Central Valley Clean Water Association
Representing Over Fifty Wastewater Agencies

MICHAEL RIDDELL– Chair, City of Riverbank
TERRIE MITCHELL – Vice Chair, Sacramento Regional CSD
CASEY WICHERT – Secretary, City of Brentwood
TONY PIRONDINI – Treasurer, City of Vacaville

January 4, 2016

Via Electronic Mail Only

Josh Palmer
Senior Water Resources Control Engineer
California Water Quality Control Board
Central Valley Region
11020 Sun Center Drive
Rancho Cordova, CA 95670-6114
joshua.palmer@waterboards.ca.gov

RE: Tentative Waste Discharge Requirements for the Olivehurst Public Utility District, Wastewater Treatment Facility, Yuba County

Dear Mr. Palmer:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements Order No. R5-2015-XXXX for the Olivehurst Public Utility District (District) Wastewater Treatment Facility (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding the effluent limits and reasonable potential analyses for mercury and salinity, respectively, and the receiving water limitations for salinity.

I. Reasonable Potential Analysis and Effluent Limitation for Mercury

The Tentative Order includes a final effluent limitation for total recoverable mercury of 0.78 pounds/year, expressed as a total annual mass discharge.[1] The Tentative Order does not provide an increase in the limit for the expanded permitted flows of 5.1 million gallons per day (mgd). The Fact Sheet explains that the maximum effluent concentration for mercury was 0.0066 µg/L, and that "the effluent does not have reasonable potential to cause or contribute to an exceedance of the [California Toxics Rule] criteria for mercury."[2] Then, the Fact sheet includes inconsistent statements, stating both that the effluent limit for mercury has been removed and that an effluent limit is necessary. As reasons for imposing a limit, the Fact Sheet lists that mercury bioaccumulates in fish tissue, and therefore the discharge of mercury may contribute to the exceedance of the narrative toxicity objective. Additionally, the Fact Sheet states that the discharge of mercury is being limited to protect the beneficial uses of the Delta.[3]

Ignoring the inconsistent statements, and assuming staff intended to include the limit, the reasoning supporting the imposition of a mercury limit is inadequate. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) provides the policy for evaluating compliance with narrative water quality objectives. Pursuant to the Basin Plan, the Central Valley Regional Water Quality Control Board (Regional Board):

> considers, on a case-by-case basis, direct evidence of beneficial use impacts, all material and relevant information submitted by the discharger and other interested parties, and relevant numerical criteria and guidelines developed and/or published by other agencies and organizations . . . In considering such criteria, the Board evaluates whether the specific numerical criteria, which are available through these sources and through other information supplied to the Board, are relevant and appropriate to the situation at hand and, therefore should be used in determining compliance with the narrative objective.[4]

As the Fact Sheet acknowledges, the discharge does not have reasonable potential to exceed the numeric CTR criteria, which is being used to interpret the narrative toxicity objective. Rather, the Tentative Order imposes an effluent limit based on a potential exceedance of the narrative toxicity objective because mercury bioaccumulates in fish. This is not the type of analysis required under the Basin Plan's Policy for Application of Water Quality Objectives.

CVCWA respectfully requests that the effluent limit for total mercury be removed. The discharge does not have reasonable potential to exceed the applicable numeric criteria for mercury, and Tentative Order does not otherwise establish that the discharge has reasonable

[1] Tentative Order, pp. 5-6.

[2] *Id.*, p. F-29.

[3] *Ibid.*

[4] Basin Plan, p. IV-17.00.

potential to exceed the narrative objective based on the factors listed in the Basin Plan.[5] Alternatively, if the Regional Board proceeds with imposing an effluent limit for mercury, it must include an analysis that is consistent with the requirement of the Basin Plan, including the necessary information for evaluating compliance with a narrative water quality objective.

II. Reasonable Potential Analysis and Effluent Limitation for Salinity

The reasonable potential analysis for salinity in the Fact Sheet contains inconsistent or inapplicable statements for this discharge. For example, the Tentative Order states that effluent limitations based on Secondary Maximum Contaminant Levels (MCL) would likely require construction of a reverse osmosis treatment plant. However, the RPA results show that the levels of chloride, electrical conductivity (EC), sulfate, and total dissolved solids do not exceed even the recommended level (i.e., lowest) Secondary MCL. This statement, likely from a permit template, does not apply to this high quality discharge.

Additionally, and similar to the comment above on the mercury limit, the reasonable potential analysis does not support the imposition of a water quality-based effluent limitation (WQBEL) for EC. The average effluent EC is 694 µmhos/cm, with a range from 238 µmhos/cm to 875 µmhos/cm. The receiving water EC concentration averaged 193 µmhos/cm. Thus, the data show, and the Tentative Order acknowledges,[6] that the discharge does exceed or contribute to an exceedance of the Secondary MCL for EC.

The other reasons offered in support of a performance-based EC limit are not sufficient to justify the limit and are internally inconsistent. For example, the Tentative Order states that EC concentrations are expected to increase due to water conservation, but lists data that show the District's EC concentrations have been steadily decreasing since 2012. CVCWA respectfully requests that the effluent limitation for EC be removed. There is no reasonable potential, and the Regional Board does not offer another legally sound basis for imposing a WQBEL under the federal regulation and the Basin Plan.[7] This discharge is high quality, with low salinity levels. A performance-based limit is not necessary. The requirement to update and implement a salinity evaluation and minimization plan will ensure that the District continues to address and reduce salinity in the discharge where feasible and effective.

III. Receiving Water Limitations for Salinity

The receiving water limitations for salinity cross-reference a page number in the Basin Plan.[8] However, the water quality objectives listed on page III-6.02 and in Table III-3 do not apply to Bear River. Further, any water quality objective that is applicable to the receiving water

[5] See also 40 C.F.R. § 122.44(d)(1)(vi).

[6] Tentative Order, p. F-37.

[7] See 40 C.F.R. § 122.44(d); Basin Plan, p. IV-17.00.

[8] Tentative Order, p. 8.

should be spelled out in the permit. A cross-reference to the Basin Plan is unusual and confusing. CVCWA request that the receiving water limitation for salinity be deleted for these reasons.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eofficer@cvcwa.org.

Sincerely,

Debbie Webster

Debbie Webster,
Executive Officer

Cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board (pcreedon@waterboards.ca.gov)