

ITEM: 11

SUBJECT: City of Brentwood, Wastewater Treatment Plant, Contra Costa County

BOARD ACTION: *Consideration of Order Amending Waste Discharge Requirements Order R5-2008-0006 (NPDES Permit No. CA 0082660) and New Time Schedule Order*

BACKGROUND: The City of Brentwood (Discharger) is the owner and operator of the Brentwood Wastewater Treatment Plant (Facility), serving a population of approximately 52,000. The Facility is currently authorized to discharge up to 5 million gallons per day (MGD) of tertiary-treated municipal wastewater to Marsh Creek, a water of the United States, within the legal boundary of the Sacramento-San Joaquin Delta (Delta). The City has a median household income of approximately \$86,920 and the monthly wastewater user charge for a typical single family dwelling is \$41.90. The discharge is classified as a major discharger.

The proposed Orders extend compliance schedules for chloride and temperature in the NPDES permit and an existing Time Schedule Order, respectively. The Discharger has been making diligent efforts to come into compliance with the final effluent limits, but additional time is necessary to comply. The existing NPDES permit allows a 5-year compliance schedule for chloride. The proposed Order amending the existing NPDES permit extends the compliance schedule an additional five years, with a proposed compliance date of 1 January 2018. With regard to temperature, Time Schedule Order R5-2008-0007 allows a 5-year compliance schedule for meeting effluent and receiving water limitations for temperature. The proposed new Time Schedule Order rescinds TSO R5-2008-0007 and extends the compliance schedule for temperature an additional 2 years, with a newly proposed compliance date of 31 December 2015.

ISSUES: The tentative Orders were sent to the Discharger and interested parties on 24 September 2012 with a 30-day public comment period. Public comments on the tentative Orders were received on 25 October 2012 from the United States Environmental Protection Agency (USEPA), Region IX. The following is a summary of the comment received from USEPA and the Central Valley Water Board staff response. A detailed response is included in the Staff Response to Comments document included in the agenda package. No comments were received for the new Time Schedule Order.

The compliance schedule extension for chloride in the proposed permit amendment does not meet the Requirements of the Clean Water Act Section 502 (17) and the Implementation Regulations at 40 CFR 122.2. *USEPA commented that the interim compliance schedule milestones are not sufficient to meet the requirements at 40 CFR 122.47 (a) (3) and that the interim requirements need to be more action-specific milestones (e.g. Construction activities) instead of solely reporting milestones.*

Additional action-specific milestones have been identified and added to the proposed compliance schedule for chloride. However, when identifying interim milestones, site-specific factors for each facility must be considered. For some facilities it may be appropriate to include interim milestones for construction activities where there is a need to install facilities for conventional wastewater treatment. In this situation, pollution source control alternatives to reduce chloride may be the feasible compliance project, and it may not be appropriate to include construction-related milestones.

RECOMMENDATION: Adopt Proposed Orders

Mgmt. Review _____

Legal Review _____

6/7 December Board Meeting

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