

Regional Water Quality Control Board
Central Valley Region
Board Meeting – 21/22 June 2007

Response to Written Comments for City of Mt. Shasta
Mt. Shasta Wastewater Treatment Plant
Tentative Waste Discharge Requirements

The following are responses to written comments received from interested parties in response to the Tentative Waste Discharge Requirements (NPDES No. CA0078051) for the City of Mt. Shasta – Mt. Shasta Wastewater Treatment Facility issued on 7 May 2007. Written comments from interested parties on the proposed Order were required to be received by the Regional Water Quality Control Board (Regional Water Board) by 7 June 2007 in order to receive full consideration. Timely comments were received from the following parties:

1. California Sportfishing Protection Alliance (CSPA)
2. Peggy Risch, and Peggy Risch for the Mt. Shasta Bioregional Ecology Center
3. Environmental Law Foundation

Written comments from the above interested parties are summarized below, followed by the response of the Regional Water Board staff.

ENVIRONMENTAL LAW FOUNDATION (ELF) COMMENT

ELF- COMMENT #1: The proposed Order fails to demonstrate that it is consistent with the State's Antidegradation Policy.

RESPONSE

The proposed Order complies with the antidegradation provisions of 40 CFR 131.12, State Water Board Resolution 68-16, and State Water Board APU 90-004. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16. Resolution 68-16 incorporates the Federal antidegradation policy (40 CFR 131.12) where the Federal policy applies under Federal law. Resolution 68-16 requires in part:

- 1) High quality waters be maintained until it has been demonstrated that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies; and
- 2) Any activity, which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

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The proposed discharge will result in some minimal degradation of waters of the State and navigable waters of the United States, but in this case, such degradation is consistent with the maximum benefit to the people of the State. Limited degradation that does not cause exceedance of water quality objectives is warranted to allow for the economic benefit stemming from local growth. In this case, the City of Mt. Shasta is growing and continued treatment of wastewater is necessary to protect water quality and accommodate growth. The Regional Water Board defers to the local government agencies (City of Mt. Shasta and Siskiyou County) regarding land use and land development decisions, and their opinion that development is important and necessary. The Fact Sheet contains detailed information about each constituent of concern in the waste discharge and what changes in the discharge may occur for each constituent. The effluent concentrations for all constituents are based on water quality criteria and objectives and an increase in mass for some constituents, if any, will be insignificant. The accommodation of the development justifies lowering of receiving water quality. In this case, however, the proposed Order would authorize, very minimal, if any lowering of receiving water quality given the increased level of treatment required by the Order.

Consistent with the Federal and State antidegradation policies, the proposed Order would require the Discharger to meet requirements that will result in best practicable treatment or control. The proposed Order requires compliance with applicable Federal technology based standards and contains more stringent water quality based effluent limitations, where required. The proposed Order includes additional requirements for treatment and control that, in some cases, exceed Federal standards. The proposed Order requires secondary and advanced secondary treatment, which is in excess of Federal technology based standards. It also requires the discharge to be disinfected to DHS recommendations for the protection of water contacts recreation beneficial uses. Discharge during the summer peak recreation period is prohibited. Due to upstream flow requirements, the discharge will always receive a dilution ratio of at least 20:1 (Sacramento River : effluent), but usually much greater. In addition, the proposed Order does not grant any credit for dilution until an adequate mixing zone and dilution study is provided.

These requirements to implement best practicable treatment or control will assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the State will be maintained. Due to the high level of treatment requirements, the seasonal discharge prohibition, and the significant dilution available, the proposed Order will result in maintenance of existing in-stream uses. In performing the “reasonable potential” analysis, the Regional Water Board considered the discharge’s effects on water quality on a pollutant-by-pollutant basis. The proposed Order includes that analysis.

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Discharge Prohibition III.C of the proposed Order prohibits the wastewater treatment and discharge from causing a nuisance as defined by the California Water Code.

Additionally, State Board APU 90-004 states that,

“A Regional Board may determine that it is not necessary to do a complete antidegradation analysis. The Regional Board may reach this determination if, using its best professional judgment and all available pertinent information, the Regional Board decides that the discharge will not be adverse to the intent and purpose of the State and Federal antidegradation policies.

Based on information available to the Regional Board and any other background material the Regional Board believes is necessary, a complete antidegradation analysis will not be required if:...

- 3. A Regional Board determines the proposed action will produce minor effects which will not result in a significant reduction of water quality; e.g., a POTW has a minor increase in the volume of discharge subject to secondary treatment; or....”*

The increase in the permitted average dry weather flow rate from 0.70 mgd to 0.80 mgd is a “minor increase in the volume of discharge” and is subject to secondary and advanced secondary treatment. The increase will not result in a “significant reduction of water quality.” In fact, Regional Board staff does not expect any measurable impact to receiving water quality from the increased discharge flow rate.

Late revisions are proposed to modify Section IV.D.4 (pages F-37 and F-38 of the Fact Sheet) to clarify the Antidegradation Analysis in response to comments.

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (CSPA) COMMENTS

CSPA- COMMENT #1: The groundwater monitoring well network is not capable of determining whether the discharge of wastewater by percolation has degraded groundwater quality contrary to the Finding in the proposed Permit and Fact Sheet. Without sufficient groundwater quality the Regional Board cannot make an accurate statement regarding compliance with the Antidegradation Policy (Resolution 68-16).

RESPONSE

The groundwater monitoring program established by the proposed Order is capable of determining whether the leachfield discharge degrades groundwater. The monitoring is both adequate and appropriate, and protects beneficial uses. The three wells used for monitoring the leachfield were selected to monitor background, near-field downgradient, and far-field downgradient. All three wells are screened at 250 feet below ground surface, which is the depth of first encountered groundwater. No degradation in

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groundwater quality has been observed, with the exception of a minor increase in the concentration of nitrate at the edge of the leachfield. The highest nitrate concentration at this location is only one-tenth of the MCL, and is suspect because the EC concentration is stable--a contrary finding. It should also be noted that the effluent sent to the leachfield is not raw wastewater; it has been treated to secondary standards, and disinfected. The leachfield discharge only occurs during the summer, and then only what the golf course doesn't use.

Groundwater monitoring at the wastewater treatment plant and the golf course is not necessary. Approximately 25 feet of soil (sand and clay) suitable for the treatment of percolating wastewater exists beneath these areas. Underlying groundwater is first encountered at approximately 250 feet below ground surface, and flows toward the Sacramento River, where any impacts are directly measured by the receiving water monitoring required in the proposed Order. The potential for some groundwater degradation is always present when wastewater, even treated wastewater, is applied to land with underlying groundwater. However, in this case, the degradation is expected to be minor, and occur in an area where installation of a water supply well is neither practical nor desirable because of the required setback distances, and the steep terrain with poor access. It should also be noted that the Discharger's land application of treated wastewater is at Regional Board staff's request, as a means to eliminate the surface water discharge during the summer recreation period. Recently adopted permits for similar facilities do not require groundwater monitoring for the use of recycled water at golf courses. The City of Mt. Shasta is a small community with limited resources, so permit requirements must be carefully considered. Compliance with the State's Antidegradation Policy for groundwater and surface water is discussed in the response to the ELF comment #1, above, and the response to CSPA comments #2 and #3, below.

CSPA- COMMENT #2: The proposed Permit does not adequately assess whether the discharge of wastewater has degraded groundwater quality as is required by the Antidegradation Policy (Resolution 68-16).

RESPONSE

The proposed Order complies with the Antidegradation Policy as it pertains to groundwater. Late revisions are proposed to modify Section IV.D.4 (pages F-37 and F-38 of the Fact Sheet) to clarify the Antidegradation Analysis in response to comments. See Responses to ELF comment #1 and CSPA comment #1, above.

CSPA- COMMENT #3: (1) The proposed Permit contains an inadequate antidegradation analysis for the surface water discharge that does not comply with the requirements of Section 101(a) of the Clean Water Act, Federal Regulations 40 CFR §

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131.12 and State Board's Resolution 68-16. (2) Bypass of treatment processes are strictly prohibited by Federal Regulations 40 CFR 122.41(m) but apparently allowed by the proposed Permit.

RESPONSE

(1) The proposed Order complies with the Antidegradation Policy as it pertains to surface water. Late revisions are proposed to modify Section IV.D.4 (pages F-37 and F-38) to clarify the Antidegradation Analysis in response to comments. See Response to ELF comment #1, above.

(2) The proposed Order does not allow an illegal bypass. Significant dilution is available year-round in the river. There is no Federal or State requirement for treatment better than secondary and the proposed Order is already more protective than the legal minimum. Seasonally based limitations are appropriate and protective of beneficial uses. The proposed Order requires conventional secondary treatment during the wet winter months when recreation is less intensive and limited-contact, and when dilution is at its maximum. During parts of the year when recreation is gearing up or winding down (shoulder periods), the proposed Order requires more stringent "advanced secondary" treatment. During parts of the year when contact recreation is at its maximum, direct discharge to the river is prohibited. .

CSPA- COMMENTS #4: The proposed Permit fails to regulate percolation from the treatment ponds as an NPDES discharge in violation of federal and state law, federal regulations and discharge prohibitions.

RESPONSE

The proposed Order appropriately regulates percolation from the treatment ponds. However, regulation as an NPDES discharge is not appropriate. The commenter states that the percolation from the treatment ponds constitutes a violation of State and Federal law and cites the case of Northern California River Watch v. City of Healdsburg in which the U.S. Circuit Court of Appeals, Ninth Circuit, issued an opinion that in summary, *"...made substantial findings of fact to support the conclusion that the adjacent wetland of Basalt Pond has a significant nexus to the Russian River. The Pond's effects on the Russian River are not speculative or insubstantial. Rather, the Pond significantly affects the physical, biological and chemical integrity of the Russian River, and ultimately warrants protection as a "navigable water" under the CWA. Appellant's discharge of wastewater into Basalt Pond without a permit, therefore, violates the CWA."*

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The Northern California River Watch website contains the following synopsis of the conditions which exist at the City of Healdsburg's WWTP.

*“Healdsburg owns, maintains, and operates a wastewater treatment, refuse and disposal facility that serves the City of Healdsburg and adjacent areas. Treated effluent is disposed of in Basalt Pond located south of the facility and adjacent to the Russian River. Basalt Pond is hydrologically connected to the Russian River and can be considered a tributary to the Russian River, and therefore waters of the United States. The treatment facility has chronic pollution problems associated with its antiquated collection system, undersized facility, old equipment, and inconsistent maintenance schedule. Due to its proximity to and hydrological connection with the Russian River, Basalt Pond discharges directly to the Russian River. Each day that Healdsburg discharges into Basalt Pond it is violating the Clean Water Act. Healdsburg has no NPDES permit allowing it to discharge to any waters of the United States. After a favorable ruling in U.S. Federal District Court, this case is currently headed for a hearing at the **Ninth Circuit Federal Appeals Court.**”*

There are fundamental differences between the Healdsburg and Mt. Shasta situations, including the following:

1. The Basalt Pond is hydraulically connected to the Russian River. The City of Mt. Shasta's wastewater treatment ponds are not hydraulically connected to the Sacramento River. They are separated from the river by approximately 300 yards of steep terrain sloping down to the river. Water elevations in the Basalt Pond fluctuate in response to the stage of the Russian River. Water elevations in Mt. Shasta's wastewater ponds are not affected by the stage of the Sacramento River. Furthermore, Mt. Shasta's wastewater ponds are not CWA wetlands, as is the case for the Basalt Pond.
2. Healdsburg did not have an NPDES permit for their wastewater discharge. The City of Mt. Shasta has an NPDES permit that includes requirements to monitor the receiving water upstream and downstream of the WWTP for a wide range of potential pollutants. The upstream and downstream monitoring points are located so as to include any percolation from the treatment ponds. The monitoring points would also include any percolation from the Mt. Shasta Resort golf course.
3. In the case of the Healdsburg Basalt Pond discharge, there had been documented evidence of degradation in the receiving water. This is not the case for Mt. Shasta's discharge to the Sacramento River. On the contrary,

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receiving water monitoring confirms that there is no measurable degradation in the water quality of the Sacramento River due to the WWTP.

The Healdsburg court decision has no application here.

CSPA- COMMENTS #5: The proposed Permit fails to contain an Effluent Limitation for bis(2-ethylhexyl)phthalate despite a clear reasonable potential to exceed waste quality standards in violation of Federal Regulations 40 CFR 122.44.

RESPONSE

The proposed Order does consider an effluent limitation for bis(2-ethylhexyl)phthalate, and explains why an effluent limit is not included in the permit at this time.

Bis(2-ethylhexyl)phthalate, in addition to several other phthalates, is used primarily as a plasticizer in polyvinyl chloride (PVC) resins. According to the Consumer Product Safety Commission, USEPA, and the Food and Drug Administration, these PVC resins are used to manufacture many products, including soft squeeze toys, balls, raincoats, adhesives, polymeric coatings, components of paper and paperboard, defoaming agents, animal glue, surface lubricants, and other products that must stay flexible and non-injurious for the lifetime of their use. The maximum observed effluent concentration for bis(2-ethylhexyl)phthalate was 9 ug/L, based on three samples collected between 7 February 2001 and 1 October 2002, while the maximum observed upstream receiving water bis(2-ethylhexyl)phthalate concentration was 6 ug/L, based on three samples collected during the same period.

Bis(2-ethylhexyl)phthalate is somewhat ubiquitous in the environment. There have been many instances in which the analytical results for effluent and receiving water have no apparent explanation other than sample contamination. An example would be the upstream receiving water sample on 1 October 2002 at a concentration of 6 ug/L. There are no known sources of upstream contamination. Furthermore, a sample of Sacramento River water immediately upstream of the City of Dunsmuir (about 10 miles downstream from the City of Mt. Shasta discharge), was taken the same day and found to be free of bis(2-ethylhexyl)phthalate. The Dunsmuir receiving water sample would have included the contribution from the City of Mt. Shasta discharge. In all future sampling events the Discharger will take particular care to eliminate contamination, such as by utilizing glass sampling containers and requesting special procedures from the analytical laboratory.

If modifications to the sampling and/or analytical procedures demonstrate, after six consecutive sampling events, that bis(2-ethylhexyl)phthalate is not present in the discharge at concentrations above the CTR/NTR human health criterion for consumption of water and aquatic organisms, it will be concluded that there is no

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reasonable potential for bis(2-ethylhexyl)phthalate to exceed an applicable criteria, and that it poses no threat to beneficial uses. If, however, it is demonstrated that bis(2-ethylhexyl)phthalate is present in the effluent at concentrations that cause reasonable potential, then this Permit may be reopened and effluent limitations for bis(2-ethylhexyl)phthalate included, as appropriate.

CSPA- COMMENTS #6: The proposed Permit does not protect the designated beneficial uses of the receiving stream for contact recreation contrary to Federal Regulations and the California Water Code.

RESPONSE

The proposed Order does protect the designated beneficial uses of the receiving stream and, in fact, provides water quality protection beyond the minimum necessary to protect the beneficial use of water contact recreation (REC-1). Moreover, during the peak recreation season, and the periods of lowest dilution, discharge to the river is prohibited. The California Department of Health Services recommends that treated wastewater discharged to a receiving stream with the beneficial use of body contact recreation, and a dilution of greater than 20:1 (receiving water : effluent), achieve a disinfection of total coliform bacteria of 23 MPN/100mL as a 7-day median, and 240 MPN/100mL as a maximum monthly value. The proposed Order implements this recommendation.

CSPA- COMMENTS #7: The proposed Permit establishes a mixing zone contrary to requirements of the Basin Plan and the SIP.

RESPONSE

The proposed Order does not establish a mixing zone for compliance with water quality standards. Although significant dilution does occur at all times, the Discharger has not yet conducted a mixing zone/dilution study. Therefore, the proposed Order establishes effluent limitations at the “end-of-pipe.” The proposed Order does allow a 10:1 dilution when determining when accelerated chronic toxicity monitoring is required, but it is not for an effluent limitation. See also Response to CSPA comment #9.

CSPA- COMMENTS #8: The proposed Permit contains an Effluent Limitation for acute toxicity that allows mortality that exceeds the Basin Plan water quality objective and does not comply with Federal regulations, at 40 CFR 122.44 (d)(1)(i).

RESPONSE

The acute toxicity effluent limitations contained in the proposed Order do comply with Federal regulations. The limitations do meet the Basin Plan water quality objective, and are consistent with numerous NPDES permits issued by the Central Valley Regional Water Board and throughout the state, and are appropriate. The proposed Order, as a

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whole, contains several mechanisms designed to ensure that the discharge does not cause toxicity in the receiving water. The proposed Order contains a Receiving Water Limitation that prohibits the discharge from causing toxicity in the receiving water. Additionally, effluent limits are included for all toxic pollutants with reasonable potential to cause or contribute to an exceedance of water quality objectives in the receiving water. Where appropriate, these limits are developed based on aquatic life toxicity criteria.

In addition to chemical-specific effluent limitations, the proposed Order requires whole effluent toxicity (WET) testing that identifies both acute and chronic effluent toxicity. WET testing is necessary because chemical-specific effluent limitations do not address synergistic effects that may occur when the effluent mixes with receiving waters, synergistic effects of mixtures of chemicals, or toxicity from toxic pollutants for which there are no aquatic life toxicity criteria. To address toxicity detected in WET testing, the proposed Order includes a provision that requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate, effluent toxicity. If the discharge exhibits a pattern of toxicity, the Discharger is required to initiate a Toxicity Reduction Evaluation and take actions to mitigate the impact of the discharge and prevent reoccurrence of toxicity.

The acute toxicity effluent limitations establish additional thresholds to control toxicity in the effluent: survival in one test no less than 70% and a median of no less than 90% survival in three consecutive tests. Some in-test mortality can occur by chance. To account for this, the test acceptability criteria for the acute test allow ten percent mortality (requires 90% survival) in the control. Thus, the acute toxicity effluent limitation allows for some test variability, but imposes ceilings for exceptional events (i.e. 30% mortality or more), and for repeat events (i.e., median of three events exceeding mortality of 10%).

CSPA- COMMENTS #9: The proposed Permit does not contain Effluent Limitations for chronic toxicity and therefore does not comply with Federal regulations, at 40 CFR 122.44 (d)(1)(i) and the SIP.

RESPONSE

The proposed Order complies with 40 CFR 122.44(d)(1)(i) and the SIP. The SIP contains implementation gaps regarding the appropriate form and implementation of chronic toxicity limits. This has resulted in the petitioning of a NPDES permit in the Los Angeles Region¹ that contained numeric chronic toxicity effluent limitations. As a result

¹ In the Matter of the Review of Own Motion of Waste Discharge Requirements Order Nos. R4-2002-0121 [NPDES No. CA0054011] and R4-2002-0123 [NPDES NO. CA0055119] and Time Schedule Order Nos.

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of this petition, the State Water Board adopted WQO 2003-012 directing its staff to revise the toxicity control provisions in the SIP. The State Water Board states the following in WQO 2003-012:

“In reviewing this petition and receiving comments from numerous interested persons on the propriety of including numeric effluent limitations for chronic toxicity in NPDES permits for publicly-owned treatment works that discharge to inland waters, we have determined that this issue should be considered in a regulatory setting, in order to allow for full public discussion and deliberation. We intend to modify the SIP to specifically address the issue. We anticipate that review will occur within the next year. We therefore decline to make a determination here regarding the propriety of the final numeric effluent limitations for chronic toxicity contained in these permits.”

The process to revise the SIP is currently underway. Proposed changes include clarifying the appropriate form of effluent toxicity limits in NPDES permits and general expansion and standardization of toxicity control implementation related to the NPDES permitting process. The proposed Order requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity.

CSPA- COMMENTS #10: The proposed Permit fails to include mass based Effluent Limitations for most constituents contrary to federal regulations and technical advise from EPA.

RESPONSE

The proposed Order does include mass based effluent limits, as appropriate. Federal regulations at 40 CFR 122.45(f)(1) and (2), states the following regarding effluent limitations for publicly owned treatment works:

- “(1) All pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass **except** (emphasis added):*
- (i) For pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;*
 - (ii) When applicable standards and limitations are expressed in terms of other units of measurement; or*
 - (iii) If in establishing permit limitations on a case-by-case basis under § 125.3, limitations expressed in terms of mass are infeasible because the mass of the*

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- pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment.*
- (2) *Pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations.”*

The proposed Order includes effluent limitations expressed in terms of both mass and concentration for some constituents. Pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass when the applicable standards are expressed in terms of concentration (e.g., CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

CSPA- COMMENTS #11: The proposed Permit contains absurd time schedules for the installation of critical monitoring equipment that is necessary to determine compliance.

RESPONSE

The time schedules contained in the proposed Order are adequate. The two-year time schedule for implementation of continuous chlorine monitoring and composite sampling of influent and effluent is adequate and appropriate. The City of Mt. Shasta is a small community with limited financial resources. Over the past five years the City has completed extensive improvements including: new influent and effluent flow meters; a chlorine contact chamber double in length; an intermittent backwash effluent filter; dissolved air flotation; new pond aerators and a blower; and a new water supply well. All of these improvements have placed a considerable burden on the City's public utilities budget. The installation of continuous chlorine monitoring and composite sampling, while necessary, is not immediately critical to evaluating compliance with effluent limitations. The past lack of these features has not caused any water quality impact.

**PEGGY RISCH AND PEGGY RISCH FOR THE MT. SHASTA BIOREGIONAL
ECOLOGY CENTER (MSBEC) COMMENTS**

The following responses to comments address the MSBEC comments, although the comments were not organized in the numbered format, below.

MSBEC - COMMENT #1: The Commenter states that kayaking occurs prior to 15 June when the City is required to cease discharge to the Sacramento River, and questions whether effluent limitations in effect during the “shoulder periods” (15 April through 14 June and 16 September through 15 November) are adequate.

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RESPONSE

The proposed Order protects the body contact recreation beneficial use at all times, and implements the DHS disinfection recommendations. See also Response to CSPA comment #6, above.

MSBEC - COMMENT #2: The Board should require the receiving water flow to be measured at the effluent discharge point.

RESPONSE

The receiving water (Sacramento River) flow rate is measured by an automated gauging station maintained by Siskiyou County at the discharge from the Box Canyon Dam, less than 2 miles upstream from the WWTP discharge. This flow measurement is accurate, representative, and suitable for determining the available dilution in the river.

MSBEC - COMMENT #3: The shoulder periods do not extend into October and November, which can experience limited rainfall and therefore provide limited dilution from receiving water flow. Additionally, the Commenter poses a number of questions about the shoulder periods and how dry weather flow is determined, and states that the permitted discharge flow rate should be based on flow in the Sacramento River at the point of discharge.

RESPONSE

Due to the legal requirement for a minimum release of 40 cubic feet per second (cfs) from Lake Siskiyou at Box Canyon Dam, a dilution of at least 20:1 (receiving water : effluent) is always available. See also Responses to CSPA comment #6 and MSBEC comment #2, above.

MSBEC - COMMENT #5: The October 2003 report, *Wastewater Treatment Plant Capacity Evaluation*, prepared by the City's consultant contains a Stage I improvement schedule for increasing WWTP capacity from 0.70 mgd to 0.75 mgd. The proposed Order, however, contains a flow limitation of 0.80 mgd. Improvement of the discharge flow line to the Sacramento River is included in the Stage I schedule, but has not been completed.

RESPONSE

The proposed Order, in section II.E (page F-8) of the Fact Sheet explains that subsequent to the October 2003 report, the engineering consultant submitted a 15 November 2006 letter with a revised list of improvements necessary to achieve a WWTP capacity of 0.80 mgd. All of those improvements have been completed with the exception of an inter-pond piping item. The proposed Order requires that the inter-pond

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pipng improvement be completed before the average dry weather flow limitation is increased to 0.80 mgd. As opposed to the inter-pond piping, the discharge flow line improvement, referenced by the commenter, is not required to provide 0.80 mgd capacity.

MSBEC - COMMENT #6: The WWTP collection system has had surcharging and overflow problems in the past. The Regional Board should require collection system upgrades and maintenance.

RESPONSE

Regional Board staff is aware of the collection system problems and deficiencies. In 1997, the Regional Board issued a Cease and Desist order to require the Discharger to perform a number of tasks including collection system repairs at locations that had been identified as problematic. The Discharger completed the repairs within the time schedule specified. Other significant collection improvements have also subsequently been made. The WWTP collection system performed very well in the 2005-2006 winter season when many other facilities in the Central Valley Region had significant problems and overflows. Despite the significant improvements, surcharging in the collection system and the threat of overflows remains, and therefore, Regional Board staff intends to recommend that the Discharger be required to identify additional improvements and implement a reasonable time schedule to complete them.

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BJS