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Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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October 19, 2006

Ms. Pamela Creedon, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, California 95670
Via e-mail: gdcash@waterboards.ca.gov.

Subject: Comments on Tentative Order for City of Biggs Wastewater Treatment Plant

Dear Ms. Creedon:

The Central Valley Clean Water Association (CVCWA) has reviewed the Tentative Order (TO) for the City of Biggs Wastewater Treatment Plant. Based on our review, there are a number of provisions contained in this permit that are of concern to our membership. Because of these concerns and their potential impact on other permittees within the Central Valley, CVCWA provides the following comments for consideration by the Regional Water Quality Control Board (Regional Board).

! • **Lateral K is an Agricultural Drain and therefore the tributary footnote does not apply**

The TO identifies Lateral K as an agricultural drain but uses the tributary rule to apply beneficial uses from Butte Creek to Lateral K. Lateral K is not directly connected to Butte Creek. Lateral K drains into Hamilton Slough, which is Reclamation Drainage 833. Hamilton Slough then drains into Butte Creek, which is directly identified in the Basin Plan. The tributary footnote contained in the TO does not directly apply to constructed agricultural drains. In addition, the designation of municipal and domestic use through Resolution 88-63 to an agricultural drain is not appropriate. The Sources of Drinking Water Policy contains an exception for waters "in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards." (State Board Resolution No. 88-63, 2.b.) Both Lateral K and Hamilton Slough appear to fit into the exception created by State Board Resolution No. 88-63. Thus, the uses applied to Lateral K through the tributary rule and Resolution 88-63 must be eliminated from the TO.

2 • **Discharge Prohibitions E, F & G are vague, defeat the purpose of the permit and are contradictory**

CVCWA is extremely concerned with the language used for discharge prohibitions E, F & G. As drafted, the permit prohibits the discharge of any waste that may cause a violation of any narrative or numeric water quality objective, regardless of the permit provisions that allow for compliance schedules and other provisions that address the potential impact of the wastewater on the receiving water stream. Prohibition G then states that if the objective is already violated then further degradation is prohibited. Again, this provision does not take into account or consideration compliance schedules and permit provisions that are designed to protect receiving waters while permitting the discharge of wastewater to the receiving water. In most permits, the receiving waters are protected through the inclusion of receiving water limits, which are contained in this TO - not discharge prohibitions. Thus, CVCWA encourages the Regional Board to remove discharge prohibitions E, F and G.

3 • **Effluent Limit for Peak Wet Weather Flow**

CVCWA does not support the inclusion of an effluent limit for peak wet weather flow. Receiving waters are protected by the constituent effluent limits contained in the permit that apply during all types of weather events. Therefore, peak wet weather limits are not necessary to protect the beneficial uses of the receiving water. Furthermore, the Regional Board does not typically adopt permits with effluent limits for peak wet weather flows and therefore this permit is inconsistent with other permits adopted by the Board.

4 • **Final Effluent Limit for EC**

CVCWA supports the performance based interim effluent limit for electrical conductivity in the TO. However, CVCWA does not support the inclusion of a final effluent limit for electrical conductivity until the City of Biggs has completed its Electrical Conductivity Study, as is required in the TO. The TO appropriately contains a study provision that allows the City to conduct a study that recommends the appropriate site-specific numeric values for EC that protect Lateral K's agricultural uses. Including a final limit of 700 umhos/cm for EC prior to the completion of that study is inappropriate and may create anti-backsliding concerns if the City's study shows that the appropriate EC level is higher than 700 umhos/cm. Thus, CVCWA recommends that the final limit be removed from the TO.

5 • **Final Effluent Limit for TDS**

CVCWA is opposed to the inclusion of TDS limits in addition to EC limits. The inclusion of both types of salinity limits is duplicative as both are designed to protect the agricultural beneficial use. Furthermore, the TO contains an interim limit for EC but does not contain an interim limit for TDS. Consequently, the Electrical Conductivity Study required in the TO is rendered useless because the City will need to meet the most restrictive TDS limit immediately regardless of the results of the Electrical Conductivity Study.

CVCWA is also concerned with the inclusion of a Daily Maximum limit for TDS. Salinity limits for TDS and EC are more appropriate as yearly averages. The Sacramento River limit is currently based on an annual average. Detrimental impacts to crops from salinity are usually seen over the course of the growing season and therefore it is the average of the irrigation water that matters, not the maximum level

that a crop may see on any given day. Thus, it is inappropriate to include a Daily Maximum limit for TDS in the TO. CVCWA recommends that the Regional Board remove the final effluent limits for TDS completely from the TO. At the very least, the Regional Board must remove both of the final effluent limits and include an interim limit that is consistent with the interim EC limit.

6 • **Time frame for Completion of EC Study**

CVCWA is concerned with the very short time frame that the Regional Board proposes for the City to conduct the Electrical Conductivity Study. CVCWA is familiar with the type of study that must be conducted to meet the requirements associated with this type of a study and contends that six months is not enough time to prepare a completed report for this study. CVCWA recommends that there be at least 1.5 years between submission of the work plan and a requirement to submit the completed study based on the work plan.

7 • **Collection System Requirements**

CVCWA is opposed to the Collection System Requirements contained in the TO that require the City to adopt interagency agreements with its satellite collection systems and should be deleted from the TO. All publicly owned collection systems are required to enroll for coverage under the General Waste Discharge Requirements for Sanitary Sewer Systems (Order WQO 2006-003.) Each agency will be required to develop a sewer system management plan that addresses all of the elements identified for the interagency agreements, as well as to report sanitary sewer overflows (SSOs) on the standardized online SSO database. The TO requirements would inappropriately shift the responsibility for these activities from the owners and operators of the collection systems to the City. Moreover, the requirements are at best duplicative and at worst in conflict with the requirements of Order WQO 2006-03.

8 • **Compliance Determination Section**

The State Resources Control Board has recently removed the Compliance Determination section from the permit template because it is not appropriate to include in permits but is in actuality related to enforcement decisions. This TO includes that Compliance Determination section. CVCWA recommends that it be deleted from the TO.

9 • **Use of Lowest Ambient Hardness to Calculate CTR Metals Criteria**

CVCWA has continually expressed its concern with regards to the Regional Board's practice of using the lowest ambient hardness to calculate hardness dependent CTR metals criteria. While we understand the Regional Board's interpretation of the State's Implementation Policy to mean that a receiving water hardness measurement must be used to calculate such criteria, we disagree with the Regional Board's practice and policy of using the lowest ambient hardness. The San Francisco Regional Board uses an adjustable geometric mean where 30% of the hardness values are below the value the Board uses to calculate CTR metals criteria. The Los Angeles Regional Board uses the average of the upstream receiving water hardness. Thus, other Regions do not agree with the language contained in many Central Valley permits, including the City of Biggs TO, that states, "[e]ffluent limits must be set using the worst-case condition (e.g. lowest ambient hardness) in order to protect beneficial uses for all discharge conditions."

CVCWA encourages the Regional Board to reconsider its current practice of using the worst case ambient hardness values to calculate CTR hardness based criteria. Such a practice is over-conservative and does not actually reflect the characteristics of the receiving water that organisms see downstream of an outfall that discharges treated effluent to a receiving water.

10 • **Use of A *Compilation of Water Quality Goals* to select Water Quality Goals**

CVCWA is very much opposed to the use of the *A Compilation of Water Quality Goals* as a basis for selecting numerical water quality goals to interpret narrative water quality objectives from the Basin Plan. The use of the *Compilation of Water Quality Goals* to interpret narrative water quality objectives is illegal as it is a technical report and not a policy or regulation adopted by the Regional Board. The Board's adopted policy for interpreting water quality objectives is contained in the Basin Plan in the implementation chapter. The adopted *Policy for Application of Water Quality Objectives* requires the Regional Board to evaluate compliance with narrative objectives on a case-by-case basis using direct evidence of beneficial use impacts and material and relevant information submitted by the discharger and other interested parties, and relevant numerical criteria and guidelines developed and/or published by other agencies and organizations (Basin Plan, 1998, IV-17.00.) In considering what appropriate relevant numerical criteria are, the *Policy* requires the Board to evaluate whether the numeric criteria are relevant and appropriate to the situation at hand and, therefore appropriate to use in determining compliance with narrative objectives (Basin Plan, 1998, IV-17.00.) The *Compilation* document, on the other hand, states that the most limiting (i.e. most stringent) of water quality limits is selected (*Compilation of Water Quality Goals*, August 2003 edition, Page 7.) The statement in the *Compilation* document is inconsistent with the Regional Board's adopted *Policy* and thus creates an underground regulation if used by Regional Board staff to interpret narrative water quality objectives. Thus, CVCWA recommends that the Regional Board re-evaluate its use of the *Compilation of Water Quality Goals* as described on page F-26 of the TO.

We appreciate the opportunity to comment on the TO for the City of Biggs Wastewater Treatment Plant. If you have any questions, please do not hesitate to contact me at (530) 886-4911.

Sincerely,



Warren Tellefson
Executive Officer

cc: David Swartz, City Engineer for City of Biggs

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