



**COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809

www.placer.ca.gov

**JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
ALBERT RICHIE, DEPUTY DIRECTOR
WILL DICKINSON, DEPUTY DIRECTOR**

December 21, 2006

Diana Messina
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

**SUBJECT: TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR THE
PLACER COUNTY DEPARTMENT OF FACILITY SERVICES—SEWER
MAINTENANCE DISTRICT NO. 3**

Dear Ms. Messina:

The Placer County Department of Facility Services is pleased to transmit its comments regarding the tentative waste discharge requirements (WDR) for Sewer Maintenance District No. 3 (Attached). Our review has identified a number of key issues, many of which we believe should be discussed with Regional Water Board staff prior to a hearing on the proposed permit by the Regional Water Board. Given the significance of the issues, the County requests that the SMD3 permit be pulled from the January 2007 Board meeting and rescheduled for a future Regional Water Board meeting later in 2007 to allow the County and Regional Water Board staff to meet and discuss possible alternatives to a number of provisions in the tentative WDR. Our key issues are identified and briefly discussed below.

Regionalization: In conjunction with other agencies, Placer County is attempting to regionalize wastewater treatment by closing small treatment facilities and conveying wastewater to state-of-the-art regional treatment facilities operated by the Cities of Roseville and Lincoln. Wastewater treatment facilities targeted for closure include the SMD 3 plant. A consultant has been hired to prepare a feasibility and pre-design report for abandonment of Plant 3 and conveyance of flows to Roseville, and to compare the cost of this approach with the cost of upgrading Plant 3 to meet new requirements. The final results from this study are expected by mid-January 2007, and will be used by Placer County staff to develop a recommendation for either regionalization or treatment plant upgrades. Whether or not SMD3 will remain on line in the future is a key consideration in the establishment of WDR conditions and compliance schedules.

11476 C Avenue Auburn CA 95603
Entrance at 2855 2nd Street

Administration – Building Maintenance – Capital Improvements – Museums – Parks
Property Management – Environmental Engineering – Utilities

Turbidity: The tentative WDR includes new, more stringent requirements for turbidity with which the County cannot comply. Imposition of the turbidity limitations will result in violations and mandatory minimum penalties. No compliance schedule has been provided in the tentative permit, and the requisite Water Code section 13241 analysis has not been performed by the Regional Water Board. The County requests a compliance schedule be added to the permit for turbidity.

Compliance Schedules: The tentative WDR requires full compliance with the effluent limitations for copper, aluminum, six organochlorine pesticides, dibromochloromethane, and dichlorobromomethane by May 18, 2010. The County seeks longer compliance schedules for all of these constituents, as well as a compliance schedule for turbidity. The County requests the opportunity to further discuss the compliance schedules, and the technical justification for these schedules, with Regional Water Board staff. We understand that the availability of time schedules for these requirements depends upon a demonstration of the infeasibility of compliance, and the County intends to provide the necessary justification to the Regional Water Board, and seeks to do so prior to the tentative permit being considered by the Board for adoption.

Mass Limits: The interim and final mass effluent limits are based on the average dry weather flow (ADWF). The extrapolation of mass limits from ADWF is not appropriate for wet weather or other days that have greater than average dry weather flows received at the treatment plants. The County requests that mass limits for SMD3 be handled as they were in the recently issued permit for the Linda County Water District.

Nitrate: The tentative WDR includes new mass limitations for nitrate. The Regional Water Board staff has recognized that immediate compliance with the effluent concentration limitations, and thus the new mass limitations, for nitrate is not feasible, and has proposed to address nitrate in a Cease and Desist Order accompanying the permit. In order to ensure that the County is not subject to mandatory minimum penalties during the compliance period, interim effluent limits should be imposed, along with the appropriate language in the CDO to recognize the applicability of this exception. (See Water Code section 13385(j)(3)(C)(i).)

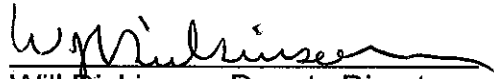
Ammonia: The County requests that the ammonia effluent limit be revised to a floating limit, consistent with the U.S. EPA's 1999 update of ambient water quality criteria for ammonia and the Regional Water Board's direction on the tentative WDR for the City of Atwater (Regional Water Board meeting of December 7, 2006.)

Copper: Use of an R1 (upstream) hardness for deriving an end-of-pipe limitation, assuming no receiving water dilution, is inappropriate. Either effluent hardness or receiving water hardness at the R2 (downstream) station should be used.

Tentative Waste Discharge Requirements for SMD 3
Ms. Diana Messina
December 21, 2006
Page 3 of 3

The County requests the opportunity to meet with Regional Water Board staff in mid-January to discuss the key issues, and recommends that Board consideration of adopting the tentative WDRs be postponed to a future Regional Water Board meeting. Thank you for your consideration of this request.

Sincerely,



Will Dickinson, Deputy Director

Attachment: Comment Letter

Cc: (email transmittal only)
Jim Durfee, Placer County
David Atkinson, Placer County
Dave Carlson, Regional Water Board
Michael Bryan, RBI
Roberta Larson, SSD

COMMENTS
ON
TENTATIVE WASTE DISCHARGE REQUIREMENTS
FOR
NPDES NO. CA0079367
PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
WASTEWATER TREATMENT PLANT
PLACER COUNTY

December 21, 2006

I. GENERAL COMMENTS

1. Proposed Compliance Schedules for Copper, Aluminum, Organochlorine Pesticides, Dibromochloromethane, and Dichlorobromomethane are Not Adequate to Allow the WWTP to Achieve Full Compliance.

The Tentative Permit requires full compliance with the effluent limitations for copper, aluminum, six organochlorine pesticides, dibromochloromethane, and dichlorobromomethane by May 18, 2010. The County seeks longer compliance schedules for all of these constituents. The County will prepare an infeasibility report to justify all compliance schedules needed, but cannot provide this report until about mid January 2007. For this reason, as well as the need to discuss other key issues identified below, the County requests that consideration of adoption of the tentative WDRs by the Regional Water Board be pulled from the January 2007 Board meeting and rescheduled for a future Regional Water Board meeting in 2007.

The Regional Water Board has authority to provide compliance schedules for certain constituents under the California Toxics Rule (CTR) and the Basin Plan. The State Water Board has concluded that in-permit compliance schedules for CTR constituents may not extend beyond May 18, 2010. Nevertheless, compliance schedules providing protection against Mandatory Minimum Penalties (MMPs) for up to 5 years are allowed for new limitations and thus compliance schedules in separate Time Schedule Orders or Cease and Desist Orders can be adopted along with the permit, with these Orders facilitating the latter part of the schedule – from May 18, 2010 until the schedule’s full-compliance date. Moreover, as the Regional Board itself has acknowledged, compliance schedules for effluent limitations derived from Basin Plan objectives are not limited by the CTR sunset date (See, e.g., Written Response to Comments, City of Tracy Permit, July 28, 2006 at p. 31.).

Aluminum is not a CTR constituent. Rather, the proposed effluent limitations for aluminum are based upon a new interpretation of a narrative Basin Plan water quality objective. Immediate compliance with these effluent limitations is not feasible. The County requests that a full five-year compliance schedule be granted in the permit for aluminum effluent limitations. Similarly, the basis for the OC pesticide limits is the Basin Plan “non-detect,” objective not the CTR. The SMD-3 service area is almost exclusively residential, and there are very limited programs available to the County for compliance with the pesticide effluent limitations. Implementing pollution prevention and public education programs to reduce discharges of pesticides to the system will take years to implement and the success of such programs is not guaranteed. The County requests a full five-year compliance schedule for the OC pesticide limitations.

The County recognizes that with regard to the THM limitations, the in-permit compliance schedule can only extend until May 18, 2010. Compliance with the THM requirements will require either a standards revision or construction of alternative disinfection. Thus, the County requests that an additional 2 years be provided in a Time Schedule Order with protection from MMPs during this timeframe. The County requests the opportunity to further discuss the compliance schedules, and the technical justification for these schedules, with Regional Water Board staff prior to the permit being considered for adoption.

2. Dilution Credit for Human Health Constituents. Available receiving water flow data indicate that some dilution may always be available in the receiving water. The County requests the opportunity to discuss the ability to grant dilution credit for certain human health constituents prior to the permit being considered for adoption.

3. Wet Weather Mass Limits should be based on Wet Weather Flows.

The interim and final mass effluent limits are based on the 0.3 mgd design average dry weather flow (ADWF). The extrapolation of mass limits from ADWF is not appropriate for wet weather or other days that have greater than average dry weather flows received at the treatment plants. Even during dry weather, by definition, nearly one half of the daily flow totals are above the average, and in wet weather, flows can be substantially above ADWF. This restriction results in a variable effluent concentration limit dependent on each individual day's total flow, and for the majority of days, will result in concentration limits much stricter than those provided in the permit. It is not appropriate to apply such a variable effluent limit to flows that do not see a direct corresponding variability on influent pollutant concentrations.

Wet weather flows were the basis of mass limits in permits issued to the City of Yuba City as directed by the State Water Resources Control Board. (See Order No. WQ 2004-013, *In the Matter of the Petition of Yuba City*, at p. 24.)

The Regional Water Board has recently approached mass effluent limitations in this manner. The County requests that mass limits for SMD3 be handled as they were in the recently issued permit for the Linda County Water District (LCWD) – Order No. ORDER NO. R5-2006-0096; NPDES NO. CA0079651 (see p. 49-50). The plant has a design ADWF of 0.3 mgd, an annual average daily flow of 0.116 mgd, a maximum daily flow of 0.45 mgd and a peak hourly flow of 0.87 mgd.

The County requests the following language be added to this permit:

“Mass-based effluent limitations were calculated based upon the permitted average daily discharge flow allowed in Section [insert appropriate section No.] of the Effluent Limitations and Discharge Specifications. During wet-weather storm events when the effluent flow exceeds the design average dry weather flow (i.e., the permitted average daily discharge flow), the mass effluent limitations contained in the tables in Final Effluent Limitations [insert appropriate section No.] and the tables in Interim Effluent Limitations [insert appropriate section No.] are increased in proportion to the discharge flow.”

4. The County Cannot Immediately Comply with the New, More Stringent Effluent Limitations for Nitrate, Total Coliform Bacteria, and Chlorine Residual.

The tentative WDR includes new mass limitations for nitrate. The Regional Water Board staff has recognized that immediate compliance with the effluent concentration limitations, and thus the new mass limitations, for nitrate is not feasible, and has proposed to address nitrate in a Cease and Desist

Order accompanying the permit. In order to ensure that the County is not subject to mandatory minimum penalties during the compliance period, during which time the County will need to implement various actions to meet the modified nitrate limitations, interim effluent limits should be imposed, along with the appropriate language in the CDO to recognize the applicability of this exception. (See Water Code section 13385(j)(3)(C)(i).) If the final compliance date is more than one year from the effective date of the CDO, the CDO must also contain interim effluent limitations, interim tasks, and a schedule for completing those interim tasks.

In order to ensure that the County is not subject to MMPs during the compliance period, the County requests that the CDO be revised to include interim, performance based effluent limits and a provision stating that the County will not be subject to MMPs for exceedances of the final effluent limitations in the WDR provided the County complies with the terms of the CDO.

In addition, the tentative order would impose new, more stringent effluent limitations for total coliform bacteria, turbidity, and chlorine residual. Immediate compliance with these new, more stringent limitations may not be possible. The County requests interim limitations and compliance schedules within the permit for these new, more stringent limitations.

II. SPECIFIC COMMENTS

Page 1, Ordering Paragraph. This paragraph states that Order No. 5-00-118 is rescinded *except for enforcement purposes*. Reference should be made to the applicable statute of limitations for enforcement. Code of Civil Procedure section 338(i) sets a three-year statute of limitations for commencing an action under the Porter-Cologne Water Quality Control Act. Similarly, the federal Clean Water Act sets a five-year statute of limitations for USEPA and citizen enforcement. (28 U.S.C. § 2462.)

Findings

Page 4, A. Background. Suggest adding the following underlined text. "...and applied for a NPDES permit renewal to discharge an ADWF of up to 0.3 mgd of treated wastewater ..."

Pages 5-6, G. Water Quality Based Effluent Limitations. This section states that where reasonable potential has been established but there is no numeric criterion or objective, water quality based effluent limitations **must** be established using (1) USEPA criteria guidance, (2) an indicator parameter, or (3) a calculated numeric water quality criterion. This is inconsistent with the Basin Plan Policy for Application of Water Quality Objectives, which specifies that "all material and relevant information" will be evaluated to determine compliance with narrative water quality objectives. (Basin Plan at IV-17.00.) Information should not be artificially limited to the three identified sources. In addition, the permit should not encourage the use of unpromulgated criteria guidance or other guidance criteria to interpret narrative objectives and to write numeric effluent limitations unless those criteria have been demonstrated with evidence in the record to be applicable given the site specific situation to which they are being applied. If numeric guidance criteria exist, the Clean Water Act requires that these criteria be adopted as numeric water quality standards – not to be used to interpret narrative objectives since narrative objectives were merely intended to be placeholders until numeric standards could be adopted.

Page 8, M. Stringency of Requirements for Individual Pollutants. This section states that the Regional Board has considered the factors in Water Code section 13241 in establishing new requirements in this permit. There is inadequate discussion and findings relating to the section 13241

factors in the permit and the fact sheet. As such, the permit does not adequately consider the 13241 factors when imposing limitations more stringent than federal standards. [See also Fact Sheet p. F-9, #5.]

The permit also states that: *“Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.”* This statement is incorrect. Limitations for coliform bacteria, turbidity, and EC, for example, are more stringent than required to implement the technology-based requirements of the CWA. [See also p. F-10, #5 of Fact Sheet]

Page 10, Discharge Prohibitions B. For accuracy, the prohibition should state: “The by-pass or overflow of wastes to waters of the United States is prohibited...”

Page 10, Final Effluent Limitations – Discharge Point D-001.

Total coliform organisms: The effluent limitation in the table is not consistent with that stated elsewhere in the permit (see p. 28, D).

Ammonia: The County requests a “floating ammonia limitation,” which is consistent with the U.S. EPA ammonia criteria document and the Board’s direction to staff regarding revision of the proposed City of Atwater permit.

Copper: Use of an R1 (upstream) hardness for deriving an end-of-pipe limitation, assuming no receiving water dilution, is inappropriate. Effluent hardness or downstream (R2) receiving water hardness should be used for issuance of an end-of-pipe permit limitation that grants no dilution credit. In addition, use of the lowest hardness to derive a fixed permit limitation rather than “floating” limitations based on hardness at the time monitoring is conducted is inconsistent with the intent of the CTR (see p. 31690-31692). It is inappropriate for SWRCB direction on a discharger-specific order (i.e., Yuba City; Order No. WQO 2004 0013) to override the regulatory direction provided by the CTR and SIP.

If Board staff do not permit floating limits for copper at this time, then County staff wish to present information in support of seasonal limits for copper, based on the seasonality of hardness in the receiving water.

Table Footnote #2: Various labs offer different RLs for OC pesticides. Hence, the statement: “...with the lowest possible detectable level...” effectively alters the standard based on the lab selected, and even over time, when analyzed by the same lab. Board staff need to define the appropriate RL (i.e., 0.05 ug/L) for this “Non-detect” objective. Values below the RL should be reported as ND. Failure to implement the “ND Objective” as described here allows the objective to vary, which is not appropriate. [See also p. 28, E, Footnote #1 for Table on P. E-5]

Page 10, Final Effluent Limitations – Discharge Point D-001. Mass limits are not required when the applicable standards or limitations are expressed in terms of other units of measurement (e.g., concentration), or where limits in terms of mass are infeasible. (40 C.F.R. §§ 122.45(f).) Where the state uses its discretion to add both mass limits and concentration limits, that action is more stringent than federal law and a section 13241 analysis is required.

Page 10, Final Effluent Limitations – Discharge Point D-001 table, EC. If Board staff find that reasonable potential exists for EC, which drives the need for an effluent limitation, then staff also must recognize that the County cannot immediately comply, and thus a compliance schedule for this new effluent limitation is warranted. If reasonable potential with the applicable limitation does not exist, then an effluent limitation for EC is not warranted.

Page 10, Final Effluent Limitations – Discharge Point D-001 table, Turbidity. The tentative WDR includes new, more stringent requirements for turbidity with which the County cannot comply. Imposition of the turbidity limitations will result in violations and mandatory minimum penalties. No compliance schedule has been provided in the tentative permit, and the requisite Water Code section 13241 analysis has not been performed by the Regional Water Board. The County requests a compliance schedule be added to the permit for turbidity.

Page 10, Final Effluent Limitations – Discharge Point D-001 table. Suggest adding a footnote to EC: “@ 25 deg C.” Also see comment “Page 23, 2. b Salinity Reduction Goal,” on p. 7 in regard to the appropriateness of an EC limitation.

Page 10, Final Effluent Limitations – Discharge Point D-001 table, Nitrate. The tentative WDR includes new mass limitations for nitrate. The Regional Water Board staff has recognized that immediate compliance with the effluent concentration limitations, and thus the new mass limitations, for nitrate is not feasible, and has proposed to address nitrate in a Cease and Desist Order accompanying the permit. In order to ensure that the County is not subject to mandatory minimum penalties during the compliance period (Water Code section 13385(j)(3)(C)(i)), during which time the County will need to implement various actions to meet this more stringent nitrate limitation, interim effluent limits should be imposed, along with the appropriate language in the CDO to recognize the applicability of this exception.

The County requests that the CDO be revised to reflect the fact that the nitrate limitation is a new, modified limitation and, further requests that interim performance-based limitations be included in the CDO. In addition, the County needs the results of its consultant’s study on the costs of regionalization of the SMD3 plant to Roseville (expected to be available in mid-January 2007) in order to determine whether regionalizing this facility or upgrading it and continuing its operations is the preferred alternative. This decision will affect both the future actions to be taken at SMD3 to come into compliance with the new, modified nitrate limitation, and the time required to do so.

Page 11, Effluent Limitations table continued. Suggest adding following text to Ammonia “as N.”

Page 11, d. Total Residual Chlorine, i, ii. Previous effluent limits of 0.01 mg/l and 0.02 mg/l were to be met as a weekly average and daily maximum, respectively. This tentative permit’s limits constitute new, more restrictive limitations because they are to be met on a 4-day and 1-hour basis, respectively, vs. the previous permit’s weekly basis. As such, the County will need to further evaluate its ability to comply with these new, more restrictive limitations. The County is in the process of doing so and will share its findings with Board staff when we meet in mid January. Findings from our ongoing assessment and our January meeting discussions will determine whether any modifications to the tentative permit for chlorine are warranted.

Page 11, f. Turbidity. The permit does not specify when tertiary treatment is NOT required. The previous permit waived the turbidity effluent limit when the receiving water to effluent discharge flow ratio was above 20:1. The terminology in this tentative order stating: “*when tertiary treatment, or equivalent, is required*” needs to be clarified.

The current permit's effluent limit is 2 NTU as a monthly average. In addition, under the current permit, turbidity effluent limits did not apply when receiving water to effluent discharge ratio exceed 20:1. This tentative permit thus includes new, more restrictive turbidity limitations because the 2 NTU limitation is to be met on a daily average basis as opposed to the current monthly average basis. Consequently, the County will need to further evaluate its ability to comply with this new, more restrictive limitation. The County is in the process of doing so and will share its findings with Board staff when we meet in mid January. Findings from our ongoing assessment and our January meeting discussions will determine whether any modifications to the tentative permit for turbidity are warranted.

In addition, a portion of the text defining limitation f.ii is missing and, thus, needs to be added here. Likewise, a portion of the text defining limitation g.ii is missing and, thus, needs to be added here.

Page 12, 2. Interim Effluent Limitations. This section states that the interim effluent limits are only applicable until May 18, 2010. Although this date may be as long as can be provided for CTR constituent compliance schedules in the permit, interim performance-based limits for non-CTR constituents (e.g., aluminum) can be granted for a period of time extending beyond May 18, 2010. Moreover, the "non-detect" objective for OC pesticides is a Basin Plan objective and not a CTR criterion, and a compliance schedule within the permit beyond May 18, 2010 is possible. The County requests the opportunity to discuss compliance schedules with Board staff, prior to the Board's consideration of the tentative schedules, with the intent of extending the full compliance date for these constituents.

Page 15, B. Groundwater Limitations. The County requests the following revision to this language.

"1. The discharge shall not cause the underlying groundwater to be degraded, exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance." [See recently adopted LCWD NPDES Permit]

Page 15, VI.A .2.c , Regional Board Standard provisions. The permit states that the County will be required to comply with newly promulgated effluent standards and prohibitions upon promulgation without regard to whether the permit is reopened to incorporate those new requirements. Such standards are not self-implementing and are subject to various regulatory judgments that affect the limitations for individual dischargers. This provision should be removed from the permit.

Page 20, B.2. Monitoring and Reporting Program Requirements. Last sentence states: "All peaks identified by analytical methods shall be reported." This is not appropriate for OC pesticides that are regulated against a "ND" objective. Request this sentence be deleted, or specify that this provision does not apply to OC pesticide monitoring.

Page 20, C.1.a Re-opener Provisions. The re-opener states that the order may be reopened as the result of a "detection" of a priority pollutant. This is inconsistent with law and regulation, which specify that the need for effluent limitations is triggered by reasonable potential to cause or contribute to an exceedance of a water quality criterion—not mere detection. The re-opener should be replaced with the following:

Reasonable Potential. The Regional Water Board may modify, or revoke and reissue, this Order and Permit if present or future investigations demonstrate that the Discharger governed by this Permit is causing or significantly contributing to, an applicable water quality objective.

Page 21, d. Last sentence. Within 60 days of adoption of this Order, the Discharger must submit a Compliance Schedule request and corresponding justification in an Infeasibility Report to the Regional Water Board by 60 days after the effective date of this Order. The County requests that the permit hearing be moved to March or April 2007 to allow for the infeasibility analysis to be conducted prior to the issuance of another tentative permit. This will enable County staff to determine if the compliance schedules are adequate and if additional constituents need to be given time schedules.

Page 22. Second full paragraph. Delete the word “unit”, add the word “until.” The Discharger shall submit semiannual progress reports on January 15 and July 15 each year ~~unit~~ until the Discharger achieves compliance ...

Page 22, d. 4 (Table). The initial dates in this table are incorrect. Moreover, the County wishes to further discuss compliance dates with Board staff, and request a full compliance date beyond May 18, 2010.

Page 23, 2. b Salinity Reduction Goal. This requirement is inconsistent with the effluent limitation for EC. The 700 umhos/cm limitation is not expressed in the permit as “a reasonable intermediate goal” but as a final effluent limitation. As noted above, the EC effluent limitation may not be necessary. If, however, the EC limitation is retained, the County will be required to immediately comply with the 700 umhos/cm limitation without a compliance schedule. Compliance with the numeric effluent limitation is all that should be required. Therefore, if the effluent limitation for EC is not removed, the salinity reduction provision should be deleted.

Page 24, 4. Special Provisions for Municipal Facilities, a. Sludge/Biosolids Discharge Specifications, iii. The treatment of sludge generated at the Facility shall be confined to the Facility property and conducted in a manner that precludes infiltration of waste constituents into soils in a mass or concentration that will violate Groundwater Limitations V.B. SMD3 is currently unable to dewater sludge at the plant site between October 15th and April 15th, per the request of Regional Water Board staff. If sludge processing is needed due to levels in the digester, sludge is hauled to SMD1.

Page 25, d. Collection System. November 2, 2006 date is already past, and thus the permit should be revised to reflect that the County “was required” to apply for coverage by that date, and has done so.

Page 26, 5. a. Other Special Provisions. This section states: “*Wastewater shall be oxidized, coagulated, filtered, and disinfected, or equivalent treatment provided.*” The Regional Water Board may establish applicable water quality based effluent limitations, but do not have the legal authority to prescribe the treatment process. (Water Code § 13360(a).) Moreover, p. F-28 of the permit states: “*The method of treatment is not prescribed by this Order; ...*” This language prescribes treatment process. The County requests that this language be deleted from the permit.

Page 27, 6. a Compliance Schedules. See general comment #1. Also, as indicated in the Fact Sheet, p. F-27, the OC pesticide limitations of non-detect are based on the Basin Plan non-detect objective, not CTR criteria. As such, compliance schedules can extend beyond May 18, 2010. This is also true for aluminum, which is not a CTR constituent.

Page 28, F Total residual Chlorine. Second paragraph states: “*Any excursion above the 1-hour average or 4-day average total residual chlorine effluent limitation is a violation.*” This should be reworded as follows:

“Any excursion above the 1-hour average or 4-day average total residual chlorine effluent limitation is considered an excursion. An excursion above the 1-hour limitation for 1 hour or more, or above the 4-day average limit for 4-days or more would be considered a violation of these limitations.”

This modification to the language is appropriate because chlorine is monitored continuously. The proposed language change would make the assessment of compliance technically correct and consistent with the “Average Four-Day Effluent Limitation” and “Average Hourly Effluent Limitation” definitions on p. A-1 of the permit.

Attachment A – Definitions

Page A-1. Suggest the definition for ADWF be added.

Attachment D – Federal Standard Provisions

MONITORING AND REPORTING PROGRAM

Page E-3, G. States that all analyses shall be performed in a laboratory certified by DHS. Frontier Geosciences provides superior, research level analysis for trace metals, and is used by many Central Valley dischargers, but may not hold a “certification” by the California DHS: Request that this language be modified to allow use of such labs for superior analytical testing.

Page E-4, IV, A. Monitoring Location M-INF table. Delete note [1] for Flow under Required Analytical Test Method.

Page E-4, IV, A. Monitoring Location M-001 table. Delete note [1] for Dry Weather Flow under Required Analytical Test Method.

Page E-4, IV, A. Monitoring Location M-001. Suggest defining Dry Weather Flow parameter.

Page E-4, IV, A. Monitoring Location M-001. Suggest 5 days per week Minimum Sampling Frequency for Temperature, Total Coliform Organisms, and EC

Page E-4, IV, A. Monitoring Location M-001 table. Suggest adding “-hr” to Settleable Solids in the Units column.

Page E-5, IV, A. Monitoring Location M-001. Suggest 5 days per week Minimum Sampling Frequency for Ammonia.

Page E-5, IV, A. Monitoring Location M-001. Suggest adding “(as N)” to Ammonia. Nitrate units should be mg N/L.

Page E-5, IV, A. Monitoring Location M-001. Suggest defining Dry Weather Flow parameter.

Page E-9, VIII. Receiving Water Monitoring Requirements – Surface Water, A. Monitoring Location R-001U and R-002D, table. Footnote definition is missing from table, pH units should be “Standard Units”, Temperature units should be degrees C, add text to EC “@ 25 deg C”.

Page E-10, IX. Other Monitoring Requirements, A. Water Supply Monitoring – Monitoring Location SPL-001. Footnote 1 (a) Parameter. Suggest moving this footnote to TDS and EC as it does not apply to all of the parameters in the table. Required Analytical Test Method column – change the number “1” to “3”. Table footnote definition is missing.

Page E-11, B. Biosolids Monitoring–Monitoring Location B-001, 3. Upon removal of sludge, the Discharger shall submit characterization of sludge quality ... This statement is unclear as to whom the characterization should be submitted.

Page E-13, 4. b & c. Sample Results. Sample results less than the agreed-upon Reporting Limit (RLs) for OC pesticides should not be reported as “detected, but not quantified.” This is because the objective is “non-detect.” Doing so effectively changes the objective, and thus is inappropriate. Any detection will be viewed as a violation. The County seeks to reach agreement on acceptable RLs for OC pesticides, and would report detected values above the RL, and ND below the RL. This way the limitation is fixed for the life of the permit, rather than arbitrarily changing every time an analysis is performed.

FACT SHEET

Page F-3. I. Permit Information table. Insert underlined text: Facility Permitted Flow (ADWF). Facility Design Dry Weather Flow.

Page F-5, table. Flow parameter Monitoring Data note: An instantaneous flow of 0.87 mgd was recorded on 12/31/2005. The County is unclear as to where the tentative permit’s 3.0 mgd flow value came from.

Page F-5, 2. The tentative permit states: “... Report of Waste Discharge ... Maximum Daily Flow Rate: 0.297.” A max day flow of 0.45 mgd was recorded on 12/31/2005.

Page F-7, Beneficial Uses. The Fact Sheet includes “agricultural supply” under those uses covered by Resolution 88-63. This is incorrect.

Page F-15, 2. b. Hardness. The permit states the following (see *italics text* below).

“The California Toxics Rule, at (c)(4), states the following: “Application of metals criteria. (i) For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, for waters with a hardness of 400 mg/L or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations.” [boxed emphasis added]

The permit sets end-of-pipe effluent limitations based on effluent quality for all other constituents. It makes no sense to base metals criteria on R1 (upstream) hardness, and it is inconsistent with the rest of the permit. The CTR calls for the use of ambient hardness to protect receiving waters – it does not call for “upstream unaffected” or “background” hardness nor does it state that the lowest recorded ambient hardness should be the basis of regulation. R2 or effluent hardness (in an EDW) is an equally valid interpretation of the CTR’s “actual ambient hardness” language.

We understand that the Regional Water Board staff considers its current approach to hardness to be required by the State Water Resources Control Board’s Yuba City order. (Order WQO 2004-013,.) Footnote 19 to that order stated: “We note that...the Regional Water Board...applied a variable

hardness value whereby effluent limitations will vary depending on the actual, current hardness values in the receiving water. We recommend that the Regional Water Board establish either fixed or seasonal effluent limitations for metals, as provided in the SIP, rather than 'floating' effluent limitations."

Thus, the State Water Board recommended, but did not mandate, a particular approach to use of floating hardness for trace metals. Regional Water Board staff have the discretion to continue to permit metals based on floating hardness, which is technically consistent with the CTR, as they did prior to WQO No. 2004-0013, and as other Regional Water Boards also have done in the past, and continue to do so today.

The proposed order states that "*Effluent Limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. In the absence of the option of including condition-dependent, "floating" effluent limitations that are reflective of actual conditions at the time of discharge, Effluent Limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions. Hardness-dependent effluent limitations in this Order were calculated using the reasonable worst-case ambient (lowest upstream receiving water) measured hardness from the receiving water of 39 mg/L as CaCO₃.*"

Use of R1 (upstream) hardness, which is lower than, and unaffected by the effluent discharge, is NOT a "reasonable worst-case condition." In fact, having the effluent concentration of metal that triggered reasonable potential in the receiving water at the R1 (upstream) hardness is not only an unreasonable assumption, it is a *physical impossibility* in the real-world.

The County requests that either effluent hardness or R2 hardness be used rather than R1 hardness for permitting trace metals, and that if floating limits are not permitted, that seasonal limitations be established, based on seasonal hardness.

Page F-15, c. Assimilative Capacity/Mixing Zone. This section states: "...*discharge limitations are end-of-pipe limits with no allowance for dilution with the receiving water.*" If this statement is true, R1 hardness cannot serve as the basis for trace metal limitations. This constitutes a stark inconsistency in the permit. If discharge limits are to be end-of-pipe limits with no assimilative capacity, then metals criteria cannot be derived from receiving water quality and must be based on effluent hardness. If they are to be based on receiving water characteristics (either R1 or R2), then assimilative capacity is defacto considered to exist.

The County requests that this inconsistency in the permit be addressed.

Page F-22-23, Ammonia. Use of effluent temperature for deriving ammonia limits but R1 hardness for deriving metals limits is inconsistent and indefensible. For water quality based effluent limitations, the same reasonable worst-case condition must be used for all limitations. It is not defensible or appropriate to assume effluent conditions dominate for ammonia, but R1 conditions dominate for trace metals. Given that there is no technical basis for this discrepancy, it appears that the only reason for doing so is to derive the most restrictive (i.e., stringent) limitations for each constituent, without regard to the worst-case condition that actually exists in the portion of the receiving water being regulated, which should be the basis of all limitations.

Page F-26, j & k (Iron and Manganese). The MEC shows no reasonable potential to cause or contribute to an instream excursion above a water quality standard. Because there is no reasonable potential, no effluent limitation should be imposed. The County requests that the iron and manganese effluent limitations be removed from the permit.

Page F-26, l. Nitrate. Second full paragraph, Drinking Water Standards (10,000 mg/L ... should be ug/l.

Page F-29, 13241 Analysis, vi (disinfection and filtration requirement). The permit states that Board staff have considered 13241 factors, but no true assessment of the factors has been performed or presented. No economic impacts analysis of permitting limitations more stringent than federal standards and adopted criteria has been made. No evidentiary basis is given for the type, degree, or seasonally of contact recreation in the receiving water. The 13241 analysis is inadequate for permitting purposes.

Page F-30, Determining the Need for WQBELs, Salinity, EC. There is no reasonable potential to exceed EC water quality criteria of 700 as a long-term average. Therefore, effluent limitations for EC should not be included and there is no basis for requiring additional plans to reduce EC.

Page F-33, Table header. SMD #3 Wastewater Treatment Facility Order No R5-2006 date should be 2007.

Page F-35, Settleable Solids. Units should be mL/L-hr; Ammonia should be Ammonia (as N); Nitrate should be Nitrate (as N).

Page F-37, table. Define "Dry Weather Flow"; correct footnote numbers.