Central Valley Regional Water Quality Control Board
21 February 2025 Board Meeting

Response to Written Comments on
Tentative Waste Discharge Requirements for
Cutler-Orosi Joint Powers Wastewater Authority
Wastewater Treatment Facility
Tulare County

At a public hearing scheduled for 21 February 2025, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CA0081485) for the Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility. This document contains responses to written comments received from interested persons and parties in response to the Tentative Order. Written comments from interested parties were required to be received by the Central Valley Water Board by 27 December 2024 in order to receive full consideration. Comments were received prior to the deadline from:

1. Cutler-Orosi Joint Powers Wastewater Authority (Discharger) (received 27 December 2024)
2. Central Valley Clean Water Association (CVCWA) (received 27 December 2024)
3. Jo Anne Kipps (received 27 December 2024)

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff. In addition, staff made a few minor changes to the Tentative Order to improve clarity and fix typographical errors identified by staff and the commentor(s).

DISCHARGER (CUTLER-OROSI JOINT POWERS WASTEWATER AUTHORITY) COMMENTS

DISCHARGER COMMENT #1 – Effluent Monitoring for Whole Effluent Toxicity

Attachment E, Table E-3: Effluent Monitoring for Monitoring Location EFF-001 will require chronic whole effluent toxicity testing of wastewater discharged to land. This requirement is not justified based on information presented in Attachment F.

RESPONSE:

Table E-3 has been revised to remove reference to whole effluent toxicity testing for Monitoring Location EFF-001. Additional clarifying language has also been added to

Attachment E, Section V.B.2 to specify that routine chronic toxicity testing is only required at Monitoring Location EFF-002 (i.e., when discharging to Sand Creek).

DISCHARGER COMMENT #2 – Most Sensitive Species Screening

Attachment E, Section V.F requires a screening (once every 15 years), which exceeds the tentative WDR/NPDES permit term (5 years).

RESPONSE:

The NPDES Permit has a permit term of five years. Circumstances could arise that require the permit to be administratively extended beyond its expiration date. The 15 years requirement has not been changed in the permit in order to stay consistent with requirements in the Toxicity Provisions. However, the date for the 15 years requirement has been added to Attachment E, Section V.F of the Tentative Order for additional clarity.

DISCHARGER COMMENT #3 – Toxicity Reduction Evaluations

Attachment E, Section V.G.1 states that a Toxicity Reduction Evaluation (TRE) may also be required when there is no effluent available to complete a routine monitoring test or MMEL compliance test. Sample collection requires sufficient volumes to conduct testing, and effluent will always be available for this. Consider revising the language.

RESPONSE:

This section applies to discharge from Discharge Point 002, which is not currently used. If and when Discharge Point 002 is ever used, it is expected to be used intermittently. If routine monitoring or compliance tests are required when the Facility has ceased its intermittent discharge, this provision allows for a TRE to still be required. The language that the Discharger has requested has been added to the Attachment E, Section V.G.1 of the Tentative Order, but the original language has not been removed.

DISCHARGER COMMENT #4 – Toxicity Reduction Evaluation Work Plan

Consider revising Attachment E, Section V.G.2 to specify that the TRE Work Plan is due “at least 90 days before the first discharge to Sand Creek” instead of “within 90 days of the first discharge to Sand Creek.” This change will ensure that the work plan and Executive Officer review will be completed before the discharge window begins.

RESPONSE:

The proposed change has been made in Attachment E, Section V.G.2 and Table E-13 of the Tentative Order.

DISCHARGER COMMENT #5 – Lead and Aluminum Data

Attachment F, Table F-6 includes an aluminum result on 6 July 2017, which should indicate 45 ug/L without a "J" flag. Attachment F, Table F-7 includes a lead result on 23 June 2016 which should read "Non-detect (<5.0)". Also, "J" flag data should be defined in these sections.

RESPONSE:

Aluminum on 6 July 2017 and lead on 23 June 2016 were analyzed by both methods EPA 200.7 and 200.8. Attachment F, Tables F-6 and F-7 have been revised as necessary to reflect only the results of the more sensitive method, EPA Method 200.8. Furthermore, data in Attachment F, Tables F-6 and F-7 that had a "J" flag were noted as being "detected but not quantified."

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA COMMENT #1 – Acute Toxicity Reasonable Potential Analysis

Conducting reasonable potential analysis (RPA) for acute toxicity is discretionary. It is unclear why the RPA is included in the tentative permit (Attachment F, Section IV.C.5), particularly given past toxicity testing results. Clarification supporting the Water Board's discretionary decision to include the RPA is requested.

RESPONSE:

Attachment F, Section IV.C.5 of the Tentative Order has been revised to clarify that the RPA is not necessary in this case and that removal of the acute toxicity effluent limitations is not based on an RPA determination. The revised section clarifies that its purpose is to summarize past toxicity results.

CVCWA COMMENT #2 – Performance-Based Trigger for Electrical Conductivity

The Tentative Order includes a performance-based trigger for electrical conductivity (EC) that is consistent with the Alternative Salinity Permitting Approach. Based on the range reported in the Facility's monitoring reports, the proposed EC trigger is very stringent. A factor of safety of approximately 25 percent has been applied to the maximum annual average effluent EC of 759 µmhos/cm, resulting in a trigger of 950

µmhos/cm. There is insufficient information to confirm whether the safety factor is appropriate without further supporting data or explanation. The Tentative Order states that the EC 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. The Commenter recommends increasing the performance-based trigger for EC to provide the Discharger 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.

RESPONSE:

The EC trigger is reasonable for current conditions at the Facility. The trigger will be evaluated again at the next renewal, which is every five years or so. If increases in salinity resulting from longer term conservation and drought planning programs indicate a need for a higher EC trigger, an alternative safety factor could be applied to the discharge. In addition, the EC trigger is an annual average and only triggers additional action; it is not an effluent limitation. If the EC trigger is exceeded, the Discharger shall evaluate possible sources of salinity contributing to the exceedance and submit an action plan to control salinity. Evaluation of salinity contributions from conservation can be assessed at that time and applied to recalculating a performance-based EC trigger in the future.

CVCWA COMMENT #3 – 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.” (Provision VI.C.2.d). The Tentative Order specifically requires completion dates “within intervals no more than two to three years.” (Provision VI.C.2.d). 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 to exceedances of water quality objectives, which is relevant to the Workplan timelines. The Commenter 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. The Commenter requests revision to the Tentative Order that allows 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.

RESPONSE:

The Commenter is correct that the language in the Tentative Order stating that interim deadlines be no more than two to three years was taken directly from the Kings Water Alliance Management Zone Implementation Plan (MZIP). Board staff recognizes that the Central Valley Water Board has not yet granted the up to 35 year exception from meeting nitrate limits, nor does the Tentative Order propose to do so. The Central Valley Water Board, at a future board meeting, intends to amend the applicable permits covered under the Priority 1 MZIPs to grant the appropriate nitrate exception pursuant to the Basin Plan's Exceptions Policy. While the nitrate exception implementation details are being worked out, opportunity exists to be flexible in the Tentative Order's Nitrate Reduction Workplan language. Thus, Provision VI.C.2.d.iv of the Tentative Order has been revised to remove the requirement that interim deadlines be no more than two to three years. The Nitrate Reduction Workplan language in the Tentative Order (Provision VI.C.2.d.iv) has been further revised to clarify that the deadlines are not triggered until the Board authorizes the nitrate exception.

JO ANNE KIPPS COMMENTS

JO ANNE KIPPS COMMENT #1 – Pond Percolation Rates

Attachment E, Section VI.A requires monitoring of pond percolation rate. The Commenter requests a description of how staff expects the Discharger to estimate pond percolation rate annually, and to revise the Monitoring and Reporting Program to include this description. Additionally, the sample type for percolation rate should be "calculation," instead of "estimate."

RESPONSE:

Attachment E, Section VI.A of the Tentative Order has been revised to describe the calculation of the pond percolation rate. The percolation rate shall be calculated using known water storage, known precipitation amounts, assumed or measured evaporation rates, and known wastewater distributions to and from the treated wastewater ponds. Additionally, Attachment E, Table E-5 has been revised to clarify the sample type is "Calculation."

JO ANNE KIPPS COMMENT #2 – Total Organic Carbon and Total Dissolved Solids

Attachment F, Table F-15 notes new annual monitoring for total organic carbon and total dissolved solids. However, Attachment E, Table E-8 does not include total organic carbon monitoring. The Commenter requests revising Table E-8 to include quarterly monitoring for total organic carbon with a footnote stating that frequency may be reduced to annually after three years upon written request and with technical justification.

RESPONSE:

Attachment E, Table E-8 has been revised to include total organic carbon, which was inadvertently left out. Monitoring frequencies for total dissolved solids and total organic carbon have been revised in Tables E-8 and F-15 to be quarterly, for three years, at which point the monitoring frequency will be changed to yearly.

JO ANNE KIPPS COMMENT #3 – Groundwater Monitoring Frequency for Iron and Manganese

The Commenter requests for groundwater monitoring frequencies for iron and manganese in Attachment E, Table E-8 to be increased from yearly to quarterly.

RESPONSE:

The Discharger's previous permits R5-2006-0092 and R5-2013-0047 included quarterly monitoring for iron and manganese. Order R5-2018-0011 reduced monitoring frequency for iron and manganese to yearly given the extensive data set. The Discharger has continued to monitor iron and manganese in the groundwater at a quarterly frequency. Groundwater monitoring data have not shown elevated concentrations of iron or manganese. Keeping the monitoring frequency as yearly in the tentative WDRs is appropriate given the low concentrations and the large data set.

JO ANNE KIPPS COMMENT #4 – Groundwater Monitoring Filtration

Attachment E, Table E-8 includes groundwater monitoring for iron, manganese, and arsenic. The Commenter requests revising the table to specify that samples must be filtered prior to acidification.

RESPONSE:

Attachment E, Table E-8 has been revised to specify filtration requirements for constituents with secondary Maximum Contaminant Levels (iron and manganese) and

the remaining constituents (including arsenic). All filtration must be completed prior to preservation, digestion, and analysis.

STAFF REVISIONS

1. **Grammatical and Typographical Corrections.**
   Staff has made grammatical and typographical corrections to the Tentative Order for clarity.

2. **Biosolids Special Provisions.**
   Staff has removed Provision VI.C.5.a.iii. This provision required compliance with Attachment E, Section IX.A, which was not applicable to the Discharger.

3. **Toxicity Calendar Quarters.**
   Staff has revised an error in the toxicity calendar quarters in Attachment E, Section V.A.2 to appropriately define the second quarter from “1 April to 30 June.”

4. **Groundwater Monitoring.**
   Staff has removed Fixed Dissolved Solids from the Groundwater Monitoring Requirements in Attachment E, Table E-8, which was inadvertently added.

5. **Municipal Water Supply Monitoring.**
   Staff has adjusted the supply water monitoring frequencies in Attachment E, Table E-9, which were inadvertently changed. Frequencies were revised to remain at the frequencies in Order R5-2018-0011 for total dissolved solids (1/Three Years), electrical conductivity (1/Quarter), and standard minerals (1/Three Years).

6. **Filtration System Section References.**
   Staff removed references to a filtration system in section headers in Attachment E, Section IX.C. The Facility has a disinfection system, but it does not have a filtration system.