

**PROPOSED ORDER R3-2024-0001
COMMENTS AND STAFF RESPONSES**

During the 30-day public comment period, the Central Coast Water Board received written comments on Proposed Order No. R3-2024-0001 (Proposed Permit) from the City of San Luis Obispo. Staff responses to these comments are provided below. All comments are direct transcriptions from the comment letters.

City of San Luis Obispo – Comment 1

Effluent Limits for Salts and Molybdenum

The Tentative Order contains new effluent limits for total dissolved solids (TDS), chloride, sodium, sulfate, and molybdenum with which the WRRF effluent cannot immediately comply. The City has been working to implement a Salts Management Plan as required by the current permit and has implemented substantial upgrades to the WRRF treatment system to address new effluent limits presented in TSO Order No. R3-2019-1024. The upgrades include converting from chlorine-based disinfection to UV disinfection. This has resulted in a reduction in salt levels in treated effluent. The cost for these upgrades was approximately \$153 million. With these upgrades, the City has made a significant effort to comply with all issued permit limits, addressed areas of perceived risk and public impacts, and prepared the WRRF to be most compatible with future potable reuse. However, even with these upgrades, the City will not be able to immediately comply with the new effluent limits for salts and molybdenum in the Tentative Order.

Therefore, the City is requesting an in-permit compliance schedule for the salts TDS, chloride, sodium, sulfate, and molybdenum, as outlined in the attached letter. The City of San Luis Obispo already has one of the highest water and sewer rates in the region. The City’s elected representatives have supported significant recent multi-year rate increases that have become increasingly burdensome when coupled with cost-of-living inflation. Additional proposed rate increases for the purpose of another significant capital improvement project so recently after the current WRRF upgrade are expected to be met with strong regional push-back from the public. Additional impacts to the residential and business community, such as noise and traffic, would also be met with significant community resistance.

Staff Response to City of San Luis Obispo – Comment 1

State Water Resources Control Board Resolution 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy), was adopted on April 15, 2008. The Policy provides that in-permit compliance schedules should only be granted when additional time is needed to complete significant compliance actions to comply with new permit limitations implementing new, revised, or newly interpreted water quality objectives or criteria in

water quality standards. The Compliance Schedule Policy defines the term “new, revised or newly interpreted water quality standard” to be standards adopted by the Central Coast Water Board after September 25, 1995. (Compliance Schedule Policy, p. 3, paragraph 1 subd. (d).) The Compliance Schedule Policy defines the term “newly interpreted water quality objective or criterion in a water quality standard,” as meaning: *a narrative water quality objective or criterion that, when interpreted during NPDES permit development (using appropriate scientific information and consistent with state and federal law) to determine the permit limitations necessary to implement the objective, results in a numeric permit limitation more stringent than the limit in the prior NPDES permit issued to the discharger. Newly interpreted water quality objective or criterion in a water quality standard also includes a numeric or narrative water quality objective or criterion that is implemented with a permit limitation with which the discharger cannot comply because the pollutant was newly detected in the discharger’s effluent due to new analytical techniques that were developed after the prior permit was issued. (Id., p. 3, paragraph 1 subd. (e).)*

The *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan) includes numeric water quality objectives for TDS, chloride, sodium, sulfate, and molybdenum. Basin Plan Table 3-5 includes numeric mean surface water quality objectives for TDS, chloride, sodium, and sulfate specific to San Luis Obispo Creek. Table 3-2 includes the numeric water quality objective for molybdenum for waters with the agricultural supply beneficial use, which applies to San Luis Obispo Creek. These numeric water quality objectives were used in the analyses that found the discharger had reasonable potential to cause or contribute to exceedances of water quality objectives. These objectives have been part of the Basin Plan since at least 1994. In addition, the analytical techniques for molybdenum have been in use for many years, before the prior permit was issued.

Based on the foregoing discussion, the effluent limits for total dissolved solids, chloride, sodium, sulfate, and molybdenum are not based on new water quality objectives or criteria or new analytical techniques and do not meet the in-permit compliance schedule policy. Therefore, an in-permit time schedule is not authorized under the Compliance Schedule Policy, and a time schedule order (TSO) will be issued instead.

Change Made: No change made.

City of San Luis Obispo – Comment 2

Annual Average Limits for Salts

The effluent limits for salts should be based on an annual average rather than a monthly average. The Basin Plan objectives for salts are annual mean values, not monthly averages like the effluent limits in the Tentative Order. The City requests that the effluent limits for TDS, chloride, sodium, and sulfate be issued as annual averages instead of average monthly limits.

Staff Response to City of San Luis Obispo – Comment 2

Central Coast Water Board staff agrees with the change because the water quality objectives in Table 3-5 of the Basin Plan for total dissolved solids, chloride, sodium, and sulfate are annual mean values.

Change Made:

Table 2 on page 8 and Table F-10 on page F-44 have been updated to include a column for annual average and a footnote describing that the annual average is a 12-month running mean for total dissolved solids, chloride, sodium, and sulfate.

City of San Luis Obispo – Comment 3

Effluent Monitoring Frequencies (EFF-001)

Based on the WRRF compliance history and recent upgrades, the City requests the following modification in monitoring frequencies listed in the Monitoring and Reporting Program:

- The City requests that footnote 3 to Table E-3 (If no exceedances of the effluent limitation occur for a minimum of 12 consecutive months of monitoring, then the frequency of monitoring shall be reduced to quarterly. Subsequently, if an exceedance of the effluent limitation occurs during quarterly monitoring, the monitoring frequency shall return to monthly. The Discharger must notify the Central Coast Water Board of the change in monitoring frequency) to be applied to the following additional parameters in Table E-3:
 - Chloroform
 - Methylene chloride
 - Pentachlorophenol
 - Methylene Blue Active Substances (MBAS)
- The City requests that the monitoring frequency for chronic toxicity in Table E-3 be reduced from 1/Month to 1/Quarter due to a strong compliance record. The “fail” results reported in 2017 and 2018 were attributed to sporadic mortality, which is classified as test interference rather than an exceedance.

Staff Response to City of San Luis Obispo – Comment 3

Central Coast Water Board staff finds that this is reasonable to apply Table E-3 footnote 3 to chloroform, methylene chloride, pentachlorophenol, and methylene blue activated substances (MBAS) because the reduction in monitoring frequency is predicated on a year of monitoring showing no exceedances of the effluent limitations. However, the frequency of monitoring will subsequently be increased if an exceedance does occur.

The State Water Board Toxicity Provisions (Toxicity Provisions) require monthly chronic toxicity sampling for all non-stormwater NPDES dischargers authorized to discharge at greater than 5.0 million gallons per day and that are required to have a

pretreatment program. There are two scenarios for reducing the frequency of chronic toxicity monitoring from monthly to quarterly in the Toxicity Provisions.

In the first scenario, if a non-stormwater NPDES discharger's permit does not include the chronic toxicity maximum daily effluent limitation (MDEL) and median monthly effluent limitation (MMEL) effluent limitations as specified in Section III.C.5 of the toxicity provisions, the Regional Board may approve a reduced routine monitoring frequency for the discharger upon reissuance, renewal, or reopening (if the permit reopening is to address toxicity requirements) of the NPDES permit when, during the prior five consecutive years, the following conditions have been met: 1) The toxicity requirements in the applicable NPDES permit have been followed; and 2) a minimum of ten chronic toxicity tests have been conducted at the instream waste concentration (IWC) or at a concentration of effluent higher than the IWC; and 3) all chronic aquatic toxicity test data are analyzed or reanalyzed using the TST; and 4) no chronic toxicity test has resulted in a "fail" at the IWC or, if the test was not conducted at the IWC, at a concentration of effluent higher than the IWC.

The Discharger's existing permit does not include the MDEL and MMEL effluent limitations specified in the Toxicity Provisions. The Discharger does not have ten chronic toxicity tests from the past five consecutive years that meet the criteria described above. Therefore, the Discharger does not currently qualify for a reduction in monitoring frequency.

In the second scenario, if a non-stormwater NPDES discharger's permit includes the chronic toxicity MDEL and MMEL effluent limitations as specific in section III.C.5 of the toxicity provisions, the Regional Board may approve a reduced routing monitoring frequency for the discharger upon reissuance, renewal, or reopening (if the permit reopening is to address toxicity requirements) of the NPDES permit when, during the prior five consecutive years, the following conditions have been met: 1) the MDEL and MMEL have not been violated; and 2) the toxicity requirements in the NPDES permit have been followed.

If the Discharger's chronic toxicity monitoring shows that their discharge does not violate the MDEL or MMEL for the next five years, and if they meet all other toxicity requirements in their permit, they will be eligible to reduce their routine chronic toxicity monitoring from monthly to quarterly when their permit is renewed.

Change Made:

The numbering for Footnote 3 of Table E-3 on page E-6 was updated to be Footnote 4. Footnote 4 was added to chloroform, methylene chloride, pentachlorophenol, and MBAS.

No change was made to chronic toxicity sampling frequency.

City of San Luis Obispo – Comment 4

Algal Description Monitoring Requirement

The City requests that the monitoring requirement “Algal Description” be removed from Table E-7. The parameter “Algal Description” has been required monthly during the last two NPDES permits (~21 years). It is not clear that the resulting data provides any more information on creek health with respect to algal blooms than is provided by the nitrate and phosphorus data that was also collected.

Staff Response to City of San Luis Obispo – Comment 4
Central Coast Water Board staff finds that this is a reasonable request because the quantifiable pollutant data (such as nitrate and phosphorus data) that contribute to algal blooms, and which is sampled in the creek, provides sufficient information on the water quality in the creek. If algal description is needed in the future, Central Coast Water Board staff will request it from the discharger.
Change Made: The requirement to provide an algal description in the receiving water has been removed from Table E-7 on page E-20.

City of San Luis Obispo – Comment 5

Chronic Toxicity Citations

The City would like the information in the Fact Sheet to reflect the nature of the toxicity failures from the previous permit. Specifically, in Attachment F, Fact Sheet, Table F-2, please add the following footnote to the Chronic Toxicity Highest Daily Discharge Reported of 4.0 TUc, citing the City’s 2019 TRE Final Report:

“After extensive City staff and consultant review, summarized in the Toxicity Reduction Evaluation Workplan Conclusion report submitted to and accepted by the Central Coast Regional Water Quality Control Board on May 22, 2019, all Effluent 001 sampling events from October 2016 to October 2018 exhibited at least one of the three qualifying data interpretations of sporadic mortality, suggesting biological interference was the cause of observed toxicity.”

Similarly, in Attachment F, Table F-9, please add the same footnote to Fail results, stating that the result was discussed in the TRE Workplan.

Staff Response to City of San Luis Obispo – Comment 5
This language is already included in Attachment F, Section 4.3.5.2.
Change Made: No change made.

City of San Luis Obispo – Comment 6

Reporting Deadlines

The City requests that all reporting deadlines currently set to February 1st be set to February 15th to be consistent with the Annual Summary Report deadline, including the deadlines for:

- Annual Pretreatment Report (Table E-1011)
- Salt and Nutrient Management Plan Annual Report (MRP 9.3 page E-29, Table E-1011)
- Pollutant Minimization Program Annual (Table E-1011)

Staff Response to City of San Luis Obispo – Comment 6
Central Coast Water Board staff finds that this is a reasonable request because this will not affect Central Coast Water Board staff time or resources to receive the annual report 15 days later.
Change Made: The reporting due dates in Table E-10 on page E-32 were updated from February 1 to February 15 for the following annual reports: Pretreatment Report, Salt and Nutrient Management Plan Annual Report, and Pollutant Minimization Program Annual Report. Additionally, the word Report was added to Pollutant Minimization Program Annual Report.

City of San Luis Obispo – Comment 7a

Clarifications and Corrections

The following changes are requested to provide corrections or further clarification: The receiving water monitoring requirements in Table E-7 require concurrent sampling with effluent for ammonia, pH, and temperature. Please add a corresponding footnote in Table E-3 so that effluent sampling for ammonia, pH, and temperature is performed concurrently with receiving water monitoring.

Staff Response to City of San Luis Obispo – Comment 7a
Central Coast Water Board staff finds this to be a reasonable request because it clarifies that both effluent and receiving water samples should be taken concurrently.
Change Made: A footnote was added to Table E-3 on page E-6 stating, "Sampling shall be concurrent with sampling of receiving water for ammonia." The footnote was added to Ammonia (as N).

City of San Luis Obispo – Comment 7b

Clarifications and Corrections

In Table E-4, the timeframe for conducting the Acute Toxicity Test should be specified (e.g., 48 or 96 hours).

Staff Response to City of San Luis Obispo – Comment 7b
Central Coast Water Board staff finds that it is reasonable to specify a test duration to provide consistency in reporting.
Change Made: In Table E-4 on page E-10, a test duration of 96 hours was selected for Fathead Minnow and a test duration of 48 hours for Water Flea.

City of San Luis Obispo – Comment 7c

Clarifications and Corrections

The recycled monitoring location is called “EFF-002” in Table E-1 (*Location where a representative sample of title 22 recycled water can be collected prior to discharge to the recycled water storage tank*). There is no defined location for RCY-001. Please change all instances of “RCY-001” to “EFF-002” in MRP section 7.1.

Staff Response to City of San Luis Obispo – Comment 7c
Central Coast Water Board staff finds that this is correct and will correct the error.
Change Made: The three instances of “RCY-001” on page E-18 and two instances of “RCY-001” on page E-1 were updated to “EFF-002.”

City of San Luis Obispo – Comment 7d

Clarifications and Corrections

The footnotes to Table E-7 appear to be misnumbered, as follows:

Footnote to Table E-7		Current Location	Corrected Location
1	Samples shall be obtained only when safe to do so.	Sample Type	Sampling Station
3	Sampling shall be concurrent with sampling of effluent for ammonia.	Flow	Ammonia
4	Temperature and pH are to be measured at the same time that the total ammonia sample is collected. Results shall be used to calculate and report un-ionized ammonia concentrations.	Un-ionized Ammonia	pH and Temperature

5	Narrative description of algae present at the monitoring location shall include: algal color, location with respect to stream banks and depth of water, and appearance (filamentous, matting, attached, etc. percent coverage of water surface).	(none)	Algal Description
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Staff Response to City of San Luis Obispo – Comment 7d
Central Coast Water Board staff agrees with correcting these typographical errors.
Change Made: The footnotes in Table E-7 on page E-19 have been updated. Footnote 1 was moved from Sample Type to Sampling Station. Footnote 3 was moved from the row for Flow to the row for Ammonia, Total (as N). Footnote 4 was added to pH and temperature. Footnote 5 was deleted because the algal description requirement was removed (see Comment 4) and the numbering for all subsequent footnotes was updated.

City of San Luis Obispo – Comment 7e

Clarifications and Corrections

The City requests that the following corrections also be made to the Tentative Order:

Tentative Order Location	Identified Correction	Notes
First page	Discharge Point Latitude (North) 35.244307° 35.251533° Discharge Point Longitude (West) -120.680618° 120. 676817°	These updated coordinates reflect the modified EFF-001 sampling location. A negative longitude is redundant when “West” is specified.

Staff Response to City of San Luis Obispo – Comment 7e
Central Coast Water Board staff agrees with the proposed removal of the negative from the longitude coordinate because it is an error.
For clarification, coordinates were added to Table E-1 to further describe the difference between monitoring locations EFF-001A and EFF-001B.
Change Made: The negative was removed from the longitude coordinate. The discharge point coordinates on page 1 were not modified because that is the location where the discharge enters San Luis Obispo Creek. Coordinates were added in Table E-1 on page E-4 to EFF-001A and EFF-001B.

No change was made to the discharge location coordinates.

City of San Luis Obispo – Comment 7f

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Provision 4.3.4, page 11	Receiving water shall be adequately oxidized , filtered, and disinfected, as defined in title 22.	Oxidation is no longer relevant to ultraviolet disinfection.

Staff Response to City of San Luis Obispo – Comment 7f

Central Coast Water Board staff supports this proposed language change because the Discharger still has to comply with all Title 22 requirements.

Change Made: The word “oxidized” was removed from provision 4.3.4 on page 11.

City of San Luis Obispo – Comment 7g

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment E MRP 10.2.3, Table E-1011, page E-31	Table E-10 11 . Monitoring Periods and Reporting Schedule	

Staff Response to City of San Luis Obispo – Comment 7g

Central Coast Water Board staff agrees that this is a numbering error that needs to be corrected.

Change Made: The table number on page E-31 was updated from Table E-1011 to Table E-10.

City of San Luis Obispo – Comment 7h

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment E MRP Table of Tables, page E- 1	Table E-6. Recycled Water Monitoring Requirements at RCY-001 EFF-002 Table E- 6 7. Receiving Water Monitoring Requirements	

Staff Response to City of San Luis Obispo – Comment 7h
Central Coast Water Board staff agrees that these are numbering errors that need to be corrected.
Change Made: RCY-001 was updated to EFF-002 on page E-1. Also on page E-1, Table E-6. Receiving Water Monitoring Requirements was updated to Table E-7.

City of San Luis Obispo – Comment 7i

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment E MRP Table E-7 Footnote 2	In eater either case,	

Staff Response to City of San Luis Obispo – Comment 7i
Central Coast Water Board staff agrees that this is a spelling error that needs to be corrected.
Change Made: The typographical error on page E-21 was corrected as proposed.

City of San Luis Obispo – Comment 7j

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment E MRP 9.3, page E-29	The previous Order required the Discharger to develop and implement an ongoing salts management plan dedicated to minimized minimize the discharge of salts to and attainment of applicable water quality objectives (WQOs) for salts in San Luis Obispo Creek sub-basin of the Estero Bay Drainage Basin.	

Staff Response to City of San Luis Obispo – Comment 7j
Central Coast Water Board staff agrees that this is a spelling error that needs to be corrected.
Change Made: The edit has been integrated as proposed in provision 9.3 on page E-29.

City of San Luis Obispo – Comment 7k

Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment F Fact Sheet 2.1, page F-6	The upgraded biosolids handling unit train now consists of a sludge blend tank, two rotary screw thickeners, two anaerobic digesters, a digested sludge storage tank, an odor control unit, a screw press, and a belt filter press, with the final product hauled for composting.	

Staff Response to City of San Luis Obispo – Comment 7k
Central Coast Water Board staff agrees that this proposed edit should be integrated to accurately reflect the solids handling train components.
Change Made: The edits have been integrated as proposed in Finding 2.1 on page F-6.

City of San Luis Obispo – Comment 7l
Clarifications and Corrections

Tentative Order Location	Identified Correction	Notes
Attachment F Fact Sheet 2.2, page F-6	Tertiary treated wastewater is discharged from Discharge Point EFF- 001 to San Luis Obispo Creek, a water of the United States, at latitude 35.244307° 35.251533° N and longitude -120.680618° 120. 676817° W.	These updated coordinates reflect the modified EFF-001 sampling location.

Staff Response to City of San Luis Obispo – Comment 7l
See response to comment 7e for a discussion of the discharge location at EFF-001 and the monitoring locations at EFF-001A and EFF-001B.
Change Made: The negative sign was removed from the longitude on page F-6.