

Central Valley Regional Water Quality Control Board
18/19 February 2016 Board Meeting

Response to Comments on
Tentative Waste Discharge Requirements and
Tentative Cease and Desist Order
for the
Chester Public Utility District
Chester Wastewater Treatment Plant
Plumas County

At a public hearing scheduled for 18/19 February 2016, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements (WDR) (National Pollutant Discharge Elimination System (NPDES) No. CA0077747) and a tentative Cease and Desist Order (CDO) for the Chester Public Utility District's (Discharger) Chester Wastewater Treatment Plant. The tentative NPDES permit and tentative CDO were issued for a 30-day public comment period on 10 December 2015, with comments due by 11 January 2016. The Central Valley Water Board received public comments regarding the tentative NPDES permit and tentative CDO before the due date from:

1. The Central Valley Clean Water Association (CVCWA) (received 11 January 2016)

Written comments from the above interested parties are summarized below followed by responses from Central Valley Water Board staff.

CVCWA COMMENTS

CVCWA COMMENT I. Compliance Schedule and Cease and Desist Order

CVCWA is not requesting any changes to the compliance schedule and interim effluent limitations for ammonia and total coliform in the tentative NPDES permit. However, CVCWA is uncertain of the necessity for a CDO that includes the same compliance schedule and interim effluent limits that are already included in the tentative NPDES permit.

RESPONSE:

The tentative CDO was developed to provide the Discharger with additional time to comply with NPDES permit limits. The Discharger has not been previously provided a CDO with protection from mandatory minimum penalties (MMPs) for total ammonia (as nitrogen) and total coliform (240 MPN/100mL more than once in any 30-day period). New effluent limits for total ammonia (as nitrogen) and total coliform became effective on 13 August 2009. A compliance schedule is

provided in the tentative NPDES permit from the effective date of the permit until 13 August 2019, which is the permissible amount of time that can be granted to the Discharger for the subject constituents according to the *Water Quality Control Plan, Fourth Edition (Revised June 2015), for the Sacramento and San Joaquin River Basins (Basin Plan)*, which implements State Water Resources Control Board Resolution No. 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*. A compliance schedule from 13 August 2019 until the expiration date of the tentative NPDES permit is provided pursuant to Water Code section 13385, subdivision (j)(3)(A) through (D), which allows for additional time to protect the Discharger from MMPs for violations of the subject constituents.

Further clarification was added to the tentative permit, as written below:

The compliance schedule is provided from the effective date of this Order until 13 August 2019 according to the Water Quality Control Plan, Fourth Edition (Revised October 2011), for the Sacramento and San Joaquin River Basins (Basin Plan), which implements State Water Resources Control Board Resolution No. 2008-0025, Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits. The compliance schedule is extended in a Cease and Desist Order from 13 August 2019 until the expiration date of this Order pursuant to Water Code section 13385, subdivision (j)(3)(A) through (D).

CVCWA COMMENT II. Groundwater Characterization Study

CVCWA has requested that the Groundwater Monitoring Network Verification and Groundwater Quality Characterization Study (Study) required by the tentative NPDES permit, be, at a minimum, “reduced in scope” and explained further in the tentative NPDES permit’s Fact Sheet. CVCWA asserts that: (1) influence from the hydrology of Lake Almanor and the marshland geography surrounding the Facility more likely influences the underlying aquifer, rather than the wetland ponds, (2) separate monitoring requirements are already required when effluent is discharged to the wetland ponds in addition to groundwater monitoring, and (3) verification studies on the newly installed wells are unnecessary.

RESPONSE:

Central Valley Water Board staff does not concur with CVCWA’s request to reduce the scope of the Study. The water quality of local groundwater has not been fully characterized and the suitability of current groundwater monitoring well

locations is unknown. The optimal location for groundwater monitoring wells, for characterizing potential groundwater impacts caused by Facility operations, including wetland ponds, is unknown, which, in part, is due to the complex behavior of groundwater movement and unknown properties of the underlying aquifer. Extensive subsurface soil exploration and sampling in and around the Facility, completed by a qualified professional, has not been performed. Therefore, CVCWA's assertion that the "underlying groundwater is likely more influenced by the hydrology of nearby Lake Almanor and marshes, rather than the wetlands ponds" cannot be made without further technical support.

The Discharger was required to collect data, and characterize the natural background of groundwater, in WDR Order R5-2009-0078 within 42 months of permit adoption. The Discharger did not complete this task in the permitted time frame. Monitoring wells were not ready for sampling until November 2014. Because the Discharger did not install groundwater monitoring wells and commence a monitoring program in a timely manner, there is not enough data to characterize groundwater quality at the writing of the tentative NPDES permit. The Discharger has been allotted 2.5 years to collect sufficient groundwater data and to meet Study requirements. Interpretation of groundwater sampling results as well as examination of the suitability of existing groundwater monitoring wells is a reasonable requirement of the Discharger.

Groundwater monitoring requirements are included in the tentative NPDES permit in addition to the aforementioned Study. Groundwater monitoring requirements are included to assess any potential impacts to groundwater from Facility operations and to insure groundwater limitations are being met (see following discussion regarding groundwater limitations).

CVCWA COMMENT III. Groundwater Limitations

CVCWA requests that the Central Valley Water Board remove current numeric groundwater limits in the tentative NPDES permit and replace them with provisions in the Basin Plan. CVCWA states that groundwater limits on ammonia (as ammonium), electrical conductivity, and total dissolved solids are based on improper interpretations of narrative objectives in the Basin Plan. CVCWA's suggested language is:

“Release of waste constituents from any portion of the facility shall not cause groundwater to:

1. Contain constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations, or natural background water quality, whichever is greater;
2. Contain total coliform organisms over any 7-day period equaling or exceeding 2.2 MPN/100 mL; or
3. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses.”

CVCWA states that the suggested language, in lieu of numeric groundwater limitations, would allow the Discharger time to evaluate groundwater data from recently installed monitoring wells and examine background groundwater water quality.

RESPONSE:

Central Valley Water Board staff concurs with the removal of numeric groundwater limits for total dissolved solids, pH, electrical conductivity, and ammonia (as ammonium). Modifications were made to Section V.B. of the tentative NPDES permit, as written below:

Release of waste constituents from any portion of the Facility shall not cause groundwater to:

1. Exceed a total coliform organism level of 2.2 MPN/100 mL over any seven-day period.
2. Contain constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations.
3. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses.

CVCWA COMMENT IV. Reference to “Designated” Waste

CVCWA recommends removing the reference to “designated waste” from Provision VI.C.4.a.xvii in the tentative NPDES permit. CVCWA asserts that the term “designated waste” in the operating specifications essentially acts as a discharge prohibition which is “duplicative of the groundwater limitations and creates unnecessary liabilities for the District.”

RESPONSE:

Central Valley Water Board staff concurs. Modifications were made to Section VI.C.4.a.xvii, as written below:

xvii. The discharge of waste classified as “hazardous” as defined in section 2521(a) of Title 23, California Code of Regulations (CCR), ~~or “designated”, as defined in section 13173 of the Water Code,~~ to the treatment ponds is prohibited.

CVCWA COMMENT V. Collection System Language

CVCWA requests that the Central Valley Water Board remove the following language, as written in Provision VI.C.5.c:

“Regardless of the coverage obtained under Order No. 2006-0003, the Discharger’s collection system is part of the treatment system that is subject to this Order. As such, pursuant to federal regulations, the Discharger must properly operate and maintain its collection system [40 CFR 122.41 (e)], report any non-compliance [40 CFR 122.41(l)(6) and (7)], and mitigate any discharge from the collection system in violation of this Order [40 CFR 122.41(d)].”

RESPONSE:

Central Valley Water Board staff concurs. The above language has been removed from the tentative NPDES permit.

CVCWA COMMENT VI. Receiving Water Limitation for Salinity

CVCWA requests that receiving water limitation V.A.11 be removed from the tentative NPDES permit. CVCWA asserts that this limitation is not based on the water quality objectives in the Basin Plan.

RESPONSE:

Central Valley Water Board staff concurs. The receiving water limit has been removed from the tentative NPDES permit.

Central Valley Water Board Modifications to the Tentative CDO

In addition to the modifications discussed above, Central Valley Water Board staff has made the following modifications to the tentative CDO:

1. Finding No. 15:
...The Discharger has not been previously provided a cease and desist order ~~time schedule order~~ for protection from MMPs for violations of final effluent limits for total ammonia (as nitrogen) and total coliform (240 MPN/100mL more than once in any 30-day period)....

2. An additional item was added to Page 9:
 1. CDO R5 2009 0080 is rescinded upon the effective date of this Order, except for enforcement purposes.

Central Valley Water Board Modifications to the Tentative NPDES Permit

In addition to the modifications discussed above, Central Valley Water Board staff has made the following modifications to the tentative NPDES Permit:

1. References made to the Basin Plan on pages F-7, F-42, and F-53 of the tentative NPDES Permit have been revised to correctly reference the latest edition, the citation has been changed to: Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin, Fourth Edition, revised June 2015.