

*City of Turlock – February 2, 2009 Comments on January 23, 2009 Revised Tentative Order  
Compliance Schedule for EC*

Subject: Comments on January 23, 2009 Revised Tentative Waste Discharge Requirements for City of Turlock Water Quality Control Facility (NPDES Permit No. CA0078948)

Dear Mr. Marshall:

The City of Turlock (“City”) appreciates the opportunity to provide comment on the January 23, 2009 Revised Tentative Waste Discharge Requirements for the City’s Water Quality Control Facility (NPDES Permit No. CA0078948) (“Revised Tentative Order”). The purpose of this communication is to request extension and modification to the compliance schedule for final effluent limitations for electrical conductivity (“EC”).

By way of background, the December 9, 2008 Tentative Order contained final effluent limitations for EC for Discharge Point Nos. 1 and 2. Footnotes to those final effluent limitations stated that compliance was required by July 28, 2022 (all water year types, except critically dry) or July 28, 2026 (for critically dry water years), in accordance with and pursuant to the Salt and Boron TMDL previously adopted by the Regional Board. *See* Dec. 9, 2008 Tentative Order at Sections IV.A.1.h., fn.1., and IV.B.1.h., fn.1. However, in Section VI.C.7.a. of the Tentative Order, the compliance schedule for final effluent limitations for EC was shortened to January 1, 2016.

The City submitted comments to the Regional Board on January 9, 2009 requesting that the compliance schedule in Section VI.C.7.a. be modified to July 28, 2022 (all water year types, except critically dry) or July 28, 2026 (for critically dry water years), so as to be consistent with the Salt and Boron TMDL, prior permitting action taken by the Regional Board for the City of Modesto (the only other municipal discharge assigned a WLA in the Salt and Boron TMDL), and the footnotes in Sections IV.A.1.h., fn.1., and IV.B.1.h., fn.1. The January 23, 2009 Revised Tentative Order did not modify the compliance schedule in Section VI.C.7.a. as requested, and instead, the footnotes at Sections IV.A.1.h., fn.1., and IV.B.1.h., fn.1, were modified to reflect the shorter compliance period of January 1, 2016.

Based on correspondence with your office on January 28, 2009, you indicated that the initial compliance schedule period was shortened to January 1, 2016 in an effort to encourage the City to take near term, pro-active steps towards reducing salinity discharges. The City shared its concerns with you that the shortened compliance schedule would not allow for an orderly phased approach to reducing salinity discharges, as contemplated by the TMDL, commencing with source control, and concluding with potential installation of reverse osmosis/micro-filtration technology (the least preferred option, environmentally and economically), should source control efforts not achieve sufficient reductions to ensure compliance. The City also shared with you its commitment to commencing near term source control efforts (the City has already pro-actively begun the process of modifying potable source water supplies, and evaluating the City’s industrial pretreatment program), and willingness to agree to an NPDES permit that contained more robust interim source control deadlines if the final compliance schedule is extended to the 2022/2026 dates set by the Salt and Boron TMDL.

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While the Revised Tentative Order does reference the potential opportunity to extend the initial compliance period, no guarantee of extension exists, so the City must proceed as if January 1, 2016 is the final compliance date. Not enough time exists between permit adoption and conclusion of the January 1, 2016 initial compliance period to meaningfully implement and evaluate source control efforts (approximately 3-5 years), and subsequently address further reduction via increased treatment processes, if necessary (*i.e.*, the approval, design, construction, and start-up of MF/RO, that could take 7-8 years, assuming a disposal method for the produced brine can be developed and approved, and additional energy supply identified). As such, the City would need to immediately start investigating and implementing costly and environmentally questionable treatment upgrades that may be unnecessary should source control efforts succeed.

**For this reason, the City requests that the compliance schedule in Section VI.C.7.a. of the Revised Tentative Order be extended to July 28, 2022 (all water year types, except critically dry) or July 28, 2026 (for critically dry water years), but that a more robust schedule of interim deadlines be included in the final Order, to provide the Regional Water Board and the public with assurance that the City is undertaking timely and necessary source control steps towards reducing salinity discharges so as to comply with the assigned WLA. If source control efforts are successful, the City will achieve compliance earlier than the compliance schedule deadline (2014), but if additional controls are necessary, the longer compliance period will provide the City time to implement those additional complex controls.**

The City proposes the following interim source control deadlines to include in Section VI.C.7.a., and that Section VI.C.7.a. be revised as follows:

**“7. Compliance Schedules**

**a. Compliance Schedule for Final Effluent Limitations for Electrical Conductivity.**

The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for electrical conductivity (Effluent Limitations IV.A.1.h and IV.B.1.h), in accordance with the Salinity and Boron TMDL:

<u>Task</u>	<u>Compliance Date</u>
i. Submit Source Control Workplan	1 June 2009
Source control efforts must be implemented timely so that evaluation of effectiveness can occur no later than 1 January 2014.	
ii. Submit Treatment or Alternative Salinity Reduction Method Workplan	1 June 2014
This workplan will detail any necessary additional efforts (increased treatment or alternative methods of salinity reduction) the City must undertake to ensure compliance if source control efforts are not successful in meeting final effluent limitations.	

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<u>Task</u>	<u>Compliance Date</u>
iii. Continue Implementation of Salinity Source Control Program <sup>1</sup>	Ongoing
iv. Annual Progress Reports <sup>2</sup>	1 June, annually until final compliance
v. Full Compliance with Final Electrical Conductivity Limitations	28 July 2022 <sup>3</sup> or 28 July 2026 <sup>4</sup>

Please note that the footnotes at Sections IV.A.1.h., fn.1., and IV.B.1.h., fn.1., of the Revised Tentative Order will need to be modified to reflect the prior provided compliance dates of July 28, 2022 and July 28, 2026.

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<sup>1</sup> See section VI.C.3.a.

<sup>2</sup> The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

<sup>3</sup> For all water year types, except critically dry.

<sup>4</sup> For critically dry years, full compliance not required until 28 July 2026.