

CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION
Formerly the Central Valley Wastewater Manager's Association

Representing Over Forty Wastewater Agencies

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April 3, 2007

Mr. Kenneth D. Landau
Assistant Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
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SUBJECT: Renewal of Waste Discharge Requirements and Time Schedule Order
for City of Tracy Wastewater Treatment Plant (NPDES No. CA0079154)

Dear Mr. Landau:

The Central Valley Clean Water Association (“CVCWA”) has reviewed the proposed changes to the *Waste Discharge Requirements for City of Tracy Wastewater Treatment Plant* (“tentative order”), and the Salinity Control Options as prepared by the Central Valley Regional Water Quality Control Board (“Regional Board”) staff for consideration by the Regional Board. As you know, CVCWA is a non-profit, public interest organization representing the interests of publicly owned treatment works (“POTWs”) in the Central Valley. Many of CVCWA’s members are currently facing complex and challenging issues associated with salinity, similar to those being faced by the City of Tracy.

The City of Tracy tentative order is seen as a pivotal permit by CVCWA and its members with regard to how the Regional Board intends to regulate salinity in wastewater permits where low-quality water supply is the primary impediment to meeting effluent limitations derived from numeric or narrative water quality objectives. Because of the precedential nature of the City of Tracy tentative order, CVCWA provides the following comments on behalf of its members.

I. Draft Language Contained in the Tentative Order

The tentative order puts forward a unique final effluent limitation for electrical conductivity (EC). As drafted, the final effluent limitation would become effective if the permittee (i.e. City of Tracy) **did not** 1) implement all reasonable steps to obtain alternative, lower salinity water supply sources; 2) develop and implement a salinity source control program aimed at meeting an interim salinity goal of 500 umhos/cm EC over the City’s water supply; and 3) participate financially in the development of the Central Valley Salinity Management Plan when notified by the Executive Officer of the Regional Board.

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CVCWA is concerned with the structure of this final effluent limitation for several reasons. First, the application of the final effluent limitation is contingent upon several subjective determinations by the Regional Board's Executive Officer. Although CVCWA does not question the Executive Officer's ability to implement subjective determinations fairly, we are concerned with the precedent that this proposal establishes. Final effluent limitations in a permit are usually applicable when the permit becomes effective, at a time certain as specified in a compliance schedule or an enforcement order, or upon the completion (or failure to complete) of an easily identifiable task (e.g. final limits for CTR objectives sometimes become effective immediately if the permittee fails to submit an infeasibility analysis by a date certain). If a Regional Board determines that it is not appropriate for the final effluent limit to become effective for various reasons, the Regional Board has the option of placing the anticipated final limits in a permit finding. It is not appropriate for the Regional Board to adopt a final effluent limitation that is triggered by the permittee's failure to conduct or meet a subjective requirement, or by the lack of action taken by an Executive Officer on tasks required to prevent the effluent limitation from becoming effective.

Second, CVCWA and its members are uneasy with a final effluent limitation being directly tied to financial participation in a major, region-wide policy effort. CVCWA and its members are supportive of the Regional Board's efforts to develop a Central Valley Salinity Management Plan. However, to require financial participation as a means for avoiding the application of a final effluent limitation (that the permittee cannot meet) creates tremendous concern. There are many agencies within the Central Valley that may have similar challenges for meeting salinity requirements due to poor quality supply water. Many of these agencies are already struggling financially to provide necessary funding for treatment plant upgrades that are being required for other constituents not related to salinity. The additional financial burden on these communities and their ratepayers is most likely not commensurate with the actual environmental impact created by the amount of wastewater discharged.

Finally, CVCWA is concerned with the inclusion of any final effluent limitation for EC under these circumstances. The EC levels in the City of Tracy's effluent are partly due to poor quality municipal water supplies and salt loading from an industrial source. The poor quality municipal water supply is primarily from groundwater sources, which is typical for many Central Valley communities. It is our understanding that the City is in the process of obtaining new and additional water supplies that are of higher quality and lower in salinity. However, the time frame associated with obtaining higher quality water exceeds the life of the permit. We also understand from reviewing the Department of Water Resources' modeling study included in the revisions to the fact sheet that the City of Tracy's effluent has little to no impact on the salinity levels in the South Delta as compared to other salinity sources, even when looking at worst case scenarios. This type of a situation may be common to many wastewater agencies in the Central Valley. High levels of salinity in effluent are typically caused by poor quality groundwater and efforts to obtain new water supplies are expensive, time consuming and potentially uncertain. The only remaining alternative for meeting proposed final effluent limitations then becomes the construction and operation of reverse osmosis treatment facilities. The State and Regional Board have expressed well warranted hesitation in adopting final effluent limitations that would result in a requirement for constructing and operating reverse osmosis

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treatment facilities. Thus, to ensure that such a result does not follow, CVCWA recommends that the Regional Board avoid the adoption of any final effluent limitation for EC under these types of circumstances. In lieu of a final limit, the Regional Board should consider other options.

II. Salinity Control Options

CVCWA appreciates the Regional Board staff's efforts to identify alternative options for regulating salinity in the City of Tracy tentative order, and potentially in other NPDES permits. We have reviewed the options put forward and are generally in favor of option 1, which is the inclusion of EC effluent limitations as a finding. Due to the nature of the issues associated with EC and the long-term solutions that are necessary to address salinity in the Central Valley, we believe that this is the most reasonable approach of the ones presented by the Regional Board staff.

We are not supportive of options 2 and 3, as both would require compliance with final effluent limitations within five years from adoption of the tentative order. It is extremely unlikely that the City of Tracy could comply with such limits in five years, even exercising all due diligence to acquire lower salinity water supplies and implementing appropriate pollution prevention activities. Thus, these two options would immediately place the City of Tracy in jeopardy, leaving the City little option except to start planning for and building reverse osmosis facilities. The cost of building reverse osmosis is not justified considering the fact the salinity contained in the City's effluent does not actually impact salinity levels in the South Delta.

In addition to the three options presented by the Regional Board staff, the City of Tracy has recently provided the Regional Board with a fourth option. CVCWA has reviewed the fourth option as presented by the City and believes that it creates the most viable and reasonable alternative for Tracy's specific situation. The fourth option establishes interim performance-based limits for total dissolved solids (TDS), a narrative effluent limitation requiring the City to use reasonable steps for acquiring an alternative water supply and best management practice requirements in place of numeric effluent limits for EC pursuant to 40 CFR section 122.44(k)(3). CVCWA supports this approach because a numeric final effluent limit for EC is infeasible. The State Water Board has defined "infeasible" as "not being capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic environmental, legal, social, and technological factors." (State Implementation Policy at p. Appendix 1-3.)

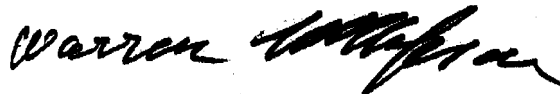
In conclusion, CVCWA urges the Regional Board not to adopt final effluent limitations for EC (and other similar parameters) in permits where it is impossible to comply without building reverse osmosis facilities. The costs associated with reverse osmosis and issues related to power costs and brine disposal, outweigh the limited environmental benefit to be gained by forcing POTWs down such a path, particularly where, as in Tracy's situation, the POTW is demonstrated to be a very small contributor to the total salinity. The Regional Board has already rightfully determined that the issue of salinity is a valley-wide problem that must be subject to a long-term solution. The adoption of final salinity limits with five-year compliance schedules is not consistent with the Regional Board's current plans and provides little to no benefit for

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addressing salinity issues in the Central Valley. Finally, it is not appropriate to include a final effluent limitation that forces POTWs to fund a major-Regional policy effort that is more appropriately borne by the State or through voluntary contributions.

Thank you for your consideration of our comments. If you have any questions regarding our comments, please do not hesitate to call me at (530) 886-4911.

Sincerely,



Warren Tellefson
Executive Officer

WT/jp

cc: Steve Bayley – City of Tracy
James Marshall – Central Valley Regional Water Quality Control Board