



May 31, 2016

Central Valley Regional Water Quality Control Board
Josh Palmer, P.E.
WRC Engineer
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
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Via Electronic mail and mailed copy

RE: Live Oak Tentative Draft Waste Discharge Requirement Comments Order R5-2016-0XXX NPDES NO. CA0079022

Dear Mr. Palmer:

The City of Live Oak has the following comments regarding the Tentative Order Waste Discharge Requirements and Time Schedule Order issued May 3, 2016.

LAND DISCHARGE MONITORING REQUIREMENTS:

Page E-8 Section VI.A.1 is proposed as follows:

LAND DISCHARGE MONITORING REQUIREMENTS

A. Monitoring Locations PND-001 (Equalization Pond) and PND-002 (Emergency Storage Pond)

1. When the equalization pond or the emergency storage pond holds water for more than 7 days the Discharger shall monitor the pond(s) at Monitoring Locations PND-001 and PND-002 according to Table E-5. If monitoring is not required, the Discharger shall so state in the SMR.

The City proposes the following modification:

1. When the equalization pond or the emergency storage pond holds *wastewater (raw sewage, partially treated, or fully treated)* ~~water~~ for more than 7 days the Discharger shall monitor the pond(s) at Monitoring Locations PND-001 and PND-002 according to Table E-5. If monitoring is not required, the Discharger shall so state in the SMR.:

The City requests the modification due to winter rain water accumulation in the ponds that is only returned to the plant on an as needed basis. The rain water is allowed to evaporate from the lined equalization basin or percolate and evaporate from the emergency storage ponds. Allowing rain water to accumulate reduces operational costs and energy demand.

Receiving Water Limit for Temperature Does Not Apply to Reclamation District 777 Lateral Drain No. 2

The Tentative Order includes a receiving water limit for temperature that would require discharges from the wastewater facility to not cause instantaneous natural temperature to be increased by more than 5°F. (Tentative Order, p. 7.) Compliance with this limit would be based on the difference between temperature at RSW-001 and RSW-002. However, Lateral Drain No. 2 is a constructed

agricultural drainage facility that has no natural temperature. Thus, it is inappropriate for the Tentative Order to apply this receiving water limit to Lateral Drain No. 2.

The State Water Resources Control Board has addressed a similar issue in its precedential Vacaville Order (WQO 2002-0015), and specifically found that “[t]he Central Valley Regional Board should impose appropriate temperature controls on the Easterly treatment plant discharge after a site-specific study is completed for Old Alamo Creek and downstream waters” because Old Alamo Creek had no readily identifiable receiving water temperature. (Vacaville Order at p. 48.) In its decision, the State Water Board based its conclusion on the fact that “ ‘natural receiving water temperature’ is defined in the Board’s Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (1975) (Thermal Plan)” to mean “[t]he temperature of the receiving water at locations, depths, and times which represent conditions unaffected by any elevated temperature waste discharge or irrigation return waters.” (*Ibid.*) The State Water Board then found Old Alamo Creek to be affected by irrigation return waters and that conditions unaffected by irrigation return waters were not discernible. Like Old Alamo Creek, Lateral Drain No. 2 has no readily identifiable natural receiving water temperature and temperature in Lateral Drain No. 2 is affected by irrigation return waters and urban stormwater.

Specifically, Lateral Drain No. 2 is an agricultural drainage facility that was constructed in the early 1900s. According to Reclamation District 777 staff, historical documents indicate that Lateral Drain No. 2 was originally constructed prior to 1917, and prior to construction was not a natural surface water with surface water flows. Documentation of the original construction has been previously submitted by the City. Still today, Lateral Drain No. 2 does not have any surface water streams, creeks, sloughs, or other natural waterways that discharge into Lateral Drain No. 2. (See Figure 1). There is no natural receiving water temperature that is unaffected by irrigation return waters or urban stormwater. The City has collected up and down ditch water temperatures and has submitted two previous site specific temperature studies (2013, 2014). These studies have documented the limited flow events at RSW-001. The ditch has no natural headwaters, is not a relocated tributary and was constructed on dry land to convey stormwater and agricultural runoff.

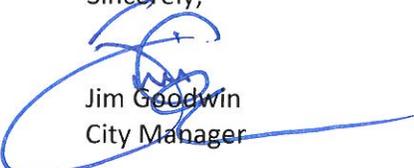
Considering the specific facts and previous studies with respect to Lateral Drain No. 2, it is inappropriate for the Central Valley Water Board to include the receiving water limit for temperature, as it does not apply. Thus, the limit should be removed and further studies not required.

TIME SCHEDULE ORDER

Upon removal of the receiving water temperature differential criteria the Time Schedule Order will no longer be required and should be removed. If the receiving water temperature limit is to remain the City requests that the Site Specific Study be required to be submitted August 1, 2019. This will allow three winter seasons of data to be collected. Final compliance should also be rescheduled until February 2020 to allow time for Board approval of a site specific limit or until June 2021 to construct and implement a compliance strategy if effluent cooling is required.

If you have any questions or need further information please contact me at 530 695 2112, or William Lewis at 530 923 3862

Sincerely,



Jim Goodwin
City Manager

CC: David Kirn (david.kirn@waterboards.ca.gov)



Figure 1: Live Oak discharges into Lateral Drain #2 (blue color) that flows west and south. Approximately 450 feet up ditch there is an unnamed T branch (purple color) entering from the north. The confluence consists of a concrete box with a metal flap gate that prevents water from flowing from Lateral 2 into the unnamed branch. The unnamed branch drains an orchard and Live Oak urban stormwater. Lateral 2 and Unnamed ditch originates with urban stormwater.