



ENVIRONMENTAL HEALTH & SAFETY  
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June 30, 2008

Mr. Kenneth Landau  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, # 200  
Rancho Cordova, CA 95670-6114

**Re: Tentative National Pollutant Discharge Elimination System (NPDES) Permit, United States Department of Agriculture and University of California, Davis, USDA Aquatic Weed Control Laboratory, Yolo County.**

Dear Mr. Landau:

Having received your notice of Public Hearing on the subject NPDES permit, and having reviewed the proposed Tentative Order dated May 2008, and having reviewed the facility last week with Mr. Oscar Biondi of your offices (June 23, 2008), we have the following comments to the Tentative Permit:

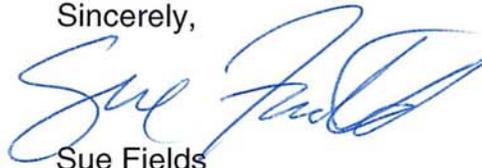
1. We would like clarification with regard to the actual discharge point and receiving waters noted in the Order. As we have reviewed our monitoring data, it is clear that during the past 5 years, discharge has not entered receiving waters (aka Putah Creek). Very rarely has water left our detention ponds and exited via what has been designated "D1" (pvc pipe), which flows into the typically dry old North Fork of Putah Creek. The new draft order seems to combine or confuse the discharge and receiving water. It was our understanding that if and only if water from the facility exited through the cement pipe through the levee, which is located ~300 feet south of "D-001", and actually discharged from the pipe south of the levee, would this be considered a discharge to the "receiving water" (aka Putah Creek). Thus, no EFF-001, R-001U, R002 or R003D sampling would occur without such a discharge. Therefore, we request that the Order explicitly state that the "trigger" for any receiving water and discharge sampling be if and only if water actually exits the cement pipe w/ the flap gate (formerly called "D2"). We will provide a figure to more clearly delineate these two points.
2. The new order calls for ground water sampling - a new requirement. We feel that this new requirement unduly burdens this facility, as a minor discharger. Potential herbicide pollutants of concern studied at this facility have half-lives on the order of days. Relative to the quantity of water released over numerous acres of nearby irrigated agricultural lands and inputs from the watershed in general, any impacts on groundwater from this facility may be characterized as de minimis.

3. We would like to confirm that all the residue analyses required in the Order are only required when potential contaminants are used and if and only if discharge to receiving water occurs. Note that our "plumbing" system is designed to capture any herbicide-contaminated water into holding tanks, which isolate this stream flow from the detention ponds. Only if and when these tanks are pumped and treated via activated carbon does this effluent enter the detention ponds. The use of herbicides in our waste stream has been negligible and thus tanks have not even reached 10% of their capacity and thus have not been pumped during the past 6 years.
4. The need to manage vegetation around the detention ponds (noted by Mr. Biondi) requires either physical removal/cutting of shoreline plants, or could easily be done using approved aquatic herbicides such as glyphosate products or products fully registered for use to control aquatic vegetation. Due to steep banks and muddy substrates, use of powered mechanical devices presents more of a worker hazard than the careful, spot-application of foliar herbicides. Therefore, we request that the use of fully labeled (Fed. EPA/ Cal EPA) herbicides be allowed for maintenance of vegetation at the detention ponds.
5. We request that the gray water that will be generated from a new building (sink waste only) be permitted to be captured in two above ground holding tanks that are infrequently used for capturing herbicide –contaminated water. This effluent would be handled similar to the flows to our existing "gray water" waste tanks except that before removal by pumping and introduction to the waste stream, wastewater would first be analyzed for residues of herbicides known to be contained in that waste stream. The new building is not yet being used and has no plumbing service connected. However, connecting the sink waste to the existing above ground tanks will be very easy as they are within 50 ft. of the building and the hook up will not require cutting through existing roadways or parking surfaces.
6. We request that all "priority pollutant" residue analysis be consolidated with the other nearby campus sampling and analysis in the common "receiving waters" (aka Putah Creek). The rationale for this is (a) the discharge from this facility to receiving waters is negligible (has not occurred in the past 5 years or more); (2) the "receiving waters" receive other campus discharges both up and downstream of this facility and thus requiring this USDA-Agricultural Research Service facility as a near-zero contributor is redundant and therefore unnecessary. The results of the other nearby campus priority pollutants analysis could be utilized for this facility to eliminate this duplicative requirement.
7. The "missing" NPDES reports were provided to Mr. Biondi.
8. The TIE issue was resolved, we believed via correspondence the Board: No other incident triggering TIE occurred, thus no "toxic" effect could be examined or constituents identified via bioassay. This was discussed with Mr. Biondi and the letter of correspondence was provided to him.
9. The draft order delineates several new monitoring requirements and increased monitoring frequencies. The quality and quantity of discharges from the facility over the past permit cycle do not indicate issues with the facility discharge. No basis for more than doubling monitoring requirements for this facility are evident. As a minor discharger, we request that sampling frequencies remain consistent with the current permit, and a basis is provided for any new requirements.

10. If the groundwater monitoring is required, we propose that after a period of four quarters indicating no impacts of concern to groundwater, that the sampling frequency be reduced to annually, then once per 5 years if no impacts of concern to groundwater are noted after the third year of monitoring.
11. Table 4: Please replace "Andrew Majewski, Acting Director" with "Nathan Lacy, Director".

We request that the new Order be amended to accommodate these comments.

Sincerely,



Sue Fields  
Environmental Manager

CC (via email): Mr. Oscar Biondi  
Water Resource Control Engineer  
Central Valley Regional Water Quality Control Board

Ms. Gina Kathuria  
Central Valley Regional Water Quality Control Board

Lars W.J. Anderson  
Lead Scientist, USDA-ARS

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Nathan Lacy, EH&S

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