



## California Sportfishing Protection Alliance

*"An Advocate for Fisheries, Habitat and Water Quality"*

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22 October 2006

Mr. Robert Schneider, Chairman  
Ms. Pamela Creedon, Executive Officer  
Mr. James C. Pedri, Assistant Executive Officer  
Ms. Mary L. Randall, Sr. WRC Engineer  
Ms. Jacqueline Matthews, Env. Scientist  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission  
Hardcopy if Requested

RE: Waste Discharge Requirements for City of Gridley Wastewater Treatment Plant,  
Butte County

Dear Messrs Schneider, Pedri, and Mesdames Creedon, Randall and Matthews:

The California Sportfishing Protection Alliance, Watershed Enforcers and San Joaquin Audubon (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) tentative waste discharge requirements (Order or Permit) for the City of Gridley Wastewater Treatment Plant, Butte County (Discharger) and submits the following comments.

Despite the fact that the public comment period closes on 22 October 2006, the proposed Permit is identified on the agenda as an uncontested item. CSPA requests the Permit be removed from the Uncontested Items Calendar and seeks status as a designated party for this proceeding. CSPA is a 501(c)(3) public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic ecosystems and associated riparian habitats. CSPA has actively promoted the protection of water quality and fisheries throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore California's degraded surface and ground waters and associated fisheries. CSPA members reside, boat, fish and recreate in and along waterways throughout the Central Valley, including Butte County.

### **1. The Regional Board must comply with CEQA**

The Regional Board cannot legally adopt WDRs prior to the completion of necessary CEQA documentation. Finding No. 31 states, "On XXXX , a Notice of

Determination was filed for the expansion project in accordance with the California Environmental Quality Act.” While the absent of date demonstrating CEQA compliance, other than “XXXX”, may be the result of typographical error, the tentative Order should not have been circulated for public comment until CEQA compliance was assured. What is even more disturbing, is that Regional Board staff apparently believes that a major expansion project for a WWTP that lacks disinfection, has three feet or less of soil separation from underlying groundwater, a percolation rate of  $1.4 \times 10^{-2}$  cm/sec and, at least seasonally, may be hydraulically connected to the Feather River does not have the potential for significant environmental impacts and would allow the project to proceed with only a Notice of Determination.

Regional Board staff not only failed to provide meaningful comments within the CEQA process but, apparently, has also given the green light for the Discharger to proceed with the WWTP expansion project. The Information sheet, page 1, states, in part, “The Discharger will tentatively begin construction of the expansion in September 2006 and plans to complete construction in June 2007.” This suggests that Regional Board staff has allowed the Discharger to commence the expansion project and now expects the Regional Board to approve the project after the fact. In any case, the public has not been afforded the opportunity to submit comments regarding the facility prior to construction.

**2. The Order is premature because the hydraulic capacity of the WWTP has not been properly evaluated.**

It is well known that the discharge of septage to WWTP, particularly minor facilities such as Gridley WWTP, may cause upset conditions, pass-through and pollution of the underlying groundwater. In fact, effluent concentration levels of ammonia currently exceed water quality objectives. Provision No. 9, f states, “**Within 1 year of the adoption of this Order**, the Discharger shall submit an analysis of the septage receiving capacity of the City of Gridley ponds. The analysis shall report on the amount of septage that is received each year and the capacity of the treatment and percolation ponds to accept septage while complying with the requirements of this Order. A flow meter should be installed at the pump station to determine the amount of septage discharged per month. If septage in excess of the pond’s capacity is being accepted, the Discharger shall submit a plan, with a time schedule, to decrease its septage receiving to within the system’s capacity. The Discharger shall also provide a plan to assure that no more than the amount of septage that the ponds are capable of accepting is received.”

It is apparent from this provision that the hydraulic capacity of the WWTP and the significant pollutant loading from septage waste has not been properly evaluated. The Order is silent on whether the Discharger’s RWD contains a water balance for the current facility capacity. In the absence of this information, there can be no justification for the WWTP’s expansion project to 1.7 MGD. In any case, it is obvious that information regarding the septage loading for the WWTP was never provided. Consequently, the RWD is inadequate. Even more disturbing, is the fact that the Discharger is not required to comply with the proposed Order’s flow limitation. The Discharger is only required to

submit a “plan” for reducing the septage that will bring the facility into compliance sometime in the future. Failure to require the Discharger to submit a complete water balance for the WWTP expansion project and to properly evaluate septage waste loading to the WWTP prior to Permit issuance while allowing continued discharge of septage is inexcusable gross negligence.

### **3. An NPDES Permit is required**

The Order fails to require the Discharge to demonstrate that the facility is not seasonally hydraulically connected to the Feather River. The information provided in the Order indicates that WWTP is hydraulically connected to the Feather River. Consequently, the Discharger is required to obtain an NPDES permit. Finding No. 6 states, “Past data shows a correlation between the water surface elevation of the Feather River and groundwater depth; although, a slow response time is expected for groundwater elevation changes.” The Information Sheet, page 4, states “In October 1997, a piezometer was installed near percolation Pond No. 6. To date, the Discharger has not reported any water present in the piezometer. On 2 March 2006, Central Valley Water Board staff inspected the WWTP and measured approximately 3 feet of water in the piezometer. The total depth of the piezometer was measured by hand to be approximately 11 feet 2 inches deep. At the time of the inspection, the Feather River was extremely high due to large amounts of rainfall in the days preceding the inspection. It is likely that the Feather River water surface elevation influences the surrounding groundwater table.”

The Discharger has collected effluent and ambient samples that indicate that the percolation ponds are, at least seasonally hydraulically connected to the river. The Information Sheet states, “The effluent and Feather River samples were analyzed for total nitrogen, specific conductance, BOD, carbonaceous BOD, total Kjeldahl nitrogen, nitrate and nitrite, total coliform, and fecal coliform. The results showed minimal increases in coliform levels downstream of the treatment plant.” The proposed Order must be revised to require the Discharge to obtain an NPDES permit.

### **4. The facility must have adequate flood protection**

The Order fails to discuss if the proposed wastewater treatment, storage and emergency storage pond facilities are situated outside the 100-year flood zone or if adequate flood protection has been provide to the WWTP. According to Attachment A the facility is within the 100-year flood plain.

### **5. Order fails to comply with BPTC**

The WWTP relies on antiquated technology that simply does not meet BPTC and therefore, the Order does not comply with State Resolution No. 68-16. It cannot be argued that a WWTP that lacks disinfection and has three feet or less of soil separation from underlying groundwater, a percolation rate of  $1.4 \times 10^{-2}$  cm/sec meets BTPC. In addition, effluent data presented in the information sheet demonstrates that the discharge

exceeds water quality objectives for ammonia. Based on the reported percolation rates, the discharge will reach the underlying groundwater in less than a day. The WWTP lacks nitrification and denitrification required to prevent degradation and pollution from nitrogen compounds. The average effluent BOD concentration is approximately 50 mg/L and is insufficient to meet secondary treatment standards for domestic facilities. The Order must be revised to require the Discharge to upgrade the facility to meet BPTC.

**6. The Order fails to contain a legally defensible antidegradation analysis**

There is no antidegradation analysis in the proposed Order. Conclusory, unsupported and undocumented statements cannot serve in lieu of a legally required antidegradation analysis.

Resolution 68-16 is applied on a case-by-case, constituent-by-constituent basis in determining whether a certain degree of degradation can be justified. It is incumbent upon the Discharger to provide technical information for the Regional Board to evaluate that fully characterizes:

- All waste constituents to be discharged;
- The background quality of the uppermost layer of the uppermost aquifer;
- The background quality of other waters that may be affected;
- The underlying hydrogeologic conditions;
- Waste treatment and control measures;
- How treatment and control measures are justified as best practicable treatment and control;
- The extent the discharge will impact the quality of each aquifer; and
- The expected degree of degradation below water quality objectives.

The Order essentially ignores these requirements. In fact the Information Sheet admits, “Groundwater elevation and potential mounding under the wastewater ponds are somewhat unknown.” Finding No.27 states, “The Discharger does not currently monitor groundwater quality beneath the emergency storage ponds and WWTP. Therefore, it is unknown if the discharge of waste is in compliance with Resolution 68-16.” In other words, staff doesn’t know what background water quality is, the appropriate effluent limits or whether BPTC is being applied. This is a blatant violation of the state’s antidegradation policy and State Board Resolution 68-16.

State Board guidance for complying with antidegradation requirements is set forth in the Administrative Procedures Update 90-004 (APU 90-004). For example, the Fact Sheet must summarize:

- a. The water quality parameters and beneficial uses that will be affected by the project and the extent of the impact.
- b. The scientific rationale for determining that the proposed action will or will not lower water quality.
- c. A description of the alternative measures that were considered. There is no alternatives analysis.

- d. A description of the socioeconomic evaluation. This must include a comprehensive financial impact analysis evaluating the economic and social costs (tangible and intangible) compared to benefits. Among other requirements it must compare the baseline socioeconomic profile of the community with and without the project vis-à-vis the long and short-term socioeconomic impacts of maintaining existing water quality. And more.
- e. And finally, it must discuss the rationale for determining that the proposed action is or is not justified by socioeconomic considerations.

Conclusory statements that degradation of waters belonging to the people of the state is allowable because it provides some unknown benefit to a private party when that party has failed to conduct the required studies (i.e., alternatives and socioeconomic analyses), documentation and determination of BPTC and the Board has failed to comply with the procedural requirements set forth in APU 90-004 cannot meet any credible legal test of compliance with the state's antidegradation policy. The proposed Order authorizes the expansion of the WWTP, which will all most double the facility discharge and subsequently will significantly increase the mass loading of pollutants discharged to groundwater and possibly the Feather River.

In conclusion: the Order addresses a new discharge and it is simply unreasonable for the Regional Board to issue WDRs and essentially reward a new discharger for failing to submit an adequate Report of Waste Discharge that fully characterizes groundwater quality and provides sufficient information to determine whether the treatment and disposal processes meet BPTC. Nor is it acceptable to ignore the specific procedural requirements of the state's antidegradation policy. Applying interim limitations to a new discharge because the Discharger failed to comply with explicit regulatory requirements is an abandonment of responsibility to protect the waters of the state. And finally, land application to soils that are routinely dewatered to surface water represents an illegal bypass and must be regulated by an NPDES permit.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,



Bill Jennings, Executive Director  
California Sportfishing Protection Alliance