16 July 2021

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AMENDED NOTICE OF APPLICABILITY (NOA); MUNICIPAL GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-007-0085-01, CITY OF LODI, WHITE SLOUGH WATER POLLUTION CONTROL FACILITY, SAN JOAQUIN COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) received a Notice of Intent (NOI) for the White Slough Water Pollution Control Facility (Facility) on 3 May 2018 from the City of Lodi (hereinafter Discharger) requesting enrollment under General Order R5-2017-0085-01 for Municipal Wastewater Dischargers That Meet Objectives/Criteria at the Point of Discharge to Surface Water (Municipal General Order) for the discharge of tertiary treated domestic wastewater from the Facility to Dredger Cut. On 11 March 2019, the Facility was enrolled under the Municipal General Order and assigned Municipal General Order R5-2017-0085-003 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG585001.The duration of the NOA was limited to only two years (expiration 31 March 2021) due to a chronic toxicity data issue. This issue is addressed in the amendment specified below.

AMENDMENTS

1. Central Valley Water Board staff conducted a reasonable potential analysis for chronic toxicity using the data from quarterly chronic whole effluent toxicity testing conducted between March 2019 and December 2020. Based on the chronic toxicity testing the Facility does not have reasonable potential for chronic toxicity. Therefore, the 11 March 2019 NOA R5-2017-0085-003 is amended to remove the expiration date of 31 March 2021.

2. With the removal of the expiration date discussed above, Table D-11 in section X.D.6 of the Monitoring and Reporting Program (Appendix D) of the 11 March 2019 NOA R5-2017-0085-003 is amended to update the due dates for the submittal of technical reports due on an annual basis. The annual reports that were updated include the Annual Operations Reports, Mercury Pollution Prevention Plan Annual Progress Reports, and Annual Pretreatment Reports. In addition, the Notice of Intent due date was changed. Table D-11 is replaced with the following table.

Table D-11. Technical Reports

Report #	Technical Report	Due Date	CIWQS Report Name
1	Notice of Intent	1 April 2023	ROWD
2	Analytical Methods Report	2 April 2019	MRP X.D.3
3	Annual Operations Report	30 January 2019	MRP X.D.4
4	Annual Operations Report	30 January 2020	MRP X.D.4
5	Annual Operations Report	30 January 2021	MRP X.D.4
6	Annual Operations Report	30 January 2022	MRP X.D.4
7	Annual Operations Report	30 January 2023	MRP X.D.4
8	Mercury Pollution Prevention Plan Annual Progress Report (see table note 1 below)	30 January 2020	WDR X.A.3.a
9	Mercury Pollution Prevention Plan Annual Progress Report (see table note 1 below)	30 January 2021	WDR X.A.3.a
10	Mercury Pollution Prevention Plan Annual Progress Report (see table note 1 below)	30 January 2022	WDR X.A.3.a
11	Mercury Pollution Prevention Plan Annual Progress Report (see table note 1 below)	30 January 2023	WDR X.A.3.a
12	Implement methylmercury control programs	TBD (see table note 2 below)	WDR X.A.3.a
13	Notification of Full Compliance Signed by Legally Responsible Official (LRO)	31 December 2030 (see table note 2 below)	WDR X.A.3.a
14	Annual Pretreatment Report	28 February 2019	MRP X.D.5
15	Annual Pretreatment Report	28 February 2020	MRP X.D.5
16	Annual Pretreatment Report	28 February 2021	MRP X.D.5
17	Annual Pretreatment Report	28 February 2022	MRP X.D.5
18	Annual Pretreatment Report	28 February 2023	MRP X.D.5

Table D-11 Notes:

1. Beginning **30 January 2020** and annually thereafter until the Facility achieves compliance with the final effluent limitations for methylmercury, the Discharger shall submit annual progress reports on the previously-submitted pollution prevention plan for mercury. This annual report may be combined with the Annual Operations Report and submitted as one report. The progress reports shall discuss the effectiveness of the pollution prevention plan in the reduction of mercury in the discharge, include a summary of mercury and methylmercury monitoring results, and discuss updates to the pollution prevention plan.
2. **To be determined.** Following Phase 1 the Central Valley Water Board will conduct a Phase 1 Delta Mercury Control Program Review that considers: modification of methylmercury goals, objectives, allocations, final compliance date, etc. Consequently, the start of Phase 2 and the final compliance date is uncertain at the time this Order was adopted.

3. Central Valley Water Board staff also conducted a reasonable potential analysis for cyanide, lead, and selenium using data collected between March 2019 and December 2020. Based on this data, the Facility does not have reasonable potential for cyanide, lead, and selenium. Therefore, Table D-3 located in section IV.A.1 of the Monitoring and Reporting Program (Appendix D) of the 11 March 2019 NOA R5-2017-0085-003 is amended to remove effluent monitoring requirements for cyanide, lead, and selenium. Table D-3 is replaced with the following table.

Table D-3. Effluent Monitoring

Parameter	Units	Sample Type	Sampling Frequency	Required Analytical Test Method
Flow	MGD	Meter	Continuous	--
Conventional Pollutants				
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	24-hr Composite[1]	1/Week	[2]
pH	standard units	Grab[3,4,5]	1/Week[4]	[2]
Total Suspended Solids	mg/L	24-hr Composite[1]	1/Week	[2]
Priority Pollutants				
Mercury, Total Recoverable	ng/L	Grab[3]	1/Year	[2,6,7]
Chlorpyrifos	µg/L	24-hr Composite[1]	1/Year[8]	[2,9]
Diazinon	µg/L	24-hr Composite[1]	1/Year[8]	[2,9]
Non-Conventional Pollutants				

Parameter	Units	Sample Type	Sampling Frequency	Required Analytical Test Method
Ammonia Nitrogen, Total (as N)	mg/L	Grab[3,4]	1/Week[4,8]	[2]
	lbs/day	Calculate	1/Week	--
Dissolved Oxygen	mg/L	Grab[3]	3/Week	[2]
Electrical Conductivity @ 25°C	µmhos/ cm	24-hr Composite[1]	1/Month	[2]
Hardness, Total (as $CaCO_3$)	mg/L	24-hr Composite[1]	1/Month[10]	[2]
Methylmercury	µg/L	Grab[3]	1/Year	[2,7]
Nitrate Plus Nitrite (as N)	mg/L	Grab[3]	1/Week	[2]
Temperature	°C	Meter[4,5]	1/Week	[2]
Total Coliform Organisms[11]	MPN/100 mL	Grab[3]	2/Week	[2]
Total Dissolved Solids	mg/L	24-hr Composite[1]	1/Month	[2]

4. Based on the removal of effluent monitoring requirements for cyanide, lead, and selenium section II.B.1 of the Rationale for Effluent Limitations and Monitoring Requirements (Appendix C) 11 March 2019 NOA R5-2017-0085-003 is amended to update the rationale for effluent monitoring to reflect the removal of effluent monitoring requirements for cyanide, lead, and selenium. Section II.B.1 of the Rationale for Effluent Limitations and Monitoring Requirements (Appendix C) is replaced with the following.

B. Effluent Monitoring

1. CWA section 308 and 40 C.F.R. sections 122.41(h), (j)-(l), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Central Valley Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Municipal General Order, Attachment E and the Monitoring and Reporting Program, Appendix D of this NOA, establish monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program, Appendix D of this NOA for discharges of treated municipal wastewater to Dredger Cut.

a. Effluent monitoring frequency for flow (continuous), pH (once per week), ammonia (once per week), chlorpyrifos (once per year), diazinon (once per year), electrical conductivity (once per month), hardness (once per month), nitrate plus nitrite (once per week), total dissolved solids (once per month), chronic toxicity (once per quarter), have been retained from existing Order R5-2013-0125-01 to determine compliance with effluent limitations for these parameters.

b. This NOA reduces the monitoring frequency for biochemical oxygen demand and total suspended solids from once per day to once per week, mercury and methylmercury from once per month to once per year, dissolved oxygen from once per day to 3 times per week, temperature from continuous to once per week, and total coliform organisms from once per day to 2 times per week. The Central Valley Water Board finds that the reduced frequency will provide sufficient information to monitor the performance of the Facility and evaluate compliance with the effluent limitations for these constituents.

c. Monitoring data collected over the permit term for Order R5-2013-0125-01 for endrin and total residual chlorine did not demonstrate reasonable potential to exceed water quality objectives/criteria. Therefore, specific monitoring requirements for these parameters have not been retained from Order R5-2013-0125-01.

d. Effluent monitoring requirements for priority pollutants and other constituents of concern have been retained from existing Order R5-2013-0125-01 to evaluate Facility performance.

5. As discussed above, the reasonable potential analysis conducted using data collected between March 2019 and December 2020 found that the Facility does not have reasonable potential for cyanide. Therefore, Table 3 in section VI.A.1 of the 11 March 2019 NOA R5-2017-0085-003 is amended to remove the effluent limitations for cyanide. Table 3 is replaced with the following table.

Table 3. Effluent Limitations

Parameter	Units	Effluent Limitations			Municipal General Order Section Reference
		Average Monthly	Average Weekly	Maximum Daily	
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	15	--	**V.A.1.a.ii.(a)**
Total Suspended Solids	mg/L	10	15	--	**V.A.1.a.ii.(a)**
Ammonia Nitrogen, Total (as N)	mg/L	3.1	6.4	--	**V.A.1.c.v.(b)**
	lbs/day	220	454	--	
Nitrate + Nitrite, Total (as N)	mg/L	10	15	--	**V.A.1.c.vi**

6. Based on the above finding that the Facility does not have reasonable potential for cyanide, the Summary of Reasonable Potential Analysis table in section IV of the Rationale for Effluent Limitations and Monitoring Requirements (Appendix C) 11 March 2019 NOA R5-2017-0085-003 is amended to reflect the reasonable potential analysis results for cyanide conducted using data collected between March 2019 and December 2020. The Summary of Reasonable Potential Analysis table is replaced with the following table.

I. SUMMARY OF REASONABLE POTENTIAL ANALYSIS

Constituent	Units	MEC	B	C	CMC	CCC	Water & Org	Org. Only	Basin Plan	MCL	RP
Ammonia Nitrogen, Total (as N)	mg/L	2.4	1.1	2.5	8.11[1]	2.49[2]	--	--	--	--	Yes[3]
Cyanide	µg/L	1.9	3.7	5.2	22	5.2	700	220,000	10	150	No
Mercury, Total Recoverable	µg/L	0.004	0.006	0.050	--	--	0.050	0.051	--	2	No
Methylmercury	ng/L	0.03	--	--	--	--	--	--	0.06	--	Yes[4]
Nitrate Plus Nitrite (as N)	mg/L	9.475	0.7	10	--	--	--	--	--	10	Yes[3]

7. Based on the finding of no reasonable potential for cyanide and the removal of effluent limitations as discussed above, section I.A of the Rationale for Effluent

Limitations and Monitoring Requirements (Appendix C) is amended to include information regarding the removal of effluent limitations for cyanide satisfying Federal anti-Backsliding Requirements. Section I.A of the Rationale for Effluent Limitations and Monitoring Requirements (Appendix C) is replaced with the following.

I. RATIONALE FOR EFFLUENT LIMITATIONS

A. Satisfaction of Anti-Backsliding Requirements

The Clean Water Act (CWA) specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA sections 402(o) or 303(d)(4), or, where applicable, Code of Federal Regulations (C.F.R.), 40 C.F.R. section 122.44(l).

The effluent limitations in this NOA are at least as stringent as the effluent limitations in the Facility's previous Order R5-2013-0125-01, with the exception of effluent limitations for biochemical oxygen demand, total suspended solids, ammonia and electrical conductivity. The effluent limitations for these pollutants are less stringent than those in Order R5-2013-0125-01 and the 11 March 2019 NOA R5-2017-0085-003. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

1. **CWA section 402(o)(1) and 303(d)(4).** CWA section 402(o)(1) prohibits the establishment of less stringent water quality-based effluent limits "*except in compliance with Section 303(d)(4).*" CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters.

    a. For waters where standards are not attained, CWA section 304(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDL's or WLAs will assure the attainment of such water quality standards.

    b. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy.

Dredger Cut is considered an attainment water for biochemical oxygen demand, total suspended solids, ammonia and electrical conductivity because the receiving water is not listed as impaired on the 303(d) list for these constituents (The exceptions in Section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list." State Water Board Order

WQ 2008-0006, Berry Petroleum Company, Poso Creek/McVan Facility). As discussed below, removal of the effluent limits complies with federal and state antidegradation requirements. Thus, removal of the effluent limitations for electrical conductivity and cyanide and the relaxation of the effluent limitations for biochemical oxygen demand, total suspended solids, and ammonia from Order R5-2013-0125-01 meets the exception in CWA section 303(d)(4)(B).

2. **CWA section 402(o)(2).** CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

   Updated information indicates that less stringent effluent limitations for ammonia, cyanide, and electrical conductivity, based on available data, satisfy requirements in CWA section 402(o)(2). The updated information that supports the removal of effluent limitations for electrical conductivity and the relaxation of effluent limitations for ammonia.

   a. **Ammonia.** The less stringent effluent limitations for ammonia are based on the updated pH and temperature monitored during 1 November 2014 and 9 May 2017 in the effluent and downstream receiving water. The new pH and temperature data submitted by the Discharger is considered new information by the Central Valley Water Board.

   b. **Electrical Conductivity.** Monitoring data collected over the permit term for Order R5-2013-0125-01 indicates that electrical conductivity in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of its water quality objectives/criteria.

   c. **Cyanide.** Monitoring data collected between March 2019 and December 2020 for the 11 March 2019 NOA R5-2017-0085-003 indicates that cyanide in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of its water quality objectives/criteria.

   Thus, removal of the effluent limitations for electrical conductivity and cyanide and relaxation of effluent limitations for ammonia from this NOA is in accordance with CWA section 402(o)(2)(B)(i), which allows for the removal or relaxation of effluent limitations based on information that was not available at the time previous Order R5-2013-0125-01 and the 11 March 2019 NOA R5-2017-0085-003 were issued.

8. Reporting Requirement X.B.6.c of the Monitoring and Reporting Program (Appendix D) of the 11 March 2019 NOA R5-2017-0085-003 requires the Discharger's Self-Monitoring Reports (SMR's) to include all laboratory reports generated during the monitoring period. The Discharger completes some water quality analyses in the Facility's in-house lab, and the language in Reporting Requirement X.B.6.c could be interpreted as requiring the Discharger's in-house bench sheets to be submitted with the SMR's. To make Reporting Requirement X.B.6.c clearer and potentially lower the Discharger's reporting burden, the 11 March 2019 NOA R5-2017-0085-003 is amended to clarify that in-house bench sheets are not required to be submitted with the Discharger's SMR's. Reporting Requirement X.B.6.c of the Monitoring and Reporting Program (Appendix D) is replaced with the following.

    c. The Discharger shall attach final laboratory reports for all contracted, commercial laboratories, including quality assurance/quality control information, with all its SMRs for which sample analyses were performed. Bench sheets are not required but should be available upon request by Central Valley Water Board staff.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA amendment, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the Petitions Home Page (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

Original Digitally Signed by Adam Laputz
on DATE: 2021.07.15 14:53:17 -07'00'
Patrick Pulupa, Executive Officer

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