



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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June 14, 2007

Mr. Dave Carlson
NPDES Section Chief
Regional Water Quality Control Board
Central Valley
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

SUBJECT: Waste Discharge Requirements for the City of Colfax Wastewater Treatment Plant, Placer County (Order No. R5-2007-XXXX, NPDES No. CA0079529)

Dear Mr. Carlson:

On behalf of the Central Valley Clean Water Association (“CVCWA”), we would like to submit the following comments on the tentative order for the City of Colfax’ Wastewater Treatment Plant (“WWTP”). As you know, CVCWA’s membership includes over 50 publicly owned wastewater agencies in the Central Valley. The primary issue in the City of Colfax tentative order that is of concern to CVCWA on behalf of its membership is the pollution prevention requirement for ammonia and 4,4’DDE.

POLLUTION PREVENTION PLAN REQUIREMENTS FOR AMMONIA & 4,4’DDE

The tentative order contains pollution prevention requirements for ammonia, copper and 4,4’DDE. According to the fact sheet, the tentative order requires the City to prepare pollution prevention plans in accordance with California Water code section 13263.3(d)(3). CVCWA contends that pollution prevention plan requirements for ammonia and 4,4’DDE are not appropriate for these constituents because pollution prevention activities will not help to assist in achieving compliance with the proposed final effluent limitations and thus are a waste of public funds. For example, ammonia is an obvious constituent found in municipal wastewater influent and is in fact one of the primary constituents for which wastewater treatment plants are designed to treat. Because ammonia is such an essential part of municipal wastewater, it is not readily subject to pollution prevention activities, which typically include local limits on industrial and commercial dischargers, public education and outreach or other types of pollution prevention activities.

The other constituent for which pollution prevention activities would not impact is the presence of 4,4'DDE, which is a breakdown product of DDT, a legacy pesticide. This pesticide has been banned from use since 1972. Because the use has been banned for so many years and because the product has not been manufactured for sale in California in as many years, it is unlikely that the presence of 4,4'DDE is caused by a direct discharge into the wastewater system. If it was present through a direct discharge into the sanitary sewer system, it would be the result of illegal activities that are also not amenable to pollution prevention. More likely, the legacy pesticide has entered the wastewater treatment system through its presence on soils because organochlorine pesticides take many years to degrade from soil.

Because these two constituents cannot be controlled or impacted through pollution prevention activities, it is inappropriate to require the City expend resources on the preparation of such a plan. The California Water Code does not require the Regional Water Board to require pollution prevention plans but allows the Regional Water Board to require the completion and implementation of such a plan in certain circumstances. The circumstances for which the Regional Water Board can require a pollution prevention plan include:

- (A) A discharger is determined by the state board to be a chronic violator, and the state board, a regional board, or the POTW determines that pollution prevention could assist in achieving compliance.
- (B) The discharger significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in Section 13391.5.
- (C) The state board, a regional board, or a POTW determines pollution prevention is necessary to achieve a water quality objective.
- (D) The discharger is subject to a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308.

(Water Code §13263.3(d)(1).) It is unlikely that any of the above circumstances apply to the presence of ammonia and 4,4'DDE in the effluent. Thus, the Regional Water Board's proposed pollution prevention requirements for these two constituents are not supported and must be removed from the tentative order.

Thank you for your consideration of our comments. Please call me at 530-886-4911 if you have any questions.

Sincerely,



Warren Tellefson
Executive Officer

cc: Joan Phillipe, City Manager, City of Colfax

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