

ITEM: 9

SUBJECT: City of Yuba City Wastewater Treatment Facility, Sutter County

BOARD ACTION: *Consideration of NPDES Permit Renewal (NPDES No.CA0079260)*

BACKGROUND: The City of Yuba City (Discharger) is the owner and operator of the City of Yuba City Wastewater Treatment Facility (Facility), serving a population of approximately 52,000. The Facility is currently authorized to discharge up to 10.5 million gallons per day (MGD) of disinfected secondary treated effluent to the Feather River, a tributary to the Sacramento River in the Lower Feather River Watershed, or to disposal ponds within the levee on the eastern side of the Feather River.

The proposed NPDES Permit renewal contains new effluent limitations for bis (2-ethylhexyl) phthalate. The renewal also contains new effluent limitations for diazinon and chlorpyrifos as required by a TMDL. Based on a reasonable potential analysis, the proposed NPDES Permit renewal does not retain existing effluent limitations for chlorodibromomethane, cyanide, diethyl phthalate, persistent chlorinated hydrocarbon pesticides, tetrachloroethylene, thallium, zinc, aluminum, iron, methylene blue activated substances, and molybdenum from the existing permit.

ISSUES: Public comments on the tentative NPDES Permit were received from the Discharger, the United States Environmental Protection Agency (USEPA), and the Central Valley Clean Water Association (CVCWA).

Staff does not concur with all of the comments and has resolved many of the public comments through subsequent meetings and discussions. Staff has made appropriate changes to the proposed NPDES Permit to address comments. The Discharger has communicated to staff that they support the proposed NPDES Permit.

The following is a summary of the comments on the major permitting issues and the staff responses.

Mercury Effluent Data Censoring. USEPA contends that the Central Valley Water Board has censored two mercury effluent data points as outliers based solely on statistical evaluation practices and without suggesting a plausible reason why the data points should be discarded. USEPA is concerned that the practice of discarding high data points as outliers from the reasonable potential analysis would result in a lack of water quality protection and would violate NPDES permitting regulatory requirements. Staff does not concur. Staff believes the proposed NPDES Permit provides sufficient justification to exclude the two mercury outliers and that the exclusion of the outliers will not impact water quality and is within the discretion allowed by Section 1.2 of the SIP.

Application of Dilution Credits. CVCWA believes that the Central Valley Water Board's practice of restricting dilution credits based on existing facility performance is unreasonable and inappropriate for dichlorobromomethane, manganese, and nitrite. CVCWA contends that mixing zones, including their size, are tied directly to protecting beneficial

uses. Furthermore, nothing in the SIP or State Board orders addressing mixing zones suggest or supports the notion that mixing zones should be limited based on facility performance. CVCWA recommends that the effluent limitations for dichlorobromomethane and nitrite from Order No. R5-2007-0134-01 be retained and that triggers based on performance plus a safety factor be included. Staff does not concur. However, CVCWA and the Board are currently in discussion to come to a mutually agreeable resolution to application of dilution credits. Staff established performance-based limits for dichlorobromomethane and nitrite because the Facility can meet limits that are less than 10% of the assimilative capacity requested. This methodology avoids allocating an unnecessarily large portion of the receiving water's assimilative capacity for each pollutant and possibly violating the Antidegradation Policy.

RECOMMENDATION: Adopt the proposed NPDES Permit Renewal.

Mgmt. Review _____
Legal Review _____

25/26 July 2013

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