



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Linda S. Adams
Secretary for
Environmental
Protection

Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

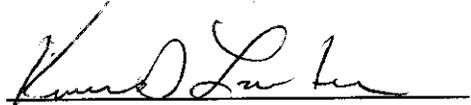
Arnold
Schwarzenegger
Governor

Public Comment
Compliance Sched. – NPDES
Deadline: 2/20/08 by 12 p.m.

TO: Jeanine Townsend
Acting Clerk to the Board
State Water Board

FROM: Kenneth D. Landau
Assistant Executive Officer
Central Valley Water Board

DATE: 20 February 2008

SIGNATURE: 

SUBJECT: COMMENT LETTER – NPDES COMPLIANCE SCHEDULE POLICY

Thank you for the opportunity to comment on the proposed statewide policy authorizing compliance schedules in NPDES permits. The proposed policy describes the documentation that must be submitted as part of the application for a compliance schedule and sets forth the maximum amount of time that the Regional Water Boards may offer in compliance schedules that are part of NPDES permits. The proposed policy allows for longer compliance schedules as part of a single permitting action or to implement waste load allocations specified in a TMDL that is established through a basin plan amendment.

The Central Valley Water Board is concerned that the policy does not allow sufficient flexibility for small, disadvantaged communities that may have difficulty raising resources to upgrade treatment plants and for situations that implement TMDLs and other specific basin planning actions.

Often, small, disadvantaged communities cannot increase fees and taxes to cover necessary wastewater treatment plant upgrades and expansions. Therefore, many communities need grants and loans in order to afford planning and construction. Financial assistance is highly competitive and there are no assurances that these communities will successfully obtain funds within the time constraints in the proposed policy. These disadvantaged communities, which have the greatest need for funding, are often the least able to identify funding opportunities and develop and submit competitive funding applications. Therefore, we recommend that Resolved 5.c., which describe the allowable lengths of compliance schedule, include an exception to allow compliance schedules beyond one additional permit term or ten years for small, disadvantaged communities that have been unable to secure financing for the planning and construction of wastewater treatment upgrades as long as the discharger shows good faith efforts in securing necessary financing.

The proposed policy does not allow sufficient flexibility for situations that implement TMDLs and other specific basin planning actions. Specifically, the application requirements do not allow for situations where studies are required prior to identification of treatment or control measures. For example, under the proposed methylmercury TMDL, dischargers cannot propose time schedules to meet methylmercury requirements for at least eight years after the

California Environmental Protection Agency

TMDL is adopted because the proposed implementation plan requires dischargers to participate in studies on how to control their methylmercury. Until those studies are completed, the dischargers will not know when or how they will comply. To address this concern, we recommend that Resolved 3.c., which is one of the application documentation items, be revised as follows:

A proposed schedule for additional source control measures or waste treatment. If the discharge is subject to a TMDL or Basin Plan implementation program that contains a compliance schedule or implementation schedule requiring specified actions that must be taken before the discharger can determine what additional source control measures or waste treatment are necessary to meet load allocations or other requirements, the proposed schedule need not identify additional measures or treatment nor propose due dates for completion of the additional measures or treatment. In such case the permit shall include an appropriate reopener, or the Water Board shall adopt revised schedules in future permits in accordance with 5.c or d, as applicable;

Thank you for considering our comments. Should you have any questions on this matter, please contact Betty Yee at (916) 464-4643 or byee@waterboards.ca.gov

