



## California Sportfishing Protection Alliance

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

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2 April 2007

Ms. Pamela Creedon, Executive Officer  
Mr. Kenneth Landau, Assistant Executive Officer  
Mr. Dave Carlson, Env. Program Manager, NPDES  
Ms. Diana Messina, Sr. WRC Engineer  
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: Revised Waste Discharge Requirements (NPDES Permit No. CA0079367) and Cease and Desist Order for Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 3, Placer County

Dear Messrs. Landau, Carlson and Mesdames Creedon and Messina:

The California Sportfishing Protection Alliance and Watershed Enforcers (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) revised tentative Waste Discharge Requirements (NPDES Permit No. CA0079367 and Cease and Desist Order (Order or Permit) for Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 3, Placer County (Discharger) and submits the following comments.

CSPA has previously requested status as a designated party for this proceeding and incorporates by reference our 22 December 2006 comments on the proposed order. CSPA's comments on the revised order is as follows:

- 1. The modification to seasonal Effluent Limitations for ammonia allows for a greater mass of ammonia to be discharged and there is no corresponding Antibacksliding or Antidegradation analysis in accordance with Federal Regulations or the Antidegradation Policy.**

The proposed modification relaxes the ammonia Effluent Limitation as compared to existing Waste Discharge Requirements, Order 5-00-118, and will result in a higher concentration and mass of ammonia being discharged during the 1 November through 30 April "season". The proposed Permit does not discuss the increased mass of ammonia allowed with regard to Antibacksliding or Antidegradation. The Federal Regulations covering antidegradation [40CFR 131.12] must be addressed whenever it is proposed to relax a standard for surface water. The Federal Regulations covering Antibacksliding [40 CFR 122.44 (l)] must be addressed whenever it is proposed to relax an Effluent

Limitation that was included in an existing NPDES permit. The proposal to relax the Effluent Limitation for ammonia is in violation of the Federal Regulations for Antidegradation and Antidegradation. Either the permit must be amended to address Antidegradation and Antidegradation or the proposed Effluent Limitation for ammonia modified to be consistent with the existing NPDES permit.

- 2. The modification of Effluent Limitations for turbidity based on seasonal dilution ratios allows for a greater mass of turbidity-causing constituents to be discharged and there is no corresponding Antidegradation or Antidegradation analysis in accordance with Federal Regulations or the Antidegradation Policy.**

The proposed modification relaxes the turbidity Effluent Limitation as compared to existing Waste Discharge Requirements, Order 5-00-118, and will result in a higher concentration and mass of turbidity being discharged when the receiving water provides dilution of greater than 20-to-1. The proposed Permit does not discuss the increased turbidity allowed with regard to Antidegradation or Antidegradation. The Federal Regulations covering antidegradation [40CFR 131.12] must be addressed whenever it is proposed to relax a standard for surface water. The Federal Regulations covering Antidegradation [40 CFR 122.44 (1)] must be addressed whenever it is proposed to relax an Effluent Limitation that was included in an existing NPDES permit. The proposal to relax the Effluent Limitation for turbidity is in violation of the Federal Regulations for Antidegradation and Antidegradation. Either the permit must be amended to address Antidegradation and Antidegradation or the proposed Effluent Limitation for turbidity modified to be consistent with the existing NPDES permit.

- 3. The modification of *Other Special Provisions No. 5a.* by adding the phrase “When required by this Order...” removed the only requirement for tertiary treatment and the proposed Permit is therefore no longer protective of the beneficial uses of the receiving stream and does not correspond with the Findings and Fact Sheet with regard to the need for tertiary treatment.**

While the proposed Permit discusses, in Findings and the Fact Sheet, the need for tertiary treatment to protect the beneficial uses of the receiving stream, specifically contact recreation and irrigated agriculture: the only requirement to provide tertiary treatment was contained in *Other Special Provisions No. 5a.* The modification of *Other Special Provisions No. 5a.* by adding the phrase “When required by this Order...” removed the only requirement for tertiary treatment and the proposed Permit is therefore no longer protective of the beneficial uses of the receiving stream and does not correspond with the Findings and Fact Sheet with regard to the need for tertiary treatment. The proposed Permit must be modified to include a “requirement” to provide tertiary treatment, or equivalent, as is detailed as necessary throughout the proposed Permit and Fact Sheet.

- 4. The modification of Effluent Limitations to provide tertiary treatment based on instream dilution ratios allows for a greater mass of all pollutants**

**including pathogens to be discharged and there is no corresponding Antibalancing or Antidegradation analysis in accordance with Federal Regulations or the Antidegradation Policy.**

The proposed modification remove the tertiary treatment requirements as compared to existing Waste Discharge Requirements, Order 5-00-118, and will result in a higher concentration and mass of all pollutants being discharged when the receiving water provides dilution of greater than 20-to-1. The proposed Permit does not discuss the increased pollutants allowed with regard to Antibalancing or Antidegradation. The Federal Regulations covering antidegradation [40CFR 131.12] must be addressed whenever it is proposed to relax a standard for surface water. The Federal Regulations covering Antibalancing [40 CFR 122.44 (l)] must be addressed whenever it is proposed to relax an Effluent Limitation that was included in an existing NPDES permit. The proposal to remove the Effluent Limitations to provide tertiary treatment is in violation of the Federal Regulations for Antibalancing and Antidegradation. Either the permit must be amended to address Antibalancing and Antidegradation or the proposed Effluent Limitations and treatment requirements for tertiary treatment modified to be consistent with the existing NPDES permit.

If tertiary treatment is best practicable treatment and control (BPTC) of the discharge, the proposed allowance to turn off the tertiary portion of the system would appear to provide a level of treatment below BPTC. This would also appear to be in violation of the antidegradation policy.

**5. The proposal to eliminate tertiary treatment when an in-stream dilution of 20-to-1 is available results in bypass of the tertiary filters. Federal regulations [40 CFR 122.41(m)] prohibit bypass of any treatment process.**

The proposal to eliminate tertiary treatment when an in-stream dilution of 20-to-1 is available results in bypass of the tertiary filters. Federal regulations [40 CFR 122.41(m)] prohibit bypass of any treatment process. Bypass is defined in the federal regulations as the intentional diversion of waste streams from any portion of a treatment facility. The permit must be modified to require utilization of the filters to the maximum extent practicable.

**6. Compliance Determination Section H states that mass limitations will be determined during average dry weather periods only when groundwater is at or near normal and runoff is not occurring.**

This statement is technically incorrect since groundwater elevations can be “normally” high during wet weather periods. This statement is also technically incorrect since a Discharger can intentionally cause runoff to occur during any period of the year. Irrigation runoff is also known to occur principally during the summer months, which would apparently nullify the mass limitations during this “runoff” period.

This Section appears to result in mass limitations for all constituents being removed during wet weather periods. This effectively removes the mass limitations for BOD and TSS that were limited in the existing NPDES permit, Order 5-00-118. Removal of the mass limits for BOD and TSS during wet weather is backsliding. The Federal Regulations covering Antibacksliding [40 CFR 122.44 (I)] must be addressed whenever it is proposed to relax an Effluent Limitation that was included in an existing NPDES permit.

Federal Regulations, 40 CFR 122.45 (B)(1), states the following: "In the case of POTWs, permit effluent limitations, standards, or prohibitions shall be calculated based on design flow." On June 26<sup>th</sup> 2006 U.S. EPA, Mr. Douglas Eberhardt, Chief of the CWA Standards and Permits Office, sent a letter to Dave Carlson at the Central Valley Regional Water Quality Control Board strongly recommending that NPDES permit effluent limitations be expressed in terms of mass as well as concentration.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is fluid and cursive, with the first name "Bill" and last name "Jennings" clearly distinguishable.

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance