

ITEM: 19

SUBJECT: City of Tracy, Tracy Wastewater Treatment Plant, San Joaquin County

BOARD ACTION: *Consideration of NPDES Permit Renewal (NPDES Permit No. CA0079154)*

BACKGROUND: The City of Tracy (Discharger) is the owner and operator of the City of Tracy Wastewater Treatment Plant (Facility), serving a population of approximately 82,000. The Facility is currently authorized to discharge up to 10.8 million gallons per day (MGD) of tertiary-treated municipal wastewater to Old River, within the Sacramento-San Joaquin Delta. The United States Environmental Protection Agency and the Central Valley Regional Water Quality Control Board (Central Valley Water Board) have classified this discharge a major discharge.

The Discharger is currently constructing upgrades and expanding the Facility to provide tertiary treatment for up to 16 MGD. The proposed NPDES permit renewal does not allow for an increase in the discharge from the current permit. The City has a median household income of nearly \$80,000 and the monthly wastewater user charge for a typical single family dwelling is \$31.00.

The proposed NPDES permit renewal includes new effluent limitations for methylmercury, chlorpyrifos, and diazinon.

ISSUES: Public comments on the tentative NPDES permit were received on 17 October 2012 from the California Urban Water Agencies (CUWA), on 25 October 2012 from the United States Environmental Protection Agency (EPA), Region IX, and on 26 October 2012 from the Central Valley Clean Water Association (CVCWA) and the Discharger. The following is a summary of the comments on the major permitting issues that staff does not concur and may continue to be at issue. Detailed comments and staff responses are included in the Staff Response to Comments document included in the agenda package.

“Permittee” vs. “Discharger.” *The Discharger has requested to change the word “Discharger” to “Permittee” throughout the permit because the federal regulations use the term “Permittee.”*

Water Code section 13263/13241: *The Discharger claims that the Central Valley Water Board must make specific findings on the factors enumerated in Water Code section 13241 and that such an analysis is required because the requirements imposed are more stringent than what federal law requires.*

Removal of Mass Limits. *The Discharger has requested to remove all mass limits from the Effluent Limitations because they are not required by Federal law and they are not adequately justified.*

Removal of Daily or Instantaneous Limits. *The Discharger has requested to remove improperly justified short term average limits that are not monthly and weekly averages as required by federal law.*

Effluent Limitations for Pathogens, Temperature, Ammonia, Nitrate+ Nitrite, and Acute Toxicity. *The Discharger has requested to remove pH, temperature, ammonia, nitrate + nitrite, and acute toxicity limits as it contests that the limits are improperly imposed where no reasonable potential exists. .*

Effluent Limitations for Bis(2-ethylhexyl)phthalate. *The Discharger and CVCWA*

commented that the mixing zone/dilution credit for bis(2-ethylhexyl)phthalate should not be limited. The SIP does not require that the plant performance should be a consideration in the establishment of dilution credit or in the sizing of an acceptable mixing zone, and the mixing zone and dilution credits reduction cannot be based on antidegradation or Best Practicable Treatment and Control ("BPTC") because there has been no antidegradation or BPTC analysis.

Effluent Limitation for Copper. *The Discharger contends that the CTR criteria should be used to calculate the WQBELs instead of the Delta site-specific objective, because the site-specific objective is overly conservative for application since hardness is not considered.*

Effluent Limitations for Diazinon, Chlorpyrifos, and Methylmercury. *The Discharger requested to remove the effluent limits for diazinon, chlorpyrifos, and methylmercury until reasonable potential has been demonstrated for the discharge. The Discharger argued there is no reasonable potential since there is no data for these constituents.*

Limitations on Receiving Water. *The Discharger requested changes to Section V.A. The Discharger proposed the following language to be inserted in Provision V .A after the first sentence:*

"However, a receiving water condition not in conformance with the limitation is not necessarily a violation of this Order. The Central Valley Water Board may require an investigation to determine cause and culpability prior to asserting a violation has occurred."

Limitations for Iron, Manganese and Aluminum. *USEPA has requested that the permit must impose effluent limitations for iron, manganese, and aluminum. USEPA had three main comments in this item: 1) The receiving water concentrations exceeded the applicable water quality objectives, 2) It is appropriate for the Regional Board to follow existing State and federal guidance to find reasonable potential in this instance, and 3) Iron and aluminum effluent limits cannot be eliminated due to antidegradation and antidegradation requirements.*

Compliance Schedule for Methylmercury. *USEPA commented that the interim compliance schedule milestones are not sufficient to meet the requirements at 40 CFR 122.47(a)(3), which provides examples of interim requirements for construction-related milestones. The regulations allow progress reports to be included if the interim requirements cannot be readily divisible into 1-year increments, but reports alone are not acceptable as interim requirements. USEPA also contends the final compliance date is not justified and must be as soon as possible.*

Monitoring Requirements. *CUWA requests additional monthly monitoring be included in the effluent and receiving water study for drinking water constituents of concern including total Kjeldahl nitrogen, total phosphorus, total organic nitrogen, ammonia, nitrate plus nitrite, total phosphorus, total organic carbon, dissolved organic carbon, total dissolved solids, and chloride.*

RECOMMENDATION: Adopt NPDES Permit Renewal

Mgmt. Review _____

Legal Review _____

6/7 December Board Meeting

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