

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 4/5 December 2014**

Response to Written Comments for Root Creek Water District, Riverstone Wastewater Treatment Facility, Tentative Waste Discharge Requirements

At a public hearing scheduled for 4/5 December 2014, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) for the Root Creek Water District, Riverstone Wastewater Treatment Facility in Madera County. This document contains responses to written comments received from interested parties regarding the Tentative WDRs (TWDRs) circulated on 21 August 2014. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 22 September 2014 to receive full consideration. Comments were received from the Central Valley Clean Water Association (CVCWA).

Written comments are summarized below, followed by responses from Central Valley Water Board staff. Based on the comments, Central Valley Water Board staff has made some changes to the TWDRs. Staff also made a few minor changes to improve clarity and fix typographical errors. In addition, the reporting section in the Monitoring and Reporting Program (MRP) was adjusted to address the Central Valley Water Board's conversion to a paperless office and to correct a missing requirement in the UV reporting section.

Where Staff responses below present specific changes made to the TWDRs, additions are in bold text and deletions are in strikeout.

CVCWA COMMENTS

CVCWA – COMMENT No. 1: Discharge Prohibition A.3 in the TWDRs which reads "...Discharge of waste classified as 'designated' as defined in Water Code section 13173 is prohibited." CVCWA comments that Waste Code section 13173 defines designated waste as nonhazardous waste that consists, or contains pollutants that could be released in concentrations exceeding applicable water quality objectives. Therefore, this prohibition is duplicative of the groundwater limitations in the Order and is unnecessary and should be removed.

RESPONSE: Prohibition A.3 has been modified as follows:

"Discharge of waste classified as 'hazardous', as defined in California Code of Regulations, title 23, section 2521(a), is prohibited. ~~Discharge of waste classified as 'designated', as defined in Water Code section 13173 is prohibited.~~"

CVCWA – COMMENT No. 2: CVCWA comments that Discharge Specification D.1 in the TWDRs, which reads, "No waste constituent shall be released, discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of Groundwater Limitations of this Order," is unnecessary and requests that it be removed. CVCWA states it is duplicative of groundwater limitations in TWDRs. CVCWA also states that it is inappropriate to reference the "mass" of waste constituents in this way because groundwater limitations implement concentration-based water quality objectives.

RESPONSE: Discharge Specification D.1 has been modified for clarity, but it is neither duplicative nor unnecessary. Violations of the groundwater limitations may occur when waste disposal is improperly managed. Discharge Specification D.1 requires the District to manage its waste disposal in a way that will not cause a violation of the groundwater limitations.

CVCWA – COMMENT No. 3: The TWDRs require the District to submit a Notice of Intent (NOI) for coverage under the State Water Board’s General Waste Discharge Requirements Recycling General Order. CVCWA comments that Discharge Prohibition A.6, which states “Discharge of recycled water to the Use Areas is prohibited until the District has provided an approved Title 22 Engineering Report and obtained coverage under the Recycling General Order as specified in Provision H.18.” is confusing and that it is unclear if the discharge from the Tertiary Plant is prohibited until the District has obtained coverage under the Recycling General Order despite having waste discharge requirements. Conversely CVCWA questions the District’s need to have waste discharge requirements once the District has obtained coverage under the Recycling General Order. Further, CVCWA comments that the “at a minimum” language in Provision H.18 implies that the District may submit something other than the NOI provided for in the General Order, and that the Recycling General Order already contains requirements for the NOI, therefore, there is no need to partially list them in the TWDRs.

RESPONSE: Wastewater treatment for the Riverstone Development will be handled by two wastewater treatment plants constructed during separate phases of the development. The Initial Plant will handle the first phases of the development until the discharge approaches a volume suitable for recycling, at which time the final Tertiary Plant will be constructed. Discharges from the Initial Plant will be to ponds for disposal by percolation. These TWDRs will regulate the discharge of wastewater from both plants, and contains specific prohibitions, limitations, specifications, provisions, and monitoring requirements for both the Initial and Tertiary Plants. Discharge Prohibition A.6 in the TWDRs is related specifically to the use of recycled water and prohibits the discharge of recycled water to the “Use Areas” until the District has submitted a Title 22 Engineering Report and obtained coverage under the State Water Resources Control Board Recycling General Order. The Recycling General Order contains prohibitions, specifications, administrative, and monitoring requirements specifically related to the use of recycled water and is separate from the TWDRs. As stated in Finding 20 of the Recycling General Order, the General Order is applicable to recycled water projects and does not regulate the treatment of wastewater, nor does it relieve producers or distributors of recycled water (i.e., the District) from their obligation to comply with applicable waste discharge requirements for discharges from the wastewater treatment plants.

Discharge Prohibition A.6 has been modified as follows to clarify this issue:

Discharge Prohibition A.6: “Discharge of recycled water **for reuse within** the Use Areas is prohibited until the District has submitted an approved Title 22 Engineering Report and obtained coverage under the Recycling General Order as specified in Provision H.18.”

The Recycling General Order includes a list of information to be provided with the Notice of Intent (NOI) for coverage under the General Order. Some of this information has already been provided by the District as part of its RWD and is included in the file. The shortened list of requirements for the NOI in the TWDRs is to inform the District of the remaining information that will be needed when it applies for coverage under the Recycling General Order. The term “at a minimum” in Provision H.18 is used in case additional information is required due to possible changes or modifications to plans provided in the RWD. Therefore, no change was made in this regard.

CVCWA – COMMENT No. 4: The TWDRs include a groundwater limitation for electrical conductivity (EC) based on the lower secondary Maximum Contaminant Level (MCL) of 900 umhos/cm. CVCWA comments that considering the secondary MCLs are based on taste and odors standards and not intended to protect human health, and that since Title 22 states that drinking water is of an acceptable level at 1,600 umhos/cm, it not necessary to include a groundwater limitation for EC based on the most stringent MCL. Further, CVCWA states that it is not necessary to include a specific groundwater limitation for EC since groundwater limitation number four already incorporates the Title 22 MCLs.

RESPONSE: No change was made. The discharge regulated by these TWDRs will take place on the east side of the San Joaquin Valley in an area overlying high quality groundwater. A groundwater investigation provided in the RWD shows that shallow and deeper groundwater in the area is of very high quality with respect to salinity, with an EC between about 200 and 450 umhos/cm. As the commenter notes, since there is no fixed consumer acceptance contaminant level for EC, the secondary MCL for EC includes a “recommended” concentration, an “upper” concentration (acceptable if it is neither reasonable nor feasible to provide more suitable water), and a “short term” concentration (acceptable only on a temporary basis) [California Code of Regulations, Title 22, section 64449]. 900 umhos/cm, the proposed groundwater limit, represents the “recommended” contaminant level for EC. It is reasonable for the Board to require compliance with the “recommended” contaminant level when it has been demonstrated that compliance with this concentration is practicable. Furthermore, this limit, which constrains the amount of groundwater degradation allowed under the TWDRs, is consistent with the Antidegradation Policy (State Water Board Resolution 68-16), which requires the regional water boards to regulate discharges to waters of the State “...to achieve highest quality consistent with the maximum benefit to the people of the State...”. Authorizing groundwater degradation up to 1,600 umhos/cm (the “upper” concentration) would be inconsistent with the State’s Antidegradation Policy given the current high quality of groundwater in the area and the analysis that shows that allowing such degradation is not necessary for the success of the project.