

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 13/14 March 2008**

**Response to Written Comments for Malaga County Water District,  
Malaga Wastewater Treatment Facility,  
Fresno County  
Tentative Waste Discharge Requirements/NPDES Permit**

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At a public hearing scheduled for 13/14 March 2008, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of Waste Discharge Requirements (WDRs)(NPDES No. CA0084239) for the Malaga County Water District, Malaga Wastewater Treatment Facility (WWTF). This document contains responses to written comments received from interested parties regarding the Tentative Waste Discharge Requirements (TWDRs) circulated on 14 December 2007. Written comments from interested parties were required by public notice to be submitted to the Regional Water Board by noon on 21 January 2008 to receive full consideration. Written comments were received from the Central Valley Clean Water Association (CVCWA). CVCWA's comments are summarized below, followed by the response of the Regional Water Board staff.

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**CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA)**

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**CVCWA – COMMENT 1:** CVCWA comments that the TWDRs appear to apply MUN to the Central Canal based on State Water Resources Control Board (State Water Board) Resolution No. 88-63 (i.e., Sources of Drinking Water Policy) despite that MUN does not currently occur and is not anticipated to occur. CVCWA states that the application of MUN to the Central Canal is in error as the Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2004 (Basin Plan) does not incorporate Resolution No. 88-63 for application to surface waters. CVCWA asserts that only groundwaters are designated MUN in the Basin Plan based on Resolution No. 88-63. Thus, CVCWA states that the TWDRs must be revised to exclude MUN as a beneficial use of the Central Canal and to exclude any limitations that are intended to protect MUN.

**RESPONSE:** The requested changes to the TWDRs have not been made. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised October 2007 includes the following language in Chapter 2: "Water Bodies within the basins that do not have beneficial uses designated in Table II-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of this Basin Plan ..." The Tulare Lake Basin Plan does not include this blanket designation language in Chapter 2, but does incorporate Resolution 88-63 for both groundwater and surface water. Chapter 5 (pg. V-2) of the Tulare Lake Basin Plan includes the following explanation of how Resolution 88-63 is incorporated into the Basin Plan:

**7. State Water Board Resolution No. 88-63, "Sources of Drinking Water" Policy**

This policy, adopted on 19 May 1988, specifies that, except under specifically defined exceptions, all surface and ground waters are suitable or potentially suitable for MUN. The specific exceptions are for waters with existing high total dissolved solids concentrations (greater than 3,000 mg/l), aquifers with low sustainable yield (less than 200 gallons per day for a single well),

water with contamination that cannot be treated for domestic use using best management practices or best economically achievable treatment practices, waters within particular municipal, industrial and agricultural wastewater conveyance and holding facilities, and regulated geothermal ground waters. *Where the Regional Water Board finds that one of the exceptions applies, it may remove the MUN designation for the particular water body through a formal Basin Plan amendment which includes a public hearing. The exception becomes effective upon approval by the State Water Board and the Office of Administrative Law. See Appendix 7.*

[Emphasis added] Resolution No. 88-63 allows the Regional Water Board to exempt constructed agricultural drainage canals from MUN coverage. However, the Regional Water Board has interpreted the above language to mean that the only way it may apply any of the exceptions, including the exception for drainage canals, is through a formal basin planning action. The Regional Water Board has not interpreted the specific use designations in Table II-1 of the Basin Plan to apply to surface waters that are not natural streams. Staff and the Regional Water Board recognize that removing the MUN use would be appropriate in some cases, and is working toward resolving these issues through the basin planning process.

In this case, the MUN use only triggers effluent limits for bromoform, chlorodibromomethane, and dichlorobromomethane. The Discharger committed to replace the existing chlorination/dechlorination system with an ultraviolet (UV) disinfection system this year. The UV disinfection system will eliminate any reasonable potential for these trihalomethanes (THMs) to exceed water quality objectives. In the meantime, staff is proposing a compliance schedule and interim limitations for these THMs. Thus, even if the MUN use did not apply, the permit terms would not significantly change.

**CVCWA – COMMENT 2:** CVCWA encourages Regional Water Board staff to reconsider the compliance schedule for ammonia which sets a compliance deadline of 18 May 2010. This date is the mandatory compliance date for California Toxics Rule (CTR) constituents, and CVCWA maintains that it is inappropriate to apply a CTR compliance data to a non-CTR constituent.

**RESPONSE:** As noted by CVCWA, the Basin Plan requires compliance schedules be “based on the shortest practicable time required to achieve compliance.” Regional Water Board staff believes the proposed final compliance date is consistent with the Basin Plan. The Malaga County Water District has not commented or provided any justification that the proposed deadline is unreasonable. As such, Regional Water Board staff does not propose to change the compliance schedule for ammonia in the TWDRs.

**CVCWA – COMMENT 3:** CVCWA comments that establishing effluent limitations for hardness-dependant metals based on worst-case conditions (i.e., lowest ambient hardness) as stated in the Fact Sheet (pg. F-15) “has been determined to not be reasonably protective of the receiving water and is no longer used by the Regional Water Board in NPDES permits.” CVCWA states that the TWDRs must be revised to reflect the approach detailed in technical studies prepared by Dr. Robert Emerick (ECO:LOGIC Engineering) and Dr. Mitchell Mysliwiec

(Larry Walker Associates) and used in recent NPDES permits adopted by the Regional Water Board.

**RESPONSE:** Regional Water Board staff selected the hardness value(s) for the WWTF reasonable potential analysis based on the methodology presented in a paper entitled "*Developing Protective Hardness-Based Metal Effluent Limitations*" by Robert W. Emerick, Ph.D., P.E. and John E. Pedri, P.E. As noted by the commenter, this methodology uses of the lowest effluent hardness to develop fully protective criteria for certain metals and a combination of the lowest effluent hardness and lowest receiving water hardness for other metals. Section IV.C.2.b of the Fact Sheet has been revised to be consistent with the approach used by staff as described above.