Central Valley Clean Water Association
Representing Over Fifty Wastewater Agencies

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December 27, 2024

Via Electronic Mail Only

California Regional Water Quality Control Board
Central Valley Region
1120 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
RB5S-NPDES-Comments@waterboards.ca.gov

Re: CVCWA Comment Letter – Tentative Waste Discharge Requirements (NPDES Permit) for Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility

To the Central Valley Water Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements Order (NPDES Permit) for Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility (R5-2025-XXXX) (hereinafter, "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 from the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide comments supporting revisions to the Tentative Order.

A. Toxicity

Although the Regional Board appropriately removed acute WET effluent limitations (see Tentative Order, p. F-42), conducting reasonable potential analysis (RPA) for acute toxicity is discretionary. Based on CVCWA's review, it is unclear why RPA is included in the

permit (see Tentative Order, p. F-38), particularly given past toxicity testing results. CVCWA requests clarification supporting the Regional Board's discretionary decision to include the RPA. CVCWA acknowledges that the proposed revision may have limited effect for implementation of the Tentative Order; however, further explanation may avoid or resolve confusion or inappropriately restrictive requirements in any future order.

B. Performance-Based Trigger for Electrical Conductivity (EC)

The Tentative Order includes a performance-based trigger for EC consistent with the Alternative Salinity Permitting Approach. The Tentative Order prescribes a trigger value for EC of 950 µmhos/cm. Based on the range reported in the facility's monitoring reports, the proposed salinity trigger is very stringent. The Fact Sheet states, "[t]he performance-based trigger is based on the maximum annual average effluent EC of 759 µmhos/cm with a safety factor of approximately 25 percent, resulting in an EC trigger of 950 µmhos/cm." However, considering the monitoring reports show an average effluent EC of 715 µmhos/cm, with a range from 482 µmhos/cm to 955 µmhos/cm, there is insufficient information to confirm whether the "safety factor" (25 percent of the maximum annual average effluent EC of 759 µmhos/cm) is appropriate without further supporting data or explanation. The Tentative Order states that the salinity trigger considers possible temporary increases in salinity levels that may occur due to water conservation and/or drought, but it is not clear whether the trigger accounts for potential longer-term increases in salinity resulting from conservation and drought planning programs administered by the state. Accordingly, CVCWA recommends increasing the performance-based trigger for EC to provide the Permittees additional leeway for expected longer-term changes in salinity resulting from conservation and drought planning, or at a minimum, including additional discussion in the Tentative Order of how this trigger accounts for such expected changes.

C. Nitrate Reduction Workplan

The Tentative Order requires the Discharger to prepare the Nitrate Reduction Workplan, including preparation of "[a] detailed time schedule to meet the interim deadlines and milestones to ensure compliance with the Nitrate Control Program." (Tentative Order, p. 20.) The Tentative Order specifically requires completion dates "with intervals no more than two to three years … ." (*Ibid*.) There is no further discussion or justification for the two-to-three-year timeline in the Tentative Order or the Management Zone Implementation Plan (MZIP). While this section of the Tentative Order is intended to incorporate the MZIP, it does not acknowledge the requested 35-year exception to cease causing or contributing exceedances of water quality objections, which is relevant to the Workplan timelines. CVCWA is particularly concerned with the potential application of the two-to-three-year deadline to comply with "Interim Deadline #3: Complete Compliance Project." If an applicable compliance project is necessary, it is unclear, but unlikely, that up

to three years would be sufficient. CVCWA respectfully requests revision to the Tentative Order that allows for greater flexibility in the timelines for compliance related to the Nitrate Reduction Workplan to incorporate information from further study in compliance with the MZIP and to ensure that Nitrate Reduction Goals can be reasonably achieved. (See MZIP §§ 5.2.4 and 5.3.5.2.)

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

Sincerely,

Debbie Mackey
Executive Officer

MEC:cr