Regional Water Quality Control Board
Central Valley Region
Board Meeting – 31 July/1August 2008

Response to Written Comments on Tentative Waste Discharge Requirements for Bear Valley Community Services District, Bear Valley Wastewater Treatment Facility, Kern County

At a public hearing scheduled for 31 July/1 August 2008, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of Waste Discharge Requirements (NPDES No. CA0081213) (hereafter Permit) for the Bear Valley Community Services District (Discharger) Wastewater Treatment Facility (WWTF), which was circulated as tentative on 21 May 2008. This document contains responses to written comments received from interested parties regarding the tentative Permit. Written comments from interested parties were required to be received by the Regional Water Board by noon on 23 June 2008 in order to receive full consideration. Only the Discharger commented.

Written comments from the Discharger are summarized by staff below, followed by the staff responses.

BEAR VALLEY COMMUNITY SERVICES DISTRICT (BVCSD) COMMENTS

BVCSD - COMMENT - 1: BVCSD questions the need of upstream receiving water monitoring given the ephemeral nature of Sycamore Creek, particularly when there is no upstream flow and the downstream flow is entirely effluent. BVCSD particularly questioned the requirement for fecal coliform sampling.

> **RESPONSE:** Upstream receiving water monitoring is necessary to measure background conditions to provide data for determining compliance with Permit conditions and the Basin Plan, and to form a basis for determining water quality based requirements. Fecal coliform testing is required to determine compliance with Receiving Water Limitation V.A.2., which is based on the Basin Plan surface water quality objective for bacteria. The receiving water monitoring requirements in the Permit have been modified to require receiving water sampling only during periods when the BVCSD is discharging to Sycamore Creek and upstream flow is present.

BVCSD - COMMENT - 2: BVCSD questions the need for upstream receiving water acute toxicity testing and annual testing of Dioxin and asbestos.

> **RESPONSE:** We have modified the Monitoring and Reporting Program (Attachment E, Section V.A.2) to clarify that acute toxicity testing is only required for the effluent. Refer to Response 9 for the Dioxin and asbestos response.

BVCSD - COMMENT - 3: BVCSD questions the monitoring requirement for Chromium VI.

> **RESPONSE:** Chromium VI was present in an upstream receiving water sample at a level exceeding applicable criteria. Chromium VI was also detected in the effluent.

Based on the reasonable potential analysis process described in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), these conditions generally require an effluent limitation for Chromium VI. After receiving the sample result, BVCSD resampled the receiving water for Chromium VI and obtained a non-detect result. Thus, it appears the first sample may be an anomaly. The additional testing is included to verify if there is a reasonable potential for the discharge to cause or contribute to an excursion above the priority pollutant criterion for Chromium VI. Footnotes in Table E-3 and Table E-6 have been added to allow a reduction in monitoring after six months if sample results indicate Chromium VI levels are below the applicable criteria and there is no reasonable potential for the effluent to cause an exceedance of the water quality criteria for Chromium VI.

BVCSD - COMMENT - 4: Since the proposed Permit does not include limitations for aluminum, BVCSD would like to conduct in-house testing for aluminum although its laboratory is not certified by the California Department of Public Health (DPH).

RESPONSE: Testing must be done in a DPH certified laboratory. To ease the BVCSD's monitoring burden, we have added footnotes in Table E-3 and Table E-6 allow a reduction in monitoring after one year if sample results indicate aluminum levels are below the applicable criteria and there is no reasonable potential for the effluent to cause an exceedance of the water quality criteria for aluminum.

BVCSD - COMMENT - 5: BVCSD would also like to conduct in-house testing for copper.

RESPONSE: As discussed in No. 4 above, testing must be done in a laboratory certified by DPH.

BVCSD - COMMENT - 6: Same as Comment-2.

RESPONSE: See response to Comment-2.

BVCSD - COMMENT - 7: BVCSD requests clarification regarding whether separate tests are necessary for the acute and chronic whole effluent toxicity testing.

RESPONSE: The Permit requires submittal of acute and chronic whole effluent toxicity test results. Acute and chronic results can be obtained from the three species chronic toxicity test method prescribed in the Permit. Thus, two separate sampling events and tests are not required.

BVCSD - COMMENT - 8: BVCSD requests clarification on the biosolids/sludge testing requirements.

RESPONSE: The biosolids/sludge testing language in Attachment E, IX.A.1. has been modified to clarify the monitoring requirements.

BVCSD - COMMENT - 9: BVCSD would like removal of dioxin and asbestos sampling from the priority pollutant testing.

> **RESPONSE:** Dioxin and asbestos testing is included in priority pollutant monitoring as required by federal regulations and the SIP. Table E-3 has been modified to require priority pollutant sampling during the first, third, and fourth years of the Permit term.

BVCSD - COMMENT – 10: BVCSD requests clarification on the purpose of the average 1-hour total chlorine residual limitation.

> **RESPONSE:** The limitation is expressed as a 1-hour average to be consistent with the USEPA criteria for chlorine residual. As BVCSD does not have continuous effluent chlorine residual monitoring, the monitoring requirement specifies a grab sample five times per week. Compliance with the 1-hour average limitation will be determined by comparing available results with the limits.

BVCSD - COMMENT – 11: BVCSD questions the need for increased monitoring to look for "something even if we are not sure what", given the limits BVCSD must meet to discharge to the surface water.

> **RESPONSE:** Generally, increases in the number of constituents monitored (e.g. Chromium IV, copper, etc.) is driven by the Regional Water Board's obligation to issue permits that are consistent with the California Toxics Rule (40 CFR 131.38) and the SIP. The exception would be aluminum. Additional monitoring for aluminum is necessary to determine whether initial results indicating that aluminum may be present in the effluent, above applicable water quality criteria, are valid. If results indicate an aluminum effluent limitation is necessary, the Permit will be reopened and a limitation included. If the results indicate a limitation is not necessary, modifications as described in Response to Comment 4 above allow a reduction in monitoring frequency.