

The table of compliance dates in Requirement 2 has been modified to change the compliance dates for Tasks 7 and 8 to allow additional time for these two tasks. In addition, the compliance date for Task 13 has been modified to coincide with the expiration date of the NPDES permit.

Requirement 5 has been modified to clarify the limitations on the Executive Officer's ability to authorize extensions to the compliance schedule as follows: "To the extent that it does not affect the final compliance date in Requirement 2, above, if, for any reason, the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirement 2 above, the Permittee may request, in writing, that the Regional Water Board grant an extension of the time. The extension request shall include justification for the delay and be submitted 30 days prior to the deadline that the Permittee is requesting to extend. An extension that does not affect the final compliance date for achieving compliance within a five year time period may be granted by the Regional Water Board Executive Officer for good cause, in which case this Order will be

accordingly revised in writing. ~~In no case shall the completion of the capital improvement project to achieve full compliance with WDRs be extended beyond December 6, 2022.~~

A new requirement, Requirement 6 has been added to clearly state the requirements of section 13385(j)(3) of the Water Code regarding compliance schedule extensions, as follows: “Pursuant to § 13385(j)(3)(C)(ii)(II), as currently drafted, following a public hearing, and upon a showing that the Permittee is making diligent progress toward bringing the waste discharge into compliance with the final effluent limitations in Waste Discharge Requirements Order No. R1-2012-0101, the Regional Water Board may extend the compliance schedule for an additional period not exceeding five years in length, if the Permittee demonstrates that the additional time is necessary to comply with the effluent limitations.”

**Comment 2.** The Permittee requests interim limits and protection from the assessment of mandatory minimum penalties for pollutants that are not currently addressed in the CDO, including cyanide, pH, total coliform, and total chlorine residual. The Permittee states that interim limits and MMP protection for conventional pollutants are needed to avoid equipment upgrades prior to installation of the proposed compliance project.

Note: Since the SCWA comment letter was submitted, SCWA, by email dated November 1, 2012, has retracted requests for CDO and permit modifications related to chlorine residual effluent limitations and monitoring requirements that were identified in Comments 2 and 12. This retraction is based on the fact that the WWTF does have a continuous chlorine residual meter that demonstrates compliance with new permit requirements regarding chlorine residual.

**Response:** The CDO implements provisions of section 13385(j)(3) of the California Water Code which allows the Regional Water Board to establish time schedules in a CDO for bringing a waste discharge into compliance with effluent limitations when “the Regional Water Board finds that the discharge is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.” Final effluent limitations in WDR Order No. R1-2012-0101 for cyanide are new, and the final effluent limitations for total coliform are more stringent than those established in Order No. 93-42 and new or modified control measures would be necessary in order to comply with the final effluent limitations. The Permittee has proposed a capital improvement project that will be designed to achieve full compliance with the

requirements established in the renewed permit. Therefore, it is appropriate to include cyanide and total coliform in the CDO compliance schedule and to provide interim effluent limitations in the CDO for these pollutants.

The CDO has been modified as follows:

Findings 3, 20, 21 (including introductory paragraph, 21.b, and 21.c), 22, 23, and 24, and Requirements 2 and 3 have been modified to include cyanide and total coliform in the narrative lists of pollutants that are subject to the CDO.

The table in Requirement 3 has been modified to include interim effluent limitations for cyanide and total coliform, as follows:

**Interim Effluent Limitations for Discharge Point 001, Discharge to Graham’s Pond**

<b>Parameter</b>	<b>Units</b>	<b>Average Monthly Effluent Limitation</b>	<b>Average Weekly Effluent Limitation</b>	<b>Maximum Daily Effluent Limitation</b>
<u>Cyanide</u>	<u>µg/L</u>	<u>---</u>	<u>---</u>	<u>9.2</u>
<u>Total Coliform</u>	<u>MPN/100 mL</u>	<u>2.2<sup>1</sup></u>	<u>---</u>	<u>23</u>
<u>Table Notes:</u>				
<u>1 Median</u>				

In addition, the final version of the tentative permit has been modified to identify cyanide and total coliform in the narrative lists of pollutants with reasonable potential, including Order section VI.C.7 and Fact Sheet sections I.D, IV.C.1, IV.C.3.b, and IV.E.

**Comment 3.** As part of the proposed CIP that is underway to eliminate surface water discharges, a recycled water storage pond is being designed and a recycled water program is under development. The Permittee’s proposed CIP revolves around a plan that will result in the cessation of discharges to surface waters (referred to in Permittee’s comment as a “zero discharge facility”). Upon completion of the new storage pond, the Permittee plans to stop using Graham’s Pond for effluent storage. The Permittee requests that the tentative Order be modified to provide flexibility to allow for possible use of the proposed storage pond under the terms of the permit.

**Comment 4.** The Permittee further requests modifications to permit language that would allow the Permittee to bring on new users under the terms of the Order. Further, the Permittee is concerned that some of the permit requirements that apply to reclamation put responsibilities on the Permittee in relation to the recycled water user(s) that the Permittee does not have direct control over. The Permittee comments that the permit may need to be issued as a master reclamation permit.

**Response to Comments 3 and 4:** It is Regional Water Board staff’s intention to adopt new WDRs as the Permittee’s proposed CIP nears completion and prior to use of the CIP. After considering the Permittee’s request, Regional Water Board staff believes that it is prudent to provide this flexibility to begin implementation of the CIP (including use of a new storage pond and addition of new recycled water users) under this permit in the event that adoption of WDRs for the “zero discharge facility” is delayed for any reason. The proposed permit was not prepared as a master reclamation permit, nor does it name the recycled water user because this was not requested in the Report of Waste Discharge, and Regional Water Board staff felt that the single agricultural recycled water use site could be adequately covered with water reclamation requirements pursuant to section 13523 of the California Water Code. Even the addition of one or two additional agricultural users can be handled under the water reclamation requirements included in the proposed Order.

The final version of the tentative permit has been modified as follows:

Table 2 of the Order has been modified as follows:

**Table 2. Discharge Locations**

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Disinfected secondary treated municipal effluent	38° 24’ 46” N	122° 56’ 31” W	Graham’s Pond or <u>Other Authorized Effluent storage pond</u>
003	Disinfected secondary treated municipal effluent	---	---	Discharges to <del>Loades’ Property Irrigation System</del> <u>Reclamation System</u>

Order section II.A (last sentence) of the Order has been modified as follows: “...This Order also serves as Waste Discharge Requirements (WDRs) for discharges to land and for water reclamation pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260 and 13523, respectively).”

Order section IV.A.1.a, Table 4 heading has been modified as follows:

**Table 4. Final Effluent Limitations – Discharge Point 001 (Discharge to Graham’s Pond or Other Authorized Effluent Storage Pond(s))**

Order section IV.C.1.b has been modified as follows:

**“Disinfection Specifications for Irrigation/Reclamation of the Loades’ Irrigation Site Property and Other Authorized Recycled Water Users. ...”**

Order section IV.C.2 (previously Section IV.C.3) has been modified as follows:

**“Interim Irrigation/Reclamation Specifications.** If the special study identified in section VI.C.2.c determines that irrigation of the Loades’ property is at or below agronomic rates, the Permittee shall comply with applicable state and local requirements regarding the production and use of reclaimed wastewater, including requirements of Water Code sections 13500 – 13577 (Water Reclamation) and California Department of Public Health (CDPH) regulations at title 22, sections 60301 – 60357 of the California Code of Regulations (Water Recycling Criteria). Prior to the addition of new recycled water users, the Permittee shall submit a technical report demonstrating that irrigation will be at nutrient and hydraulic agronomic rates, and include best management practices (BMPs) that are protective of water quality.

Order section IV.C.3 (previously section IV.C.4) has been modified to add new subsections b. and c., and to modify subsections d. and g., as follows:

**“Irrigation/Reclamation Requirements.** The Permittee shall comply with the following irrigation/reclamation:

- b. The Permittee shall be responsible for ensuring that recycled water meets the quality standards of this Order and for the operation and maintenance of transport facilities and associated appurtenances. The Permittee shall hold the recycled water users responsible for the application and use of recycled water on their designated areas and associated operations and maintenance in accordance with all applicable title 22 requirements.
- c. The Permittee shall notify the Regional Water Board Executive Officer in anticipation of reclaiming water at a new location prior to commencement of reclamation activities at the new location. The notice shall include the following: site location, acreage involved, County Assessor Parcel number(s), name of property owner, name of use site supervisor, estimation of the anticipated volume of recycled water to be used, demonstration that recycled water will be applied at agronomic rates, a description of recycled water management facilities and BMPs that will be used to ensure compliance with the requirements of this Order, and demonstration of CEQA compliance.
- d. The Permittee shall ensure that each recycled water user properly installs, operates, and maintains the irrigation system to ensure compliance with all requirements of this Order.
- g. The Permittee shall ensure that each recycled water user minimizes the potential for surface runoff of recycled water. ...”

[Note: The Permittee requested that sections IV.C.3.k (now IV.C.3.n) and IV.C.3.s (now IV.C.3.v) be modified to clarify the recycled water user’s responsibilities. The Permittee must remember that the recycled water users are not named in the permit. It is the

Permittee’s responsibility to identify the recycled water users’ responsibilities through user agreements and Permittee’s own recycled water regulations and to monitor and control compliance through inspections of the use sites and through careful monitoring of the amount of water being utilized by each user.]

Monitoring and Reporting Program section II, Table E-2 has been modified as follows:

**Table E-2. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
003	EFF-003 <sup>1</sup>	Treated wastewater discharged from Graham’s Pond ( <u>or other authorized recycled water storage pond</u> ) to the <u>reclamation system</u> (Loades’ property irrigation system <u>and other authorized recycled water user</u> ).
<p><b>Table Notes:</b></p> <p>1. EFF-002 and EFF-003 are <u>currently</u> the same location, the sampling point following effluent storage in Graham’s Pond. Different Discharge Point Names have been assigned due to differences in monitoring requirements at Discharge Point 002 (discharge to Dutch Bill Creek) and Discharge Point 003 (discharge to Loades’ property irrigation system. <u>After construction of a recycled water storage pond and abandonment of Graham’s Pond, EFF-003 will be the monitoring location for recycled water deliveries to recycled water deliveries to recycled water users and EFF-002 will no longer exist.</u></p>		

Section IV.A.1, Table E-4 of the MRP has been modified as follows:

**Table E-4. Effluent Monitoring of Discharge to Graham’s Pond(or Other Authorized Recycled Water Storage Pond)- Monitoring Location EFF-001**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Coliform Bacteria	MPN/100 mL	Grab	Daily <sup>3</sup>	Standard Methods
<p>3. Total coliform sampling shall be daily when discharging to the <del>Loades’ property irrigation</del> <u>reclamation system</u>. Total coliform sampling may be decreased to weekly when discharging from Graham’s Pond.</p>				

Section VII.A (1<sup>st</sup> paragraph) of the MRP has been modified as follows:

“The following irrigation monitoring requirements are applicable during periods when the irrigation systems at Loades’ property irrigation system and other authorized recycled water use sites is are being used. Monitoring requirements identified in this section are not applicable during periods when all effluent is discharged to Dutch Bill Creek. ....”

Section X.D.2 of the MRP has been modified as follows:

**“Reclamation Operations Reporting - Irrigation of Loades’ Property and Other Authorized Recycled Water Users**

**a. Reclamation/Irrigation Operations Reporting**

- i. Each month that the Permittee provides recycled water for irrigation of the Loades' property and other authorized recycled water users, the Permittee shall monitor in accordance with section VII of this MRP and report the results on its monthly monitoring report."

Fact Sheet section II.A.3 has been modified to include an additional paragraph at the end of the section as follows:

"Use of Graham's Pond for effluent/recycled water storage will only continue until the Permittee completes construction of a new storage pond, as further described in section II.E of this Fact Sheet. "

Fact Sheet section II.E has been modified as follows:

"Order No. R1-2005-0085 required completion of a CIP by June 30, 2010. The Permittee submitted a feasibility study and water balance to Regional Board staff in July 2008 (and amended in September 2008) for a project to eliminate discharges to surface waters. Since that time, the Permittee has been evaluating a project that includes construction of a new storage pond to replace Graham's Pond, development of a recycled water program, an increase in irrigation acreage, and elimination of discharges to surface waters. The project would also incorporate water conservation measures. The Permittee has been submitting quarterly progress reports to the Regional Board.

"Although progress has been slow, the Permittee has identified a potential recycled water storage pond site for which it has initiated necessary geotechnical evaluations, environmental studies, and preliminary design. The proposed project would include increasing the irrigation area of the Loades' property from (currently 8 acres) and adding new recycled water uses to increase the irrigation acreage to approximately 18 acres. The Permittee must complete a CEQA document in the near future. Project costs are estimated to be \$5 million dollars, and a funding source for the project has not been identified. A Cease and Desist Order has been developed for adoption with this permit renewal. The CDO (Order No. R1-2012-0102) includes a compliance schedule requiring the Permittee to complete the CIP and achieve compliance with all permit requirements by January 31, 2018. The Regional Water Board intends to place this Facility under either an individual WDR order or a general reclamation permit prior to implementation of the CIP."

Section III.A of the Fact Sheet has been modified to include a new paragraph, as follows:

"This Order also includes a process for Regional Water Board approval of new recycled water use sites. This approval process includes compliance with CEQA, as necessary. The approval process requires demonstration that a CEQA analysis has been conducted for any proposed recycled water use project. The approval process also requires that Permittee to submit technical information necessary to demonstrate that any proposed recycled water

use areas will be irrigated using the most stringent of the hydraulic or nutrient agronomic rate and include best management practices that are protective of surface and ground water quality, as described in section IV.C.3.c of the Order.”

Section IV.G of the Fact Sheet has been modified as follows:

“The Permittee uses treated, disinfected, dechlorinated effluent to irrigate a pasture adjacent to the effluent storage pond, Graham’s Pond, from May 15 through September 30 and other times during the year when weather allows (e.g., dry fall, winter and spring periods). Section VI.C.2.c of the Order requires the Permittee to conduct a special study to determine whether irrigation of the Loades’ property is at greater than agronomic rates or at or below agronomic rates (hydraulic and nutrient). If irrigation is at or below agronomic rates at the Loades’ Property, the Permittee shall comply with the reclamation specifications in section IV.C of the Order.

Prior to adding new recycled water users in the future, the Permittee must demonstrate that recycled water will be applied at nutrient and hydraulic agronomic rates.”

Section IV.G.5 of the Fact Sheet has been modified as follows:

“Section IV.C of the Order includes Irrigation/Reclamation Specifications and Requirements that apply to the recycled water irrigation system. Regional Water Board staff reviewed monitoring reports that identified the amount of treated effluent irrigated on the Loades’ property irrigation site and it appears that irrigation volumes may exceed agronomic rates, at least during part of the irrigation season. Section VI.C.2.c of the Order requires the Permittee to conduct a special study to identify whether or not irrigation is at agronomic rates or not. Additional recycled water users that meet the criteria of this Order may be included in the Permittee’s recycled water program as the compliance project described in section II.E of this Fact Sheet is implemented.

“A key to successful reclamation is for the Permittee to ensure that recycled water users establish appropriate BMPs to protect against the possibility of recycled water spills. Thus section IV.C.4.d of the Order requires the Permittee to recognize the possibility of runoff from recycled water use areas and describe measures, including BMPs, that the Permittee will ensure that the recycled water users implement to minimize the possibility of runoff.”

Section VI.E (2<sup>nd</sup> paragraph) of the Fact Sheet has been modified as follows:

“The Order requires that the Permittee comply with applicable state and local requirements regarding the production and use of reclaimed wastewater. The Order also requires the Permittee to ensure that recycled water users comply with applicable state and local requirements regarding the use of reclaimed water.”

**Comment 5.** In section IV.A.2 of the tentative Order, the Permittee requests removal of the pH limitation at Discharge Point 002 (discharge from Graham’s Pond to Dutch Bill Creek).

The pH of Graham’s Pond is influenced by many factors, including upstream inflows, runoff from surrounding cattle grazing area, algal respiration, and the buffering capacity of water contained in the pond. The Permittee does not have the equipment or means to control pH from Graham’s Pond, only the discharge of treated, disinfected effluent to Graham’s Pond.

**Response:** Regional Water Board staff agree with this comment, and have removed the requirements of section IV.A.2 from the Order.

**Comment 6:** The Permittee is concerned that the tentative Order includes effluent limitations for Discharge Point 003 that should be applied at Discharge Point 001. In addition, the Permittee requests that the effluent limitation for Total Nitrogen in Table 6 be changed to Total Nitrate to be consistent with Basin Plan objectives.

**Response:** Irrigation/Reclamation Specifications in Table 6 should be applied at Discharge Point 001 (point of discharge to effluent/recycled water storage) rather than Discharge Point 003 (point of discharge from effluent/recycled water storage). In addition, it is appropriate to establish a reclamation specification for total nitrate rather than total nitrogen to be consistent with Basin Plan objectives. However, the Permittee will need to use total nitrogen concentrations for calculations of nitrogen agronomic rates.

Section IV.C.1.a of the Order has been modified as follows:

1. **“Final Irrigation/Reclamation Specifications.**

- a. During periods of discharge to the irrigation system, the Permittee shall comply with the following irrigation/reclamation specifications at Discharge Point ~~003~~001 as measured at Monitoring Location ~~EFF-003~~ EFF-001:

**Table 65. Final Irrigation/Reclamation Specifications – Discharge Point ~~003~~001**

Parameter	Units	Effluent Limitations		
		Average Monthly <sup>1</sup>	Average Weekly <sup>1</sup>	Maximum Daily <sup>1</sup>
<del>Total Nitrogen</del> , <u>Nitrate</u> , as N	mg/L	10	---	20

Section IV.C.2 of the Order has been removed from the permit, since there is no need for interim reclamation requirements for total nitrogen in light of the change to section IV.C.1.a, Table 6.

Section VI.C.7 (erroneously identified as VI.C.4 in the public review draft) has been removed from the permit, since there is no need for a compliance schedule for total nitrogen in light of the change to section IV.C.1.a. The deleted language is as follows:

As part of this comment, the Permittee requested that Table E-6 in the MRP be modified to apply the requirements at Monitoring Location EFF-001 (point of discharge to

effluent/recycled water storage) rather than EFF-003 (point of discharge from effluent/recycled water storage to irrigation system). This modification was not made because the intent of the Irrigation/Reclamation Requirements in section VII of the MRP is to identify pollutant concentrations that are being applied to the irrigation sites to ensure that salt and nutrient concentrations from all sources are accounted for.

**Comment 7:** The requirement to demonstrate a chlorine residual of 1.5 mg/L at the end of the disinfection process seems redundant, unnecessary, and costly. This requirement will require a larger chemical dose than is necessary to meet disinfection requirements, increasing operational costs without any additional benefit. If the end goal of the disinfection system is to meet final effluent limitations for total coliform organisms, then the chlorine residual requirement should not be needed.

**Response:** Regional Water Board staff reviewed Title 22 requirements and discussed the requirements with California Department of Public Health staff and determined that the chlorine residual requirement is not necessary and that the weekly coliform monitoring requirement is an adequate means to ensure compliance with Title 22 requirements for fodder crop irrigation. Therefore, the final version of the tentative permit has been revised to remove the requirement in section IV.D.1 to demonstrate a chlorine residual of 1.5 mg/L at the end of the disinfection process.

**Comment 8:** The Permittee requests that chronic toxicity testing requirements not be implemented until the State Water Board *Policy for Toxicity Assessment and Control* (Toxicity Policy) is adopted by the State Water Resources Control Board. The Permittee is concerned about using its limited resources in the most productive way and would prefer not to be held to implementing the chronic toxicity requirements in the tentative permit because the State Board intends to adopt the new Toxicity Policy in the near future. The Permittee notes that the new Toxicity Policy requirements are quite different from the toxicity requirements in the tentative permit and may provide some flexibility for wastewater treatment facilities that serve small communities.

**Response:** Although the State Water Board anticipates the adoption of the Toxicity Policy in the near future, Regional Water Board staff cannot be certain about the timing. NPDES permits must include toxicity monitoring requirements, and the Occidental permit includes the most current acute and chronic toxicity requirements in effect at this time. The Toxicity Policy will require implementation as permits are issued or reissued, thus the Permittee will be allowed to use the same toxicity requirements for the entire term of the permit. The Permittee's comment indicates that they are hopeful that toxicity monitoring requirements will not apply to them under the Toxicity Policy. The current draft of the Toxicity Policy includes an exemption for small communities "unless the Water Board finds them to have

an impact on receiving water quality.” Occidental’s monitoring data demonstrates that the effluent contains high concentrations of ammonia and is prone to episodic acute toxicity. Regional Water Board staff does not believe that the Permittee will be exempt from toxicity monitoring under the Toxicity Policy.

Regional Water Board staff discussed this comment with USEPA and determined that the acute toxicity monitoring frequency can be reduced, thus the final version of the tentative permit has been modified to reduce the acute toxicity monitoring frequency from monthly to twice yearly. This reduced monitoring frequency is also based on a review of acute toxicity monitoring requirements for other dischargers of similar size in Region 1. Therefore, Table E-4 of the MRP has been modified to require twice yearly monitoring for acute toxicity in November and once during the period of January through March, during a period of discharge from Graham’s Pond to Dutch Bill Creek. This requirement applies at the point of discharge to Graham’s Pond. The modified language further requires one sample per year of effluent from Graham’s Pond to be collected concurrently with the effluent acute toxicity monitoring.

**Comment 9:** The Permittee notes that the criteria/ECAs for ammonia were switched in Table F-7 of the tentative permit, resulting in the incorrect calculation of effluent limitations in F-8.

**Response:** The narrative and tabular descriptions of the ammonia reasonable potential analysis were missing information that is necessary to follow the calculations (section IV.C.3.a.iii of the Fact Sheet). In addition, Table F-5 was erroneously labeled as acute criteria (should be labeled chronic) and Table F-6 was erroneously labeled as chronic criteria (should be labeled acute). The ammonia effluent limitations were calculated using a spreadsheet that incorporates acute, 30-day chronic, and 4-day chronic criteria. Table F-7 of the public review draft of the tentative permit did not summarize the chronic criteria properly. Table F-7 has been modified as follows:

**Table F-7. Determination of Long Term Averages for Ammonia**

Pollutant	ECA			ECA Multiplier			LTA (ugmg/L)		
	Acute <sup>1</sup>	Chronic 30-day <sup>2</sup>	Chronic 4-day <sup>3</sup>	Acute	Chronic 30-day	Chronic 4-day	Acute	Chronic 30-day	Chronic 4-day
Ammonia	2.14	<u>2.14</u>	5.35	0.42	<u>0.84</u>	0.63	0.9	<u>1.8</u>	3.37

**Table Notes:**

1. Acute ECA from Table F-6 using pH=8.5
2. Chronic 30-day ECA from Table F-5 using pH = 8.0 and temperature = 16.5°C
3. According to the USEPA criterion document, effluent limits should ensure that the 4-day average concentration will not be exceeded. The 4-day average concentration that should not be exceeded is derived by multiplying the 30-day continuous concentration criteria (CCC, chronic) by 2.5.

The changes to Table F-7 did not result in any changes to the final AMEL and MDEL for ammonia, thus Table F-8 has not changed.

**Comment 10:** The Permittee requests that the monitoring requirements for the upstream receiving water monitoring location, RSW-001 be modified to recognize that there is only flow at this location in response to large rainfall events. The Permittee requests that the monitoring requirements be retained from Monitoring and Reporting Program No. 93-42 (April 23, 2009).

**Response:** Regional Water Board staff agree with this request. Section VIII.A of the MRP has been modified to include a separate subsection and table for the upstream monitoring location RSW-001, as follows:

“1. The Permittee shall monitor upstream of Graham’s Pond at Monitoring Location RSW-001 as follows: Upstream monitoring at RSW-001 shall occur during two significant storm events (1/2” or greater rainfall in 24 hours) as follows:

**Table E-8. Upstream Receiving Water Monitoring Requirements - Monitoring Location RSW-001<sup>1</sup>**

<u>Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Minimum Sampling Frequency</u>	<u>Required Analytical Test Method</u>
<u>Dissolved Oxygen</u>	<u>mg/L</u>	<u>Grab</u>	<u>Weekly</u>	<u>Standard Methods<sup>2</sup></u>
<u>pH<sup>2</sup></u>	<u>standard units</u>	<u>Grab</u>	<u>Weekly</u>	<u>Standard Methods</u>
<u>Turbidity</u>	<u>NTU</u>	<u>Grab</u>	<u>Weekly</u>	<u>Standard Methods</u>
<u>Temperature<sup>2</sup></u>	<u>°F or °C</u>	<u>Grab</u>	<u>Weekly</u>	<u>Standard Methods</u>

Table Notes:

1. When the Permittee samples the upstream receiving water at RSW-001, the downstream receiving water shall be sampled at RSW-002 during the same sampling period
2. In accordance with the current edition of Standard Methods for Examination of Water and Wastewater (American Public Health Administration) or current test procedures specified in 40 CFR Part 136.

Monitoring requirements for the downstream receiving water monitoring station are in subsection 2 with minor changes to the narrative description and table title, as follows:  
“The Permittee shall monitor ~~upstream of Graham’s Pond at Monitoring Location RSW-001~~ and downstream of Graham’s Pond at Monitoring Location RSW-002, during periods of discharge to Dutch Bill Creek as follows:

**Table E-89. Downstream Receiving Water Monitoring Requirements - Monitoring Location RSW-002”**

**Comment 11:** The Permittee requests that the MRP authorize the continued use of rainbow trout for acute toxicity testing and allow them to forego two-species screening until the Toxicity Policy is adopted by the State Water Board. The Permittee identifies three reasons for this request: (1) inconclusive results during two-species testing in 2009; (2) toxicity monitoring requirements will be different when the State Water Board adopts the new Toxicity Policy and this may result in eliminating acute toxicity requirements for small dischargers; and (3) limited resources to complete the proposed compliance project and the Permittee's preference that "funding should not be diverted from that effort to complete expensive and possibly unnecessary toxicity monitoring activities".

**Response:** The Permittee conducted acute toxicity screening tests using rainbow trout and *Ceriodaphnia dubia* in early 2009 that show *Ceriodaphnia dubia* as the most sensitive species. Therefore, section V.A.3 of the final version of the tentative permit has been modified to specify *Ceriodaphnia dubia* as the species to use for routine monitoring until the Permittee conducts the next set of two-species acute toxicity screening tests. Regional Water Board staff cannot discount existing monitoring data in making this determination. See also response to Comment 8 regarding reduced monitoring frequency for acute toxicity.

**Comment 12:** The Permittee requests that the MRP in the tentative permit be modified to allow the use of daily grab samples at EFF-001 to measure total chlorine residual before and after dechlorination, stating that the staffing and resources do not currently exist to install and maintain a chlorine meter at this time. In addition, the Permittee wishes to maximize the amount of its limited financial resources that are directed toward the proposed compliance project.

**Response:** Since the SCWA comment letter was submitted, SCWA, by email dated November 1, 2012, has retracted requests for CDO and permit modifications related to chlorine residual effluent limitations and monitoring requirements that were identified in Comments 2 and 12. This retraction is based on the fact that the WWTF does have a continuous chlorine residual meter that demonstrates compliance with new permit requirements regarding chlorine residual.

No changes were made to the permit in response to this comment.

**Comment 13:** The Permittee requests removal of monthly monitoring requirements for bromoform and chloroform based on the fact that existing monitoring data does not demonstrate reasonable potential.

**Response:** This is a reasonable request and Tables E-1 and E-4 of the MRP has been modified to remove the monitoring requirements for bromoform and chloroform.

In addition, Fact Sheet sections IV.C.3.b and VI.B.1.d have been modified to remove references to the monitoring requirements for bromoform and chloroform.

**Comment 14:** The Permittee requests that the MRP in the tentative permit require monitoring for priority pollutants and acute toxicity only during periods of discharge from Graham's Pond to Dutch Bill Creek, stating that this is the time period of concern in regard to impacts to surface water quality and that this change will reduce analytical costs, minimize sample collection efforts, and allow additional resources to be dedicated to the proposed compliance project.

**Response:** It is important that monitoring provide representative data year-round due to the fact that Graham's Pond is a water of the US and because some of the effluent discharged to Graham's Pond during the dry season will remain in the pond and be discharged during the wet season. In recognition of the fact that the Permittee is a small discharger serving a community with limited financial resources, Regional Water Board staff carefully evaluated the monitoring requirements specified in the tentative permit and identified several ways to reduce monitoring frequency. The following changes were made to monitoring frequencies:

- Section IV.A, Table E-4 of the MRP: Monitoring frequencies have been reduced as follows:
  - Priority pollutants with reasonable potential – reduced from monthly to four times per year;
  - Mercury (no reasonable potential) – reduced from monthly to annually;
  - Acute toxicity – reduced from monthly to two times per year.
  - Nutrients (ammonia, nitrate, nitrite, organic nitrogen and phosphorus) reduced from monthly to bi-monthly (meaning every other month).
- Section IV.B, Table E-5 of the MRP has been modified to include an annual monitoring requirement for acute toxicity to be performed at Monitoring Location EFF-002 during a period of discharge from Graham's Pond and concurrently with an acute toxicity monitoring event at EFF-001.
- Section VIII.A.2, Table E-9 (originally Table E-8) has been modified as follows:
  - To specify downstream receiving water monitoring for hardness to coincide with monitoring for hardness-based metals specified in Table E-4, but only during periods of discharge from Graham's Pond to Dutch Bill Creek.

- To specify downstream receiving water monitoring for nutrients to coincide with nutrient monitoring specified in Table E-4, but only during periods of discharge from Graham’s Pond to Dutch Bill Creek.

This reduction in monitoring frequency will be offset by the CDO requirement for submittal of a pollution prevention plan (PPP) in accordance with section 13263.3 of the Water Code. The PPP must include a detailed analysis of pollutants of concern in the discharge with a detailed description of the tasks and time schedules required to investigate and implement various elements of pollution prevention that are technically feasible and economically practicable. The Permittee’s Infeasibility Analysis (September 10, 2012 and updated November 1, 2012) includes a list of proposed actions related to specific pollutants that could be implemented to achieve pollution prevention, including source identification studies and outreach to users that may generate the pollutants, investigation of operational modifications that could result in reduction of pollutants that are generated within the plant such as trihalomethanes, ammonia, and bis (2-ethylhexyl) phthalate.

Section X.B.4, Table E-9 of the MRP has been modified to include the new bimonthly sampling frequency as follows:

**Table E-10 (formerly E-9). Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Bi-Monthly	<u>First day of calendar month following permit effective date or on permit effective date if that date is first day of the month</u>	<u>January, March, May, July, September, and November</u>	<u>First day of second calendar month following month of sampling</u>
4X/Year	<u>Between February and March following the permit effective date</u>	<u>Two times in different months during the period of January through March; August; and November</u>	<u>First day of second calendar month following monitoring</u>
2X/Year	<u>Between February and March following the permit effective date</u>	<u>Once during the period of January through March; November</u>	<u>First day of second calendar month following monitoring</u>

Sections VI.B and VI.F of the Fact Sheet have been modified to describe the changes in monitoring frequency described above. Language in the tentative permit has been modified as follows:

VI.B.1.a: “Retained monitoring requirements for flow, BOD<sub>5</sub>, TSS, settleable solids, total coliform, pH, chlorine residual, acute toxicity, hardness, DCBM, lead, silver, ammonia, nitrate, and phosphorus, with reductions in monitoring frequency for acute toxicity, hardness, lead, silver, and nutrients to recognize that this is a very small discharger.”

VI.B.1.d: “Added new effluent monitoring requirements for copper, cyanide, mercury, chlorodibromomethane, bis (2-ethylhexyl) phthalate, and organic nitrogen. Monitoring for

these pollutants is specified as 4 times per year with two monitoring events to occur during two different months during the period of January through April with one event coinciding with an acute toxicity monitoring event. The other two monitoring events are specified for August and November. This monitoring frequency will capture a variety of discharge situations, including the dry-season when effluent is unaffected by storm water influences, early wet-season sampling, and sampling during the wet-season.”

VI.F.1.b: “~~Monthly~~ Monitoring requirements have been added for ammonia, nitrate, and phosphorus, with monitoring to occur bi-monthly during periods of discharge from Graham’s Pond to Dutch Bill Creek and concurrently with nutrient monitoring specified for Monitoring Location EFF-001, with a monthly monitoring frequency.”

VI.F.1.c: “The monitoring frequency for hardness is set to coincide with effluent monitoring for hardness-based metals, but only when there is a discharge from Graham’s Pond.”

**Comment 15:** The Permittee states its interpretation of the Table E-4 monthly monitoring requirements for copper, lead, mercury, silver, cyanide, DCBM, CDBM, and bis (2-ethylhexyl) phthalate to mean that the monitoring is only required when the Permittee is discharging from Graham’s Pond to Dutch Bill Creek

**Response:** Monitoring requirements in Table E-4 of the MRP apply whether or not there is a discharge from Graham’s Pond to Dutch Bill Creek. See response to Comment 14 for modifications to monitoring frequencies specified in Table E-4 of the MRP.

**Comment 16:** The Permittee identified several typographical errors in the public review draft of the tentative permit.

**Response:** We appreciate the identification of the typographical errors. Some of the apparent errors were resolved through correction of formatting errors that existed in the public review version of the tentative permit. The other errors have been corrected as well.

### **C. California Department of Public Health**

**Comment 1:** Several places throughout the permit, the term “advanced treated wastewater” is used. The term is confusing and is not defined in the definitions section. The terms defined in Title 22, Section 60301 would provide more clarity. Terms such as “Disinfected secondary-23”, “Disinfected secondary-2.2”, and “Disinfected tertiary” should be used.

**Response:** The terms “advanced treated wastewater” and “disinfected tertiary effluent” are used interchangeably throughout the permit. The following footnote has been added to the first use of the term “advanced treated wastewater” in section IV.A.1.a of the Order: “The terms “advanced treated effluent” and “disinfected tertiary effluent” are used interchangeably in this permit. The term “advanced wastewater treatment” is used in the *Water Quality Control Plan for the North Coast Region*. The term “disinfected tertiary effluent” is used in the California Department of Public Health’s Recycled Water Criteria in title 22 of the CCR (chapter 3, division 4, sections 60301 through 60355).”

**Comment 2:** Section IV.A.1.a defines the wastewater at EFF-001 shall be “adequately oxidized, filtered, and disinfected ...” This is describing tertiary recycled water. The treatment plant does not have a filtration process. There is a disconnect between what is being described and what the treatment process actually is.

**Response:** Section IV.A. of the permit applies to discharges to surface waters for which the Basin Plan requires advanced wastewater treatment. This section does not apply to the reclamation system which serves a use that only requires disinfected secondary-23 recycled water. Although the Permittee does not have an advanced wastewater treatment plant, the permit includes a requirement for advanced wastewater treatment to satisfy the Basin Plan requirement. As described in section II.E of the Fact Sheet, during the next 7.5 years, the Permittee intends to design and construct a new effluent storage pond, expand the reclamation system, and eliminate discharges to surface waters.

No changes were made to the final version of the tentative permit in response to this comment.

**Comment 3:** If Monitoring Location EFF-001 is required to be disinfected tertiary, then a Title 22 appropriate filtration process must be installed and effluent limits for turbidity must be included in the permit. Section IV.A.1.c makes it seem like Monitoring Location EFF-001 should only be called “Disinfected secondary-2.2”.

**Response:** As noted in response to Comment 2, section IV.A applies to discharges to surface waters, not to reclamation uses. The Permittee intends to design a storage and reclamation system that will allow elimination of discharges to surface waters, at which time the requirement for tertiary advanced wastewater treatment may no longer apply if the Permittee continues to serve recycled water users that require disinfected secondary-recycled water.

No changes were made to the final version of the tentative permit in response to this comment.

**Comment 4:** Section IV.C. requires effluent at Monitoring Location EFF-001 to meet a total coliform limit of 2.2 MPN/100 mL. Section IV.A.1.a, Table 4 should then also include Total coliform monitoring in accordance with Title 22 requirements for Disinfected Secondary-2.2 recycled water. Note that the use area described in the permit (pasture irrigation) only requires Disinfected Secondary-23 recycled water per Title 22, section 60304(c).

**Response:** See response to Comments 2 and 3, above. Also note that the disinfection requirement in section IV.A.1.c is not included in Table 4, because it is more suitable to express the disinfection requirement narratively.

No changes were made to the final version of the tentative permit in response to this comment.

**Comment 5:** Section IV.C specifies reclamation compliance to be measured at Monitoring Location EFF-003. Since the total coliforms are measured at EFF-001 for Title 22 regulations, the compliance point may be Monitoring Location EFF-001.

**Response:** Section IV.C should apply at Monitoring Location EFF-001, as stated in the response to Comment B.6, above.

**Comment 6:** Section IV.C.1 should require a Title 22 Engineering Report to be submitted for CDPH review. This requirement should also be included in section VI.C.2.b as "Submission of a Title 22 Engineering Report per Title 22, section 60323." The Note 2 on page 10 refers to a title 22 Engineering Report, but never requires it.

**Response:** Section IV.C.3 (previously labeled as IV.C.1) has been modified to include a requirement for submittal of a title 22 engineering report. The new language, added as IV.C.3.a, reads as follows:

"The Permittee shall submit to CDPH and the Regional Water Board, a Recycled Water Engineering Report prepared in accordance with title 22 requirements. The Permittee shall receive approval of its title 22 engineering report from CDPH prior to adding any new recycled water user(s) or startup of the modified reclamation system, whichever event comes first. The Recycled Water Engineering Report shall be kept updated to reflect any changes to the reclamation system." It is not necessary to repeat this requirement in section VI.C.2.b. "

**Comment 7.** Section IV.C.3.i should delete the reference to disinfected tertiary requirements. The system does not have tertiary treatment and the statement may be confusing to the Permittee.

**Response:** Section IV.C.3.j (previously IV.C.3.i) of the Order has been modified to remove the reference to disinfected tertiary requirements, as follows:

~~“Disinfected secondary recycled water shall not be irrigated within 100 feet, and disinfected tertiary recycled water shall not be irrigated within 50 feet,~~ of any domestic water supply well or domestic water supply surface intake, unless the technical requirements specified in CCR title 22, section 60310(a) have been met and approved by CDPH.”

**Comment 8:** Section VII.A, Table E-6 of the MRP and Fact Sheet section IV.D, Table F-15 should include Total Coliform samples for Secondary-23 recycled water requirements.

**Response:** Table E-4 of the MRP applies to Discharge Point 001 (effluent discharge to Graham’s Pond) and coliform monitoring requirements are included there. Table E-6 applies strictly to discharges from Graham’s Pond for the purpose of assessing nutrient and salts applied in the irrigation water. Likewise, Table F-14 of the Fact Sheet applies to Discharge Point 001 and coliform limits are included there. Table F-15 applies at the point of discharge from Graham’s Pond and intentionally includes only nutrients and salts.

No changes were made to the final version of the tentative permit in response to this comment.

**Comment 9:** Fact Sheet section IV.H details future tertiary recycled water production. But the body of the permit does not list monitoring requirements for this future use. Does the RWQCB plan to update the permit to include these if the Permittee installs a tertiary process? An updated Title 22 Engineering Report is required if the Permittee installs a tertiary process.

**Response:** Section IV.H of the Fact Sheet states that turbidity and disinfected tertiary requirements apply if the Permittee chooses to continue to discharge to surface waters. This section has been modified to refer to the Order section that contains the turbidity and disinfection requirements for tertiary. Section IV.H of the Fact Sheet has been modified to read as follows:

“The Order contains additional specifications that apply to the Facility. Turbidity and Disinfection Process Requirements for Chlorine Disinfection System identified in section IV.D of the Order apply in the event that the Permittee chooses to continue to discharge to

surface waters. Storage Pond requirements apply to any existing ponds that are newly added to the system for effluent storage or for construction of new effluent storage ponds.”

### **Additional Changes Made to the Permit by Regional Water Board Staff**

1. Order section II.B (second sentence) has been modified as follows: “The Fact Sheet (Attachment F) contains information and rationale for the requirements in this Order, and is hereby incorporated into this Order as additional findings ~~and constitutes the Findings of this Order~~. This minor change was made to simplify the sentence.
2. Order section IV.C, Missing Table Notes were added to Table 5 (originally Table 6).
3. MRP section X.C was modified to remove specific language related to Discharge Monitoring Reports because this language does not apply to the Permittee.
4. Several permit sections have been modified due to the fact that the design flow for this facility is identified as an average annual dry weather flow, including Fact Sheet: II.A.2, II.C (Table F-2, Footnote 6 and Table F-3, Footnote 6), IV.A.8, VII.B.6,
5. Fact Sheet section III.A, second paragraph has been modified to remove a descriptive error, as follows: “This action also involves the re-issuance of waste discharge requirements for an existing facility that discharges treated wastewater to land ~~through the use of percolation ponds for disposal~~.”
6. Fact Sheet section IV.C.3.a.iii, Table F-6 has been modified to include 3 significant figures for each concentration in the table to be consistent with USEPA’s published table of National Recommended Water Quality Criteria to Protect Freshwater Aquatic Life.
7. Fact Sheet section IV.D of the public review draft of the tentative permit erroneously contained two section (IV.D.2 and IV.D.3) titled “Satisfaction of Antidegradation Policy”. The two sections have been combined into Section IV.D.2.
8. Minor modifications were made to Fact Sheet sections VI.B (1.a, 1.d, and new subsection 2.b) and VI.E (removal of subsection 1) to properly describe monitoring requirements.