Regional Water Quality Control Board
Central Valley Region

Board Meeting – 28/29/30 July 2010

Response to Written Comments on
Tentative Waste Discharge Requirements for

City of Corning
Corning Wastewater Treatment Plant
Tehama County

24 June 2010

At a public hearing scheduled for 28/29/30 July 2010, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CA0004995) (Tentative Order) for City of Corning, Corning Wastewater Treatment Plant, Tehama County. This document contains responses to written comments received from interested parties in response to the Tentative Order. Written comments from interested parties were required to be received by the Regional Water Board by 24 June 2010 in order to receive full consideration. Comments were received prior to the deadline from:

1. Central Valley Clean Water Association (CVCWA) (received 24 June 2010)

Written comments from the above interested parties are summarized below, followed by the response of the Regional Water Board staff.

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA – COMMENT #1:

CVCWA requests the removal of the Tentative Order's salinity/electrical conductivity (EC) study site-specific study and salinity reduction goal provisions. In particular, the Tentative Order requires Corning to complete a site-specific investigation of the EC levels appropriate to protect the Sacramento River's municipal and agricultural beneficial uses. In addition, the Tentative Order establishes a salinity reduction goal of 500 µmhos/cm as a monthly average over the EC of the municipal water supply and requires Corning to submit annual reports demonstrating reasonable progress in the reduction of salinity discharged. These provisions are inappropriate, as Corning's discharge "does not have reasonable potential to cause or contribute to an in-stream excursion of water quality objectives for salinity." The site-specific study requirement is also unwarranted given that the applicable basin plan establishes numeric EC objectives for the Sacramento River. Further, the Tentative Order would continue to address salinity by requiring Corning to prepare a salinity evaluation and minimization plan addressing sources of salinity from the treatment plant.

RESPONSE: Central Valley Water Board staff concurs with the request to remove the requirements of the Site-Specific Study for salinity and the salinity reduction goal. The Order contains the requirements of a Salinity Evaluation and Minimization Plan, which will identify the sources of salinity in the effluent, and propose measures which can be utilized to minimize the concentration and mass loading of salinity from the discharge. Based on a review of the results of the required Salinity Evaluation and Minimization Plan, the Order may be reopened for addition of an effluent limitation and requirements for salinity and/or EC.

CVCWA – COMMENT #2:

CVCWA requests that you remove the requirement that Corning prepare a BPTC Evaluation or a comprehensive technical evaluation of the treatment plant's existing BPTC. The Fact Sheet for this requirement provides no justification or explanation for this study and instead merely repeats the same language contained within the Tentative Permit. Without any proper justification or explanation, CVCWA is uncertain as to the reason or purpose for this requirement as it relates to an existing discharger. To the extent that this study requirement is being requested pursuant to the Regional Board's authority in Water Code section 13267, the Regional Board must provide a written explanation with respect to the need for the report and identify evidence that supports the request. (See Wat. Code, § 13267(b)(1).) The information in the Fact Sheet fails to qualify as a written explanation for this required study/technical report.
More importantly, and as indicated in the Fact Sheet, the continuation of discharge for this permittee is consistent with state and federal antidegradation policies, and compliance with the permit will result in the use of BPTC of the discharge. This finding, as expressed in the Fact Sheet, is consistent with the language and intent of the State Water Board's antidegradation policy (Resolution No. 68-16). Conversely, the proposed study requirement is not consistent with Resolution 68-16. Specifically, Resolution 68-16 provides that discharges of waste to high quality waters must be required to comply with waste discharge requirements that result in best practicable treatment or control. The Tentative Permit, however, would require the permittee to conduct a best practical treatment or control comprehensive technical evaluation of the facility regardless of compliance with waste discharge requirements. CVCWA fails to see how such an evaluation is necessary to comply with Resolution No. 68-16. Thus, it must be removed

RESPONSE: Central Valley Water Board staff concurs with the request to remove the requirements of the BPTC evaluation. The existing BPTC study (2004) is adequate for the existing discharge. If the Discharger modifies any components of the wastewater treatment plant in the future, the Central Valley Water Board staff will request an updated BPTC study to address any new changes/modifications to the treatment processes.

CVCWA – COMMENT #3:

CVCWA requests that you remove the Tentative Permit's requirement for Corning to prepare and implement a pollution prevention plan for DCBM. The requirement is inappropriate under Water Code section 13263.3(d)(1) and given that Corning can immediately comply with the proposed effluent limitations for DCBM. Water Code section 13263.3(d)(1) authorizes regional water quality control boards to require POTWs to develop and implement a pollution prevention plan where: (1) the discharger is a chronic violator and a pollution prevention plan could assist in achieving compliance; (2) the discharger significantly contributes (or has the potential to significantly contribute) to the creation of a toxic hot spot (Wat. Code, § 13391.5); (3) the pollution prevention plan is necessary to achieve a water quality objective; or (4) the discharger is subject to a cease and desist order (Wat. Code, § 13301) or time schedule order (Wat. Code, §§ 13300, 13308). The Permit does not make any findings to indicate that any of these four criteria apply in Corning's case. Therefore, the requirement to prepare and implement a pollution prevention plan for DCBM should be deleted.

> **RESPONSE:** Central Valley Water Board staff concurs with the request to remove the requirements to prepare and implement a pollution prevention plan for DCBM. The required Constituent Study (for DCBM) will contain the information that the Central Valley Water Board staff requests to determine if the discharge has reasonable potential to cause or contribute to an exceedance of a water quality objective (effluent limitation) for DCBM. The Order may be reopened and the effluent limitations for DCBM may be modified, based on the results of the required constituent study.

CVCWA – COMMENT #4:

CVCWA requests that you revise the Tentative Order's numeric monitoring trigger for chronic whole effluent toxicity to be consistent with the dilution credits being granted. The Tentative Order specifies a toxicity monitoring trigger of "> 1 TUC (where TUC = 100/NOEC)." However, the Tentative Order grants a dilution credit of 10:1 for aquatic life. The monitoring trigger represents the toxicity threshold at which the treatment plant must begin accelerated monitoring and initiate a Toxicity Reduction Evaluation. Therefore, it is important that the monitoring trigger be consistent with the dilution credit granted and revised in the Tentative Permit to be "> 10 TUC (where TUC = 100/NOEC)."

> **RESPONSE:** The Tentative Order grants a dilution credit of 10:1, and allows a mixing zone for compliance with the chronic aquatic life water quality criteria/objectives for dichlorobromomethane and ammonia. Under the critical design conditions considered by Regional Water Board staff, the dilution credit and mixing zone may result in the chronic water quality criteria/objectives for these pollutants being exceeded in the receiving water, within the specified mixing zones. In general, exceedance of a chronic water quality criterion/objective within a mixing zone may, or may not, result in <u>actual</u> toxicity to aquatic life, either to instream aquatic organisms, or to organisms in a chronic whole effluent toxicity (WET) laboratory test. This uncertainty is due to a number

of factors including: (1) conservative methodology used in the establishment of the criteria/objectives, including safety factors; (2) various aquatic organisms respond differently to the same pollutant; and, (3) the duration of time aquatic organisms are exposed to a pollutant varies in the testing used to establish the criteria/objective, the actual instream conditions, and the chronic WET laboratory test.

Separate from its action to grant a mixing zone and dilution credit for a specific pollutant, the Regional Water Board may allow actual chronic toxicity to occur in a mixing zone, if it is determined to be appropriate. One of the considerations in deciding whether or not a dilution credit and mixing zone for actual chronic toxicity is appropriate, is whether or not a Discharger needs a dilution credit and mixing zone in order to comply (i.e., whether the mixing zone is as small as practicable). In the case of the Corning WWTP, the Fact Sheet, Page F-31, discusses that the discharge does not appear to cause chronic toxicity, as measured by the Discharger's chronic whole effluent toxicity testing results. Therefore, Regional Water Board staff believes it would be inappropriate to increase the numeric monitoring trigger, which would effectively grant a dilution credit and mixing zone for actual chronic toxicity.

Furthermore, the lack of chronic toxicity in the effluent was a supporting factor in determining that the dilution credits and mixing zones granted for dichlorobromomethane and ammonia.

Regional Water Board staff does not recommend the change requested by CVCWA.