Central Valley Regional Water Quality Control Board
20 June 2025 Board Meeting

Response to Comments
for
City of Davis, Wastewater Treatment Plant
Tentative Waste Discharge Requirements and Time Schedule Order

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested persons regarding the tentative Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) Permit CA0079049 renewal for the City of Davis (Discharger), Wastewater Treatment Plant (Facility) discharge to Willow Slough Bypass, the Conaway Ranch Toe Drain, the Main Conaway Canal, and groundwater.

The tentative NPDES Permit and tentative Time Schedule Order was issued for a 30-day public comment period on 17 December 2024 with comments due by 16 January 2025. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Discharger, the Central Valley Clean Water Association (CVCWA), and Jo Anne Kipps. Changes were made to the proposed Order based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses. Revisions proposed by staff are also summarized below the comments.

DISCHARGER COMMENTS

1. Nitrate Land Discharge Specification

The Discharger requests that the proposed Order include a provision to evaluate the impacts from the discharges to Discharge Points 004, 005, and 006 to groundwater instead of a land discharge specification for nitrate (total as nitrogen) at Discharge Points 004, 005 and 006.

If this request is denied and the land discharge specification for nitrate (total as nitrogen) of 10 mg/L remain in the proposed Order, the Discharger requests that the effective date be changed from 1 April 2025 to 1 April 2035. In addition, the Discharger requests that a compliance schedule be included in the permit that includes an evaluation of groundwater impacts and the development of a compliance plan based on the results of that evaluation.

RESPONSE: Staff concur in part. The requirement that the Discharger to comply with the water quality objective (WQO) for nitrate of 10 mg/L is maintained (see Groundwater Limitation V.B.2), but the Land Discharge specification for nitrate in section IV.B has been removed because it is not the only manner of ensuring that the Discharger does not cause or contribute to exceedance of the WQO in

groundwater. The Discharger may select the most appropriate means for maintaining compliance with this requirement.

The request for a compliance schedule is not granted at this time because the Discharger, as part of the Yolo Basin Management Zone, has already requested a compliance schedule for meeting the WQO for nitrate. On 19 February 2025, the Discharger submitted a Notice of Intent to participate in the Nitrate Control Program via the Management Zone approach. Since that time, the Discharger has participated in the development of the Yolo Basin Management Zone, which submitted a Management Zone Implementation Plan (MZIP) that includes a request for a limited-term exception from the WQO for nitrate. If the exception requested in the MZIP is granted, the Discharger will be deemed in compliance with Groundwater Limitation V.B.2 as long as it is implementing tasks specified in a compliance time schedule that accompanies the exception. The exception from the WQO cannot be granted until the Central Valley Water Board has approved the MZIP and incorporated it into the Discharger's permit. Adoption of an individual time schedule in this permit would impact the Discharger's eligibility for participation in the compliance schedule proposed in the Yolo Basin MZIP if and when it is approved and implemented. Until such time as the Board considers approving the MZIP, any enforcement-related decision-making related to the Discharger's compliance with Groundwater Limitation V.B.2 would take into consideration the Discharger's continuing participation in the Yolo Basin Management Zone, among other factors.

Section IV.B was revised to remove the Land Discharge Specifications for nitrate.

Section III.G and Attachment F – Fact Sheet, section IV.A.7 were added to include a CV-SALTS prohibition to ensure the Discharger continues to participate in the Salt and Nitrate Control Programs.

Section VI.C.6.b and Fact Sheet section VI.B.6.b were added were added to include a CV-SALTS special provision to ensure the Discharger continues to participate in the Salt and Nitrate Control Programs.

Section V.B and Fact Sheet, section V.B.4.(a) through (c) (section was reindexed) were revised to clarify language being that the Discharger elected to participate in the Management Zone approach under the Nitrate Control Program.

Fact Sheet section IV.F.1 was revised to be consistent with the Discharger participating in the Nitrate Control Program, Pathway B (Management Zone) Permitting Approach for the Yolo Basin.

The revised sections of the proposed Order are shown below:

WDR Section III.G

G. CV-SALTS. During Phase I of the Salt Control Program, the Discharger is prohibited from discharging salts at concentrations exceeding the salinity numeric value of 700 µmhos/cm (as a monthly average) unless the Discharger is implementing the Phase I requirements of the Salt Control Program Alternative Permitting Approach (i.e., full participation in the P&O Study). The Discharger is prohibited from discharging nitrate and other forms of nitrogen speciation (e.g., total inorganic nitrogen and total Kjeldahl

nitrogen) unless the Discharger is implementing the requirements of the Nitrate Control Program Management Zone Approach.

WDR Section IV.B

B. Land Discharge Specifications – Not Applicable

WDR Section V.B

B. Groundwater Limitations

Release of waste constituents from any treatment, delivery system, reclamation, or storage component associated with the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater:

1. Total coliform organism level of 2.2 MPN/100 mL over any seven-day period.
2. Constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations, excluding salinity, provided the Discharger complies with Provision VI.C.3.b.
3. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses, (e.g., by creating off-tastes and/or odor, producing detrimental physiological responses in human, plant, animal, or aquatic life [i.e., toxicity]).

Compliance with these limitations shall be determined annually as specified in Attachment E using approved statistical methods.

WDR Section VI.C.6.b

b. **CV-SALTS.** The Discharger shall comply with the applicable provisions of the Salt and Nitrate Control Programs adopted in Resolution R5-2018-0034 (as revised per Resolution R5-2020-0057) to address ongoing salt and nitrate accumulation in the Central Valley developed as part of the CV-SALTS initiative.

Fact Sheet section IV.A.7

7. **Prohibition III.G (CV-SALTS).** During Phase I of the Salt Control Program, the Discharger is prohibited from discharging salts at concentrations exceeding the salinity numeric value of 700 µmhos/cm (as a monthly average) unless the Discharger is implementing the Phase I requirements of the Salt Control Program Alternative Permitting Approach (i.e., full participation in the P&O Study). The Discharger is prohibited from discharging nitrate and other forms of nitrogen speciation (e.g., total inorganic nitrogen and total Kjeldahl nitrogen) unless the Discharger is implementing the requirements of the Nitrate Control Program Management Zone Approach.

Fact Sheet section IV.F.1

F. Land Discharge Specifications

1. **Effluent Limitations for Discharging to Ponds and Davis Wetlands.**

a. Wastewater not having gone through the full conventional treatment at a municipal wastewater facility contains elevated concentrations of BOD_5, total coliform organisms, and nitrate. Periodically, untreated wastewater is discharged to the unlined Emergency Storage Ponds. The Facility discharges disinfected, tertiary treated effluent to the wastewater tracts of the nearby Davis Wetlands. Wastewater discharged to the unlined ponds and the Davis Wetlands has the potential to degrade groundwater quality at this site because there is little ability for attenuation in the intermingled sand, silt, clay, and gravel layers that constitute the vadose zone beneath this Facility. Groundwater data did not show nitrate to monitoring wells measured by the Discharger above the water quality objective of 10 mg/L. Additional information regarding the ponds is as follows:

- From June 2019 through September 2022, depth to groundwater is approximately 20 feet below the ground surface (bgs) at well MW-2, 7 feet bgs at MW-4, 10 feet bgs at MW-8, and 15 feet bgs at MW-9.
- Neither Pond or Wetland bottoms are lined but are completed in a clay/silt lithologic zone that hinders downward migration of wastewater. The percolation rate of the native clay may be as low as 15 inches/year or 0.002 inches/hour. In contrast, the percolation rate of sandy soils may be as high as 1 to 8 inches/hour.
- Emergency Storage Pond 1 consists of final effluent that is approaching noncompliance and, in winter during stormwater events, water from the overland flow area. Emergency Storage Pond 2 receives the above when Emergency Storage Pond 1 is full as well as primary and secondary effluent.
- The facility currently cannot return all of the wastewater from the Emergency Storage Ponds back to the facility headworks. The drain at Emergency Storage Pond 1 is approximately 6 inches from bottom and the drain at Emergency Storage Pond 2 is approximately 9 inches from bottom. Since both emergency storage ponds have uneven bottoms, they cannot be fully drained and there can be areas in the emergency storage ponds that retain water until it evaporates or percolates; typically within one month for Emergency Storage Pond 2. Emergency Storage Pond 1 typically has water in it since final effluent is diverted more frequently than primary and secondary effluent.
- Previous Order R5-2018-0086 regulated the emergency storage ponds as storage ponds that were part of the treatment system and regulated the discharge out of the Davis Wetlands and not into the

Davis Wetlands; therefore, neither Land Discharge Specifications or site-specific groundwater limitations were included in previous Order R5-2018-0086.

- The discharge to the Davis Wetlands is regulated as land disposal system in this Order due to the water in the wastewater tracts percolating into the groundwater prior to discharge to the Conaway Ranch Toe Drain
- Similar types of facilities throughout the Central Valley typically have an equalization pond with an engineered lining and a pump that can bring the raw or partially treated wastewater back to the headworks once influent flows have receded to prevent degradation of underlying groundwater.

b. The Nitrate Control Program is a prioritized program. The Facility is within Yolo Basin, which is a Priority 2 Basin. Notices to Comply were issued to dischargers in Priority 2 Basins in December 2023 and dischargers had until February 2025 to respond to the notice. These notices provided dischargers with a choice to participate in an individual permitting approach (Pathway A) or in a collective permitting approach (Pathway B). The Discharger submitted a Notice of Intent, dated 13 February 2025, indicating its intent to participate in the Pathway B Management Zone Permitting Approach for the Yolo Basin. Under this approach, dischargers jointly form “Management Zones” that fulfill the requirements of the Nitrate Control Program.

c. This Order requires continued groundwater monitoring and contains groundwater limitations. Groundwater is generally encountered at approximately nine feet below the ground surface. The Discharger’s groundwater monitoring data indicate that groundwater concentrations for nitrate, total as nitrogen, do not exceed the water quality objective of 10 mg/L.

Fact Sheet Section V.B.4.i and Fact Sheet Section V.B.4.

4. This Order requires continued groundwater monitoring and contains groundwater limitations for nitrate and total coliform organisms. Groundwater limitations are required to protect the beneficial uses of the underlying groundwater, including municipal, domestic, and agricultural uses.

   (a) **Electrical Conductivity.** The Discharger submitted a Notice of Intent for the Salinity Control Program indicating its intent to meet the Alternative Salinity Permitting Approach. This Order requires implementation of a Salinity Evaluation and Minimization Plan, participation in the Salinity P&O Study, and includes a performance-based trigger for EC of 1,375 µmhos/cm, consistent with the Alternative Salinity Permitting Approach.

(b) **Nitrate, Total as Nitrogen.** The Nitrate Control Program is a prioritized program. The Facility is within Yolo Basin, which is a Priority 2 Basin. Notices to Comply were issued to dischargers in Priority 2 Basins in December 2023 and dischargers had until February 2025 to respond to the notice. These notices provided dischargers with a choice to participate in an individual permitting approach (Pathway A) or in a collective permitting approach (Pathway B). The Discharger submitted a Notice of Intent, dated 13 February 2025, indicating its intent to participate in the Pathway B Management Zone Permitting Approach for the Yolo Basin. Under this approach, dischargers jointly form "Management Zones" that fulfill the requirements of the Nitrate Control Program.

(c) **Total Coliform Organisms.** Primary effluent wastewater inherently contains human pathogens that threaten human health and life, and constitute a threatened pollution and nuisance under CWC section 13050 if discharged untreated to the receiving water. Total Coliform Organisms have the ability to degrade groundwater quality at this site because of the shallow groundwater in the vicinity of the emergency storage ponds and Davis Wetlands. The Basin Plan water quality objective for water designated for municipal usage is <2.2 MPN/100mL. It is therefore appropriate to adopt a numerical groundwater limitation of <2.2 MPN/100mLfor total coliform organisms to implement the Basin Plan water quality objective to protect the municipal and domestic use of groundwater.

Fact Sheet section VI.B.6.b

b. **CV-SALTS.** The Discharger shall comply with the applicable provisions of the Salt and Nitrate Control Programs adopted in Resolution R5-2018-0034 (as revised per Resolution R5-2020-0057) to address ongoing salt and nitrate accumulation in the Central Valley developed as part of the CV-SALTS initiative.

2. Emergency Storage Pond Liner Installation.

The Discharger requests that the requirement to line the Emergency Storage Ponds be removed from the proposed Order. The Discharger states that impacts to groundwater appear to be minimal, the cost would be an economic burden to the Discharger, and that while the Discharger is evaluating impacts to groundwater from the WWTP discharge, there is no apparent benefit to lining the Emergency Storage Ponds at this time.

RESPONSE: Staff concur in part. The requirement to line the Emergency Storage Ponds is removed from section VI.C.2.e of the proposed Order because it is not the only manner of ensuring that the Discharger does not cause or contribute to exceedance of the WQO for nitrate in groundwater. The Discharger may select the most appropriate means for maintaining compliance with this requirement.

Data collected by the Discharger from its groundwater monitoring wells demonstrates compliance with the groundwater objective for nitrate (total as

nitrogen), even with not being able to completely drain the emergency storage ponds via the pond drains. The proposed Order requires the Discharger to remediate the emergency storage ponds to remove sludge and sediment deposited in these ponds when they were part of the former overland flow treatment system and their current use as emergency storage ponds. As part of the Discharger's removal effort, regrading of the pond bottoms and construction of a new pond drain would need to be performed. The pond improvements should enhance the Discharger's ability to drain the ponds; therefore, reducing possible groundwater impacts. An additional evaluation has been added to the proposed Order requiring the Discharger to perform an Emergency Storage Pond Evaluation for nitrate, plus additional constituent of concern including electrical conductivity, total and dissolved arsenic, manganese, and iron, to determine the background groundwater quality and evaluate whether discharging to the emergency storage ponds results in or will result in degradation or pollution.

WDRs section VI.C.2.e and Attachment F - Fact Sheet section VI.B.2 have been revised to include the Emergency Storage Pond Evaluation for nitrate, electrical conductivity, total and dissolved arsenic, manganese, and iron.

Attachment E – Monitoring and Reporting Program (MRP) section VI.B.2.h was revised to remove mention of the liner condition and section VI.B.2.j was removed.

The revised Technical Reports Table is shown on the response for Discharger Comment 18.:

WDR section VI.C.2.e

e. **Emergency Storage Pond Evaluation**

For nitrate (total as nitrogen), electrical conductivity, total and dissolved arsenic, manganese, and iron, the Discharger shall determine the background groundwater quality and evaluate whether discharging to the Emergency Storage Ponds complies with the State Antidegradation Policy.

The evaluation of nitrate (total as nitrogen), electrical conductivity, total and dissolved arsenic, manganese, and iron, shall, at minimum,

i. Determine the background groundwater quality of nitrate (total as nitrogen), electrical conductivity, and total and dissolved arsenic, manganese, iron in groundwater, based on monitoring identified in MRP Section VIII.B. The report shall present a summary of monitoring data, calculate background concentrations using data from designated background monitoring wells, and compare those values to concentrations in wells used to monitor the facility. Background concentrations shall be determined using the methods described in Title 27, California Code of Regulations, Section 20415(e)(10), and shall be based on data from at least four consecutive quarterly (or more frequent) groundwater monitoring events. The report shall also compare measured concentrations in

compliance monitoring wells with the calculated background concentrations.

ii. Evaluate whether the Central Valley Water Board's authorization of the continued use of the ponds complies with the State Antidegradation Policy, as it applies to nitrate (total as nitrogen), electrical conductivity, and total and dissolved arsenic, manganese, iron, which generally prohibits the Central Valley Water Board from authorizing activities that will result in the degradation of high-quality waters unless it has been demonstrated that:

- The degradation will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;
- The degradation will not unreasonably affect present and anticipated future beneficial uses;
- The discharger will employ Best Practicable Treatment or Control (BPTC) to minimize degradation; and
- The degradation is consistent with the maximum benefit to the people of the state.

The evaluation of nitrate (total as nitrogen), electrical conductivity, total and dissolved arsenic, manganese, and iron shall provide rationale and recommendations the items i and ii above and shall be submitted on the date specified in the Technical Reports Table.

MRP section VI.B.2.h

h. **Observation.** Pond condition observations shall be kept in a logbook at the Facility. Attention shall be given to presence or absence of odors, dead algae, vegetation, weeds, debris, and erosion or other structural failures. Notes regarding these listed pond conditions shall be summarized in the self-monitoring report.

Fact Sheet section VI.B.2.e

e. **Emergency Storage Pond Evaluation**

With respect to nitrate (total as nitrogen), electrical conductivity, and total and dissolved arsenic, manganese, iron **Emergency Storage Pond and groundwater monitoring** identified in the MRP sections VI.B and VIII.B, the Discharger shall determine the background groundwater quality and evaluate compliance with the state Antidegradation Policy. It cannot currently be concluded that the use of the unlined Emergency Storage Ponds is in compliance with the State Antidegradation Policy; therefore, this Order requires an evaluation of the background groundwater quality for nitrate (total as nitrogen), electrical conductivity, and total and dissolved arsenic, manganese, iron, an antidegradation analysis, and a BPTC analysis and recommendation.

3. **Mercury, Total and Methyl Effluent Limitations at Discharge Point 003**
The Discharger notes that the total mercury limit which applies to Discharge Point 001 should also apply to Discharge Point 003 and requests that section IV.A of the Final Order be revised to also include Discharge Point 003.

   RESPONSE: Staff do not concur; no changes were included in proposed Order. Tule Canal (to which the Main Conaway Canal drains to) is within the Yolo Bypass when the Yolo Bypass is active. The methylmercury allocations set forth in the Delta methylmercury control program are specific to Delta subareas, which are shown on Figure A43-4 of the Basin Plan. The Yolo Bypass is included in Figure A43-4 in Appendix 43 of the Basin Plan which lists Delta subareas for which the methylmercury allocations in the Delta methylmercury control program are specific to.

4. **Attachment B, Figure B-1: Location Map and MRP Table E-1 Coordinates.**
The Discharger requests to replace Figure B-1 in Attachment B with a provided map and requests to update Table E-1 of the MRP with provided coordinates.

   RESPONSE: Staff concur with the revised Figure B-1 of Attachment B and concur in part with the revised coordinates for Table E-1 of the MRP. The coordinates shown are for the locations of the discharge, not the locations of the monitoring locations. The coordinates provided for Discharge Point 006, Monitoring Location LND-003 are in the middle of the Reclamation Ponds, the coordinates provided in the tentative Order are for the location at which effluent enters the Reclamation Ponds. The revised Figure B-1 of Attachment B and the monitoring locations with updated coordinates in Table E-1 of the MRP are shown below:

Attachment B – Map

Figure B-1: Facility Location Map

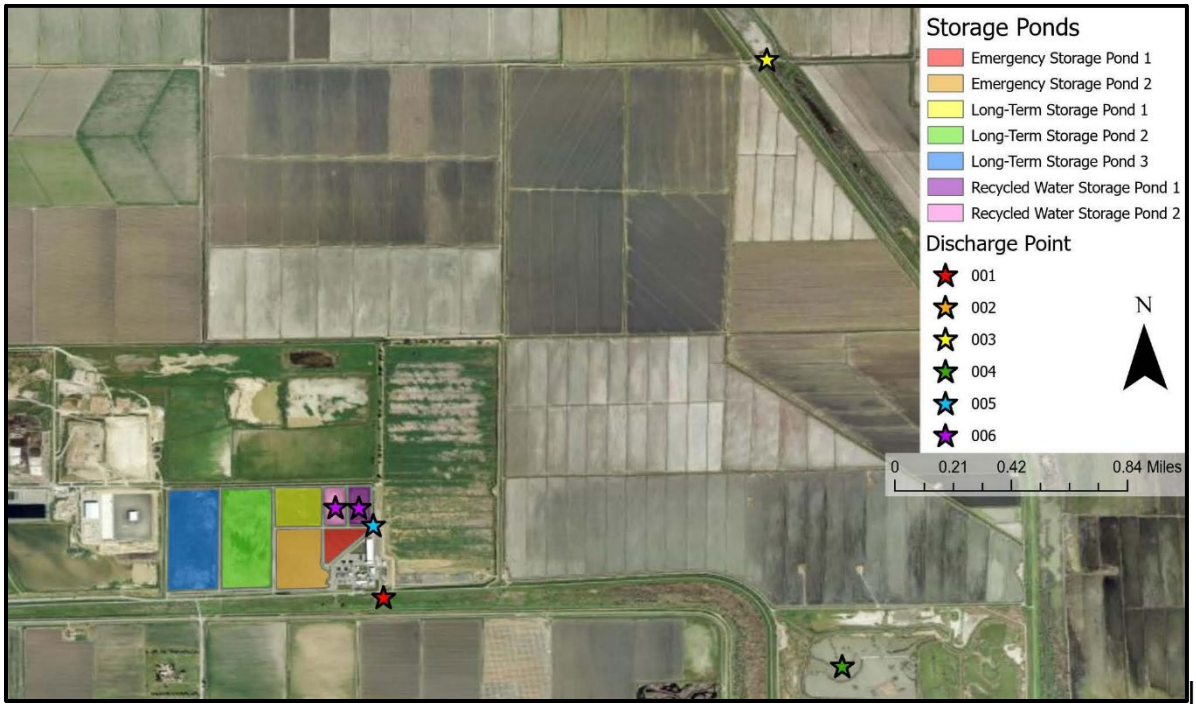

Table E-1. Monitoring Station Locations

Discharge Point	Monitoring Location Name	Monitoring Location Description
004	WTL-001	A location where a representative sample of the disinfected, tertiary effluent can be taken prior to discharge to the wastewater tracts at the Davis Wetlands (same monitoring location as Discharge Points 001 and 003). Latitude: 38° 35' 11.3 "N, Longitude: 121° 38' 28.8"W

5. **Land Discharge Specifications: Discharge to Wetlands Land Discharge Specifications Compliance Date.**
   The Discharger is requesting to revise the final compliance date for discharge to the wetlands and to groundwater (in tentative Order sections IV.B.1 and V.B.1 respectively) from 1 April 2025 to 1 April 2035.

   RESPONSE: See responses to Discharger Comment 1.

6. **Recycling Specifications: Recycling Specifications Dates.**
   The Discharger is requesting to revise section IV.C.2 (Recycling Specifications) with updated dates.

   RESPONSE: Staff concur. The revised section IV.C.2 of the proposed Order is shown below:

2. **Production of Disinfected Tertiary Recycled Water for Distribution.** Enrollment under the State Water Board Water Quality Order WQ 2016-0068-DDW, Water Reclamation Requirements for Recycled Water Use, provides coverage for the distribution and use of Title 22 disinfected tertiary recycled water. The Discharger submitted a Revised Engineering Report dated July 2022 prepared pursuant to Title 22, section 60323, which was conditionally accepted by the State Water Board Division of Drinking Water (DDW) per the conditional acceptance letter dated 28 November 2022. Hereinafter the term “conditionally accepted Title 22 Engineering Report" refers to the 2022 conditionally accepted Title 22 Engineering Report or any subsequently revised Title 22 Engineering Report that has been conditionally accepted by DDW. When producing Title 22 disinfected tertiary recycled water for use under Order WQ 2016-0068-DDW, the Discharger shall meet the recycling specifications below:

7. Effluent Limitations: Free Chlorine versus Total Chlorine.

The Discharger requests that total chlorine be reported rather than free chlorine for the recycling specifications.

RESPONSE: Staff concur. WDR Section IV.C.2.c. and Attachment E, Monitoring and Reporting Program (MRP) X.D.3.a and c have been revised as follows:

Section IV.C.2.c

c. The Discharger shall operate the Facility in accordance with DDW approved Standard Operating Procedures (SOP) that specify the operational limits, critical alarms, and responses to alarms for the high loading rate filtration and total chlorine treatment processes consistent with the conditionally accepted Title 22 Engineering Report.

MRP Section X.D.3.a and c

a. Monthly minimum total residual chlorine (as 5-minute average);

c. Monthly minimum total chlorine residual contact time (as a 5-minute average);

8. Receiving Water Limitations: Temperature.

The Discharger requests revising section V.A.14 to avoid conflicting language with the Compliance Determination section VII.I.

RESPONSE: The receiving water limitations have been removed from this Order per the proposed Order for Revisions to Six NPDES Tentative Permits in Response to City and County of San Francisco vs. U.S. EPA (2025) 145 U.S. 704.

9. Groundwater Limitations, Groundwater Monitoring: Coliform Groundwater Limitations and Groundwater Monitoring for Coliform, Total Organic Carbon, and Dissolved Arsenic.

The Discharger requests to replace the total coliform groundwater limitations and groundwater monitoring to fecal coliform. The Discharger also requests to remove groundwater monitoring for total organic carbon and dissolved arsenic.

RESPONSE: Staff do not concur. The groundwater limitation is based on a water quality objective in the Basin Plan for total coliform organisms, not fecal coliform organisms. A detection of fecal coliform organisms could result in the appearance of compliance with the total coliform organisms limitation; however, the total coliform organisms could be higher since the analytical method includes the full range of coliform organisms. Therefore, using fecal coliform organisms to determine compliance with a total coliform organism limitation is inappropriate and not consistent with the requirements of the Basin Plan. The intention was to include groundwater monitoring to determine compliance with the groundwater limitations as well as monitoring and reporting for parameters of concern or informational parameters (gradients, elevations, etc.).

Total organic carbon and dissolved arsenic monitoring is required due to the potential for arsenic mobilization to occur from organic overloading, as total organic carbon contributes to organic decomposition processes, which are influenced by dissolved oxygen levels; reduced dissolved oxygen can create anoxic conditions that facilitate the formation of decomposition by-products and arsenic release.

10. **Special Provisions: MUN beneficial use designation Reopener Provision.**
The Discharger requests to add a reopener provision to remove the MUN beneficial use designation (Fact Sheet III.C.1.a Table F-3, page F-9) from the groundwater receiving water if the Groundwater Impact Study results show that no wells are adversely impacted by the discharge.

RESPONSE: Staff concur in part. Removing the MUN beneficial use designation from the permit first requires the adoption of a Basin Plan amendment which dedesignates the use. A new reopener provision has been added to the proposed Order as section VI.C.f as shown below and throughout the proposed Order as appropriate:

> f. **MUN Groundwater Beneficial Use.** This Order may be reopened for modification, or revocation and reissuance, if the groundwater at the Facility is dedesignated for MUN in the Basin Plan.

11. **Special Provisions: Toxicity Reduction Evaluation (TRE) Requirements.**
The Discharger requests to clarify section VI.C.2.f.i to determine under what circumstances the Executive Officer may require a TRE when there was no effluent available to complete a routine monitoring test. If no effluent was discharged, there can be no toxicity due to effluent.

RESPONSE: Staff have reviewed the language in question and determined that it originates from the Statewide Toxicity Provisions. Staff do concur with the Discharger that if no effluent was discharged there can be no toxicity in the effluent; therefore, Staff do not see a scenario where this language would be relevant to the Discharger's permit once adopted.

12. **Total Mercury and Methylmercury Compliance Determination**
The Discharger requests to revise total mercury and methylmercury compliance determination language to allow non-detected loads to be set equal to zero for the

purpose of determining compliance with effluent mass limits. Assigning a value of one-half the detection level to non-detected load results will falsely increase the loading based on an assigned numerical value that cannot be analytically measured. Estimated values reported at or above the method detection level (MDL) will be included in the load calculation. Results reported below the MDL should be set equal to zero. This is not in conflict with the Basin Plan, which does not provide guidance regarding non-detected loads.

RESPONSE: Staff do not concur, and no changes were made to the proposed Order. Compliance shall be consistent with how the methylmercury loads were calculated, per footnote (b) of Table 6.5 of the 2010 Sacramento – San Joaquin Delta Estuary TMDL for Methylmercury Staff Report which states: "*[…]One half the detection limit was used for nondetect values to calculate the average methylmercury concentrations and loads, except when a facility reported all data as equal to or less than the nondetect limit, in which case the detection limit was used to calculate loads.*"

13. MRP - Collect Data for Discharge Points 002, 003 and 004 at Monitoring Location EFF-001

The Discharger requests to revise language for Table E-1, Note 1 to allow Monitoring Location EFF-001 to be used to collect data for some parameters required by Section IV and Section VI for Discharge Points 002, 003 and 004.

RESPONSE: Staff concur in part. No changes were made to Attachment E – Monitoring and Reporting Program, Table E-1 and section IV.A.1, because both currently specify that Discharge Point 003 should be sampled at EFF-001 and section IV.A.1 specifies for Discharge Point 002 the specific parameters that can be sampled at EFF-001. The additional text was added as section VI.A.2.g shown below:

MRP Section VI.A.2.g

g. **Discharge Point 004 Monitoring**. When discharging at Discharge Point 004, the Discharger shall monitor for all parameters and frequencies in Table E-4 at EFF-001 for compliance determination.

14. MRP - Toxicity Calendar Month, Quarter, and Year Definitions

The Discharger requests revisions to the definitions for toxicity calendar month, quarter, and year to maximize scheduling flexibility and avoid unintended delays outside the Discharger's control, which could occur if the contract laboratory must begin all tests on the first day of the month for all its clients. The requested change to the Toxicity Calendar Month definition is recommended by contract laboratories and is consistent with adopted permits such as the Town of Discovery Bay CSD (R5-2024-0068, page E-7).

RESPONSE: Staff concur. The revised MRP section V.A.1 is shown below:

A. Toxicity Calendar Month, Quarter and Year

1. **Toxicity Calendar Month.** The toxicity calendar month is defined as the period of time beginning on the day of the initiation of the routine toxicity

monitoring to the day before the corresponding day of the next month if the corresponding day exists, or if not to the last day of the month (i.e., from 3 January to 2 February, from 1 March to 31 March, from 3 March to 2 April, etc.).

15. MRP - Land Discharge Language.

The Discharger requests including language in MRP section VI.A.1 to only require land discharge monitoring at Monitoring Locations LND-002, LND-003, and WTL-001 when there is effluent in the discharge.

RESPONSE: Staff concur. The revised MRP section VI.A.1 is shown below:

1. When discharging effluent to one or more of LND-002, LND-003, and WTL-001, the Discharger shall monitor in accordance with Table E-4; otherwise, monitoring is not required and shall be stated in the appropriate SMR. The Discharger shall monitor primary, secondary, and/or tertiary wastewater plus stormwater collected when discharging to the Auxiliary Emergency Storage Ponds at Monitoring Location LND-002, tertiary chlorinated effluent when discharging to the Reclamation Ponds at Monitoring Location LND-003, and tertiary dechlorinated effluent to the wastewater tracts at the Davis Wetlands at Monitoring Location WTL-001. Monitoring at these locations shall be in accordance with Table E-4 and testing requirements described in section VI.A.2. Monitoring requirements for specific parameters listed in Table E-4 may be satisfied with EFF-001 samples provided that is representative of the discharge to WTL-001.

16. MRP – Pond Monitoring Language.

The Discharger requests to included WTL-002 in the title of MRP section VI.B.

RESPONSE: Staff concur and have revised MRP section VI.B as follows:

B. Pond Monitoring Locations ESP-001, ESP-002, WTL-002, PND-007, PND-008, PND-009, RPD-001 and RPD-002

17. MRP – TCDD Units in Effluent and Receiving Water Characterization Monitoring Table

The Discharger requests to revise units for 2,3,7,8-TCDD (Dioxin) from milligrams per liter to picograms per liter in the Effluent and Receiving Water Characterization Monitoring Table in the MRP.

RESPONSE: Staff concur and have revised the pesticides/PCBs/dioxins Table in MRP section IX.D as follows:

CTR Number	Pesticide/PCB/Dioxin Parameters	CAS Number	Units	Effluent Sample Type
16	2,3,7,8-TCDD (Dioxin)	1746-01-6	pg/L	24-hour Composite

18. MRP – Annual Progress Reports for Methylmercury and the Pollution Prevention Plan for Mercury

The Discharger requests to combine the Annual Progress Reports for Methylmercury and the Pollution Prevention Plan for Mercury into a single annual report, to be submitted January 30th (or another date) annually, instead of two separate reports submitted October 20th and January 30th. The annual monitoring results are necessary for both reports, however the results would not be available in time for the October deadline, therefore the results included in each report would always be off set.

RESPONSE: Staff concur and have revised the Annual Progress Reports for Methylmercury and the Pollution Prevention Plan for Mercury in the Technical Reports Table in the MRP. Staff also updated the numbering of the report numbers, revised the Annual Groundwater Assessment Report due 1 February 2026, changed the due date of the Groundwater Information Report to 1 February 2026 (Per Jo Anne Kipps Comment 18), and corrected section of the Analytical Methods Report Certification. The updated Technical Reports Table is shown below:

Report #	Technical Report	Due Date	CIWQS Report Name
1	Report of Waste Discharge	31 July 2029	ROWD
2	Groundwater Information Report	1 February 2026	WDR VI.C.2.a
3	Annual Groundwater Assessment Report	1 February 2027	WDR VI.C.2.b
4	Annual Groundwater Assessment Report	1 February 2028	WDR VI.C.2.b
5	Annual Groundwater Assessment Report	1 February 2029	WDR VI.C.2.b
6	Annual Groundwater Assessment Report	1 February 2030	WDR VI.C.2.b
7	Groundwater Background Concentration and Well Monitoring Network Evaluation Report	1 October 2026	WDR VI.C.2.c
8	Groundwater Well Installation Work Plan	1 October 2027 if necessary	WDR VI.C.2.c.i
9	Groundwater Well Installation Report	1 October 2028 if necessary	WDR VI.C.2.c.ii
10	Treatment Pond Decommissioning Work Plan	1 January 2026	WDR VI.C.2.d.i
11	Treatment Pond Decommissioning Final Report	1 January 2026	WDR VI.C.2.d.ii
12	Emergency Storage Pond Evaluation	1 January 2026	WDR VI.C.2.e.i
13	Mercury and Methylmercury Annual Progress Reports	30 January 2026	Mercury
14	Mercury and Methylmercury Annual Progress Reports	30 January 2027	Mercury
15	Mercury and Methylmercury Annual Progress Reports	30 January 2028	Mercury

Report #	Technical Report	Due Date	CIWQS Report Name
16	Mercury and Methylmercury Annual Progress Reports	30 January 2029	Mercury
17	Mercury and Methylmercury Annual Progress Reports	30 January 2030	Mercury
18	Analytical Methods Report	1 October 2025	MRP IX.D.2
19	Analytical Methods Report Certification	1 April 2026	MRP IX.D.3.
20	TRE Work Plan	1 October 2025	MRP.V.G.2
21	Annual Operations Report	1 February 2026	MRP X.D.2
22	Annual Operations Report	1 February 2027	MRP X.D.2
23	Annual Operations Report	1 February 2028	MRP X.D.2
24	Annual Operations Report	1 February 2029	MRP X.D.2
25	Annual Operations Report	1 February 2030	MRP X.D.2
26	Recycled Water Policy Annual Report Submittal Confirmation	30 April 2026	MRP X.D.4
27	Recycled Water Policy Annual Report Submittal Confirmation	30 April 2027	MRP X.D.4
28	Recycled Water Policy Annual Report Submittal Confirmation	30 April 2028	MRP X.D.4
29	Recycled Water Policy Annual Report Submittal Confirmation	30 April 2029	MRP X.D.4
30	Recycled Water Policy Annual Report Submittal Confirmation	30 April 2030	MRP X.D.4
31	Annual Pretreatment Reports	28 February 2026	MRP X.D.6
32	Annual Pretreatment Reports	28 February 2027	MRP X.D.6
33	Annual Pretreatment Reports	28 February 2028	MRP X.D.6
34	Annual Pretreatment Reports	29 February 2029	MRP X.D.6
35	Annual Pretreatment Reports	28 February 2030	MRP X.D.6

19. Fact Sheet – Coordinates for Discharge Points and Receiving Waters

The Discharger requests to revise coordinates for Discharge Point 006 to more accurately locate the Discharge Point.

RESPONSE: Staff do not concur, and no changes were made in the proposed Order. The coordinates in Fact Sheet section II.B.6 are for the point of discharge to the Reclamation Ponds, not coordinates to the midpoints of the Reclamation Ponds.

20. Fact Sheet – Typographical Errors in Rationale for Land Discharge Specifications

The Discharger noted typographical errors in Fact Sheet section IV.F.1.b and provided revised language to correct the typographical errors.

RESPONSE: See staff response to Discharger Comment 1.

CVCWA COMMENTS

1. **Final Effluent Limitations for Discharge Points 001, 002, and 003.**
   CVCWA requests that the relevant paragraph on page 4 under section IV.A.1 of the proposed Order only requires compliance with the effluent limitations at Monitoring Location EFF-001 when discharging to Discharge Points 001, 002, and 003, unless otherwise specified.

   RESPONSE: Staff concur. The proposed Order has been revised as shown below:

   > **1. Final Effluent Limitations – Discharge Point 001, 002, and 003**
   >
   > When discharging to Discharge Points 001, 002, and 003, the Discharger shall maintain compliance with the following effluent limitations with compliance measured at Monitoring Location EFF-001, unless otherwise specified, as described in the Monitoring and Reporting Program (MRP), Attachment E:

2. **CV SALTS Nitrate Control Program.**
   CVCWA requests that the nitrate (total as nitrogen) groundwater limitation be removed from the tentative Order to be consistent with the Nitrate Control Program in the CV-SALTS Basin Plan Amendment.

   CVCWA notes that the Basin Plan requires bacteria to be measured as a seven-day average. An averaging period should be included in the Groundwater Limitation for Total Coliform.

   RESPONSE: See response to Discharger Comment 1.

3. **CV-SALTS Salinity Control Program.**
   CVCWA requests removal of the groundwater electrical conductivity limitation, as it is not consistent with the CV-SALTS Alternative Salinity Pathway Approach.

   RESPONSE: Staff concur. Changes are shown in Discharger Comment 1, groundwater limitations for salinity have been revised to better reflect the CV-SALTS Alternative Salinity Pathway Approach.

4. **Hardness used in Hardness Dependent Metals Calculations.**
   CVCWA requests that the Regional Board staff reassess the hardness used in the calculation of hardness-dependent effluent limits and modify the Fact Sheet and limits, if warranted. CVCWA would also like to continue its discussions with the Regional Board Staff concerning the consideration of hardness and effluent limit derivation.

   CVCWA contends that there was apparent departure in the tentative Order from the approach used in other Central Valley permits, and contrary to the language regarding how hardness was picked in the Discharger's current permit. As stated in the Discharger's current permit, "*the effluent is the receiving water that is used to define the ambient receiving water conditions to define the appropriate water quality criteria….*" (Ibid.). Currently the Fact Sheet does not state the range of hardness in the Discharger's effluent, so we are unable to assess how that may impact the permit.

RESPONSE: Staff do not concur. The approach to determining hardness values is consistent with other previously adopted Central Valley Water Board NPDES permits. As discussed in section IV.C.2.e Hardness-Dependent CTR Metals Criteria of the Fact Sheet. The reasonable worst case ambient hardness was used to calculate the hardness-based metals criteria and used in determining any effluent limitations as necessary. The hardness values in question are included in Table F-7. Summary of Criteria for CTR Hardness-dependent Metals. Central Valley Water Board staff are available to meet with CVCWA to discuss metals hardness and effluent limit derivation.

5. **Total Mercury and Methylmercury Effluent Limitations and Allocations.**
   As per Discharger Comment 3, CVCWA requests removal of any reference to a methylmercury waste load allocation (WLA) at Discharge Point 003 to Conaway Ranch Toe Drain or the Main Conaway Canal. CVCWA contends that these requirements go against the assumptions in the Delta methylmercury TMDL and that irrigation water from the Conaway Ranch does not reach this location and therefore it is also inappropriate to assign the recycled water a WLA at Discharge 002.

   CVCWA seconds the Discharger's request to align its Mercury annual progress report with other reports (Discharger Comment 18) and to revise total mercury and methylmercury compliance determination language to allow non-detected loads to be set equal to zero for the purpose of determining compliance with effluent mass limitations (Discharger Comment 12).

   RESPONSE: See staff response to Discharger Comments 3, 12, and 18.

6. **Total Cyanide Effluent Limitations**
   CVCWA requests to explore the option of conducting a collaborative cyanide study and known issues with preservation in wastewater treated effluent. CVCWA requests that the Tentative Order be revised to include a reopener provision to allow for such a study.

   RESPONSE: Staff concur and have included a new reopener in the proposed Order as section VI.C.1.g as shown below and throughout the proposed Order as appropriate:

   g. **Cyanide.** This Order may be reopened for modification, or revocation and reissuance, if staff approve the findings of a cyanide study to determine a method to accurately detect cyanide in the effluent.

7. **Chronic Toxicity Effluent Limitations and Toxicity Calendar Month Testing Requirements.**
   CVCWA contends that the chronic toxicity Maximum Daily Effluent Limitation (MDEL) in the tentative Order is not consistent with the Statewide Toxicity Provisions and provided revisions to correct the chronic toxicity MDEL. CVCWA also encourages the Central Valley Water Board to coordinate with the Discharger to revise the start dates for toxicity calendar month testing requirements. (See Tentative Order at E-9; see, e.g., Order R5-2024-0068 at E-7 – E-8 [defining toxicity calendar month, quarter, and year in the WDRs for the Town of Discovery Bay CSD].)

RESPONSE: See staff response to Discharger Comment 14 regarding the Toxicity Calendar Month Testing Requirements.

Staff concur the chronic toxicity MDEL in the tentative Order is not consistent with the Statewide Toxicity Provisions and the revised section IV.A.1.d of the proposed Order is shown below:

d. **Chronic Whole Effluent Toxicity.**

i. **Toxicity Maximum Daily Effluent Limitation (MDEL).** No *Ceriodaphnia dubia* chronic aquatic toxicity test shall result in a "Fail" at the Instream Waste Concentration (IWC) for the sub-lethal endpoint measured in the test AND a percent effect for the survival endpoint greater than or equal to 50 percent.

ii. **Toxicity Monthly Median Effluent Limitation (MMEL).** No more than one *Ceriodaphnia dubia* chronic aquatic toxicity test initiated in a toxicity calendar month shall result in a "Fail" at the IWC for any endpoint.

8. **Receiving Water Limitations - Radioactivity.**
CVCWA contends that the Radioactivity provision in section V.B.9.b of the tentative Order should only be applied to MUN designated waters. CVCWA requests that because this is a surface water objective and none of the receiving surface waters have MUN, section V.B.9.b should be removed from the final Order.

RESPONSE: Staff concur; however, receiving water limitations have been removed from this Order per the proposed Order for Revisions to Six NPDES Tentative Permits in Response to City and County of San Francisco vs. U.S. EPA (2025) 145 U.S. 704, including section V.B.9.b.

9. **Monitoring and Reporting Program - Technical Reports.**
CVCWA recommends that the Central Valley Water Board review and reconsider the necessity of all technical reports considering the Discharger is participating in the CV-SALTS P&O Study and the Yolo Basin Management Zone and the timing of such reports, consistent with the Discharger's comments on the Tentative Order

RESPONSE: Staff concur. The total mercury and methylmercury annual reports have been consolidated as one annual report. The Emergency Storage Pond Liner Installation reports have also been removed per Discharger Comments 1 and 2.

JO ANNE KIPPS COMMENTS

1. **Undisclosed Surface Impoundment.**
Ms. Kipps requests information on the function, storage capacity, and nature of containment of the 0.6-acre pond near the new covered biosolids storage area.

RESPONSE: Staff concur. A paragraph was added after the third paragraph in Fact Sheet section II.A describing the 0.6-acre basin as shown in the response to Jo Anne Kipps Comment 3.

The 0.6-acre basin can collect stormwater drainage around the Facility but does not collect wastewater. Any water collected in this basin can be returned back to the headworks.

2. **Former Sludge Lagoons Underlying Soil Sludge Removal and Impact**
Ms. Kipps requests a description of the work performed by the Discharger to remove sludge from the former sludge lagoons and investigate the quality of potentially impacted underlying soils. Since the 0.6-acre pond mentioned earlier is within the footprint of a former sludge lagoon, identify and include this unit operation in the tentative order's Flow Schematic (Attachment C) and Figure B-2 (Attachment B), and also in the scope of work required in WDR section VI.C.2.d.

   RESPONSE: Staff concur in part. Revisions were made to Fact Sheet section II.A.1 indicating that the soil remediation conducted at the former aeration ponds were the only soil remediation conducted in former pond treatment system. The requested changes to the Flow Schematic and Figure B-2 were not included because the 0.6-acre basin is not a unit operation, but a description of the basin was added to the proposed Order as shown in the response to Jo Anne Kipps Comment 3. The revised Fact Sheet section II.A.1 is shown below summarizing where the remediation work occurred:

   1. **2018 Aeration Ponds Decommissioning Report.** In September 2018, the Discharger provided the Wastewater Treatment Plant Aeration Ponds Decommissioning Final Closure Report (2018 Aeration Ponds Decommissioning Report) documenting the final decommissioning activities of the former aeration ponds, which are now the reclamation ponds. This is the only soil remediation conducted at the locations of the former pond treatment system as of the issuance of this Order.

3. **Clarification on Transfer Structure 3.**
Ms. Kipps requests a description of "Transfer Structure 3" including the unit operation (i.e., location, physical description, storage capacity, and nature of containment).

   RESPONSE: Location, description, storage capacity, and nature of containment was not included in the proposed Order. At a wastewater treatment facility, a transfer structure is typically a concrete sump where different pipes convey water to and from the sump.

   The proposed Order was revised to update Fact Sheet section II.A to include language about Transfer Structure 3. Transfer Structure 3 receives either secondary effluent, undisinfected tertiary effluent, or disinfected/reaerated effluent (approaching noncompliance) to discharge to the Emergency Storage Ponds. Water in the Emergency Storage Ponds can either be directed back to Transfer Structure 3 or to the Facility headworks.

The proposed Order renumbers Tables F-2 through F-13 from the tentative Order due to the addition of the Pond Volume Table in Fact Sheet section II.A.

To not replicate Attachment F - Fact Sheet, section II.A, the revised section II.A below shows changes per staff responses to Jo Anne Kipps Comments 1, 3, 4, 5, 6, and 7.

A. Description of Wastewater and Biosolids Treatment and Controls

The Discharger completed secondary and tertiary Facility upgrades required by Time Schedule Order (TSO) R5-2014-0159 on 9 June 2017 to replace the previous overland flow treatment system. Following a startup period, the Discharger submitted a Provisional Performance Acceptance Certificate regarding the Facility's secondary and tertiary upgrades on 1 September 2017. The upgraded treatment system at the Facility includes a headworks with a mechanical bar screen, aerated grit removal, primary sedimentation, aeration basins including nitrification and denitrification, secondary clarification, tertiary filtration, chlorine disinfection with sodium hypochlorite, dechlorination with sodium bisulfite, and reaeration. After reaeration, effluent is discharged to Willow Slough Bypass at Discharge Point 001.

The Facility sends effluent to the Davis Wetlands and will monitor the effluent to the Davis Wetlands at Monitoring Location EFF-001. During periods of high rainfall in winter months, effluent remaining in the Davis Wetlands and mixed with storm water may also be discharged to the Conaway Ranch Toe Drain, via the restoration Davis Wetlands, at Discharge Point 002. Water in the unlined wastewater tracts that percolate into the groundwater is considered a discharge to groundwater via Discharge Point 004. The Davis Wetlands include a wastewater tract, a storm water tract, and seven numbered tracts, each constructed with flexibility to flow to adjacent downgradient cells. Tertiary-treated effluent from the Facility is conveyed to the Davis Wetlands wastewater tract, flows through the wastewater tract, through Tracts 6 and 7, before draining into a peripheral ditch which recirculates back to the wastewater tract when it reaches capacity. Discharge to Discharge Point 002 occurs only during significant storm events that cause flooding in the wetlands. Before discharge, the only treatment provided in the wetlands is pH adjustment, as needed. The stormwater tract no longer receives stormwater runoff from the Facility. The Davis Wetlands stormwater tracts, along with other tracts, only collect stormwater from rain or storm events.

The Discharger is implementing a recycled water program which will supply Conaway Ranch with 1.8 MGD of tertiary treated, disinfected, effluent between 1 May through 31 October of each year. Effluent to Conaway Ranch will be conveyed through private ditches then discharged to the Main Conaway Canal, a water of the United States, at Discharge Point 003, with water quality monitoring being conducted at Monitoring Location EFF-001.

The 0.6-acre unlined basin collects stormwater runoff from three drain inlets located near the dewatering building, sludge storage tank, and secondary clarifier areas. With a storage capacity of 1.9 million gallons (MG), this basin

is dedicated solely to stormwater collection and the collected runoff is directed back to the headworks for treatment. The stormwater runoff from the overland flow area is collected into a ditch and then pulled from the overland flow area ditch using a portable mechanical pump into the diversion pump station for delivery to the emergency storage ponds.

The Facility utilizes two dedicated unlined emergency storage ponds; Emergency Storage Pond 1 and Emergency Storage Pond 2. Emergency Storage Pond 2 receives primary, secondary, and tertiary effluent from the facility but cannot be fully drained. Emergency Storage Pond 1 receives the same as Emergency Storage Pond 2 and acts as a backup when Emergency Storage Pond 2 reaches capacity. Transfer Structure 3 at the Facility receives either secondary effluent, undisinfected tertiary effluent, or disinfected/reaerated effluent (approaching noncompliance) to discharge to the emergency storage ponds. Water in the emergency storage ponds can either be directed back to Transfer Structure 3 or to the Facility headworks. Transfer Structure 3 connects Emergency Storage Ponds 1 and 2 and facilitates flow transfers between them.

Since the Facility upgrade in 2017, the Discharger has not needed to discharge wastewater from the emergency storage ponds to the Auxiliary Emergency Storage Ponds, but requested during this permit renewal to allow for this emergency option in this and future Orders to properly regulate any possible future emergency storage pond discharges to the Auxiliary Emergency Storage Ponds. The Discharger would utilize the three former long-term unlined storage ponds as back-up emergency storage. The wastewater sent to these ponds would be diluted with stormwater and be considered a discharge to groundwater (via Discharge Point 005) since the water to these ponds cannot be sent back to the Facility headworks.

Two unlined reclamation ponds receive tertiary treated, disinfected effluent. Since the reclamation ponds are not lined and water will be retained in the ponds until distribution, it is considered a discharge to groundwater via Discharge Point 006.

The levee around the Facility was designed and built in 2018 to protect the Facility from flooding through a breached Cache Creek levee. The elevation of the perimeter is 35.3 feet. The table below provides volumes for the emergency storage ponds, auxiliary emergency storage ponds, stormwater basin, and the Davis Wetland (Tracts 6, 7, and wastewater tract). Volumes for the emergency storage ponds, auxiliary emergency storage ponds, stormwater basin were provided by the Discharger. Volumes at the Davis Wetlands are per the *City of Davis, Effluent Dilution During Flooding and Reclamation Report (*West Yost and Associates, September 2002).

Table F-2 Pond Volumes

Location	Units	Volume
Emergency Storage Pond 1	Million Gallons	12
Emergency Storage Pond 2	Million Gallons	37
Auxiliary Emergency Storage Pond 1	Million Gallons	20
Auxiliary Emergency Storage Ponds 2 and 3	Million Gallons	60
Stormwater Basin	Million Gallons	1.9
Davis Wetlands Wastewater Tract	Million Gallons	81
Davis Wetlands Tract 6	Million Gallons	16
Davis Wetlands Tract 7	Million Gallons	29

4. **Davis Wetlands Unit of Operations and Flow Path.**
   Ms. Kipps requests an update to the Flow Schematic to depict the Facility's current unit operations and identify the flow paths of all waste streams, including captured Facility stormwater flow. Ms. Kipps also requests to include a new flow schematic for the Davis Wetlands, preferably superimposed on an aerial image of the wetlands, depicting effluent and stormwater discharge points and flow paths through the wetland tracts to Discharge Point 002. Ms. Kipps adds that if staff do not have time to assemble the information necessary to make this revision, to consider revising the tentative order to include a special provision requiring the Discharger to submit this information by 90 days following order adoption.

   RESPONSE: Staff concur. The Discharger provided a narrative of how tertiary effluent from the Facility flows from the Facility, through the Wetlands, to Discharge Point 002. Tertiary-treated effluent from the facility is piped to the wetlands, where it flows through the wastewater tract before reaching Tracts 6 and 7. From there, the effluent drains into the peripheral ditch. When the ditch reaches capacity, the flow recirculates back to the wastewater tract. For the past seven years, the stormwater tracts have not received runoff from the Discharger. These tracts, along with others in the wetlands, now collect only stormwater from rain or storm events. Discharge to Discharge Point 002 occurs only during significant storm events that cause flooding in the wetlands. Before discharge, the only treatment provided in the wetlands is pH adjustment, as needed.

   This narrative was added to Fact Sheet section II.A. The revised Fact Sheet section II.A is shown in the response to Jo Anne Kipps Comment 3.

5. **Design Storage Capacities of the Davis Wetlands, Emergency Storage Ponds, and Stormwater Percolation Pond.**
   Ms. Kipps requests the tentative Order be revised to disclose the design storage capacities of the Davis Wetlands and each emergency storage pond and stormwater percolation pond and disclose the elevations of the bottoms of all ponds and wetland tracts and the tops of exterior berms.

RESPONSE: Staff concur. The Groundwater Information Report in tentative Order section VI.C.2.a requires submittal of storage reservoir invert and exterior berm elevation information. Ms. Kipps specifically asked for the storage capacities in units of "million gallons". Staff added the submittal of the storage capacities, in units of million gallons, to the Groundwater Information Report, renumbered the sections of the Groundwater Information Report, corrected punctuation, and added units for the storage reservoir area (acres), storage reservoir working liquid depth (feet), storage reservoir capacity (million gallons), storage reservoir invert and berm elevation (feet above mean sea level), vertical separation distance between storage reservoir invert and highest anticipated groundwater (feet).

Volumes for the emergency storage ponds, stormwater percolation ponds, stormwater basin were provided by the Discharger. Volumes at the Davis Wetlands are per the *City of Davis, Effluent Dilution During Flooding and Reclamation Report* (West Yost and Associates, September 2002). Staff added a paragraph and a table to the end of Fact Sheet section II.A (prior to Fact Sheet section II.A.1).

The revised Fact Sheet section II.A is shown in the response to Jo Anne Kipps Comment 3.

The revised WDR section VI.C.2.a is shown below.

WDR Section VI.C.2.a

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. **Groundwater Information Report.**

i. The Discharger shall submit the Groundwater Information Report by the date on Table E-11 of the MRP (Technical Reports Table) Table and shall include the following information or provide updates to the following information for the Davis Wetlands, each emergency storage pond, and auxiliary emergency storage pond (Storage reservoir), to the extent feasible from available information:

(a) Storage reservoir area (acres);

(b) Storage reservoir working liquid depth (feet);

(c) Storage reservoir capacity (million gallons);

(d) Storage reservoir invert and berm elevation (feet above mean sea level);

(e) Vertical separation distance between storage reservoir invert and highest anticipated groundwater (feet);

(f) Existing monitoring wells, including at minimum, construction date, reference elevation, depth, screened interval, and boring logs;

(g) Subsurface cross-section(s) using boring logs from wells and other available information to demonstrate the presence of hardpan layer(s);

(h) Water balance calculations for the storage reservoir to estimate annual seepage losses;

(i) Brief characterization of the storage reservoir's setting, including surface water runoff, nearest surface water bodies, climate (annual precipitation for average and flood years and reference evaporation), onsite soils and description of stratigraphy (if possible, infiltration rates), regional groundwater gradient, groundwater depth under the Facility, and characterization of groundwater wells in the vicinity of the Facility;

(j) Assessor parcel number(s) covering the storage reservoir, including the numbers, owner, and acreage;

(k) Brief characterization of the storage reservoir's setting, including surface water runoff, nearest surface water bodies, climate (annual precipitation for average and flood years and reference evaporation), onsite soils and description of stratigraphy (if possible, infiltration rates), regional groundwater gradient, groundwater depth under the Facility, and characterization of groundwater wells in the vicinity of the Facility;

(l) A scaled facility map that shows the Discharger's property line, prevalent groundwater flow direction, the receiving waters and any nearby tributaries, and all monitoring locations specified in this Order.

6. **Clarification on Emergency Storage Ponds Operations.**
Ms. Kipps requests revising the tentative order to clarify that Transfer Structure 3 connects Emergency Storage Ponds 1 and 2 and facilitates flow transfers between them.

RESPONSE: Staff concur. Transfer Structure 3 connects Emergency Storage Ponds 1 and 2 and facilitates flow transfers between them. See Staff Response to Jo Anne Kipps Comment 3.

7. **Stormwater Management from Overland Flow Area.**
Ms. Kipps requests an explanation of how stormwater runoff from the old overland flow area is collected and discharged to emergency storage ponds. She also asks why this runoff is not routed to the Davis Wetlands, despite wastewater discharges ceasing in 2018.

RESPONSE: The Discharger has explained that stormwater runoff from the overland flow area is collected into a ditch and then pulled from the overland flow area ditch using a portable mechanical pump into the diversion pump station for delivery to the emergency storage pond. This narrative was added to Fact Sheet section II.A. The revised Fact Sheet section II.A is shown in the response to Jo Anne Kipps Comment 3.

8. **Inclusion of 0.6-Acre Pond in Liner Requirements**
   Ms. Kipps requests revising groundwater protection provisions to include the 0.6-acre pond if it impounds partially treated wastewater, ensuring compliance with hydraulic conductivity standards outlined in WDR section VI.C.2.e.

   RESPONSE: No changes were included in the proposed Order because the 0.6-acre basin collects stormwater drainage around the Facility but does not collect wastewater. Any water collected in this basin can be returned back to the headworks.

9. **Vadose Zone Characterization References.**
   Ms. Kipps requests citation of references supporting the tentative Order's description of the vadose zone as including sand and gravel layers, to verify the validity of the characterization.

   RESPONSE: The layers in the tentative Order reflected the boring logs for Monitoring Wells 4, 5, and 6 which indicated clay, silt, and sandy soil layers. References to gravel layers in the vadose zone were removed since the boring logs did not show any gravel layers. See staff response to Discharger Comment 1.

10. **Stormwater Catchment Area.** Ms. Kipps requests details on the facility's stormwater catchment area, including design precipitation values, catchment size, expected stormwater volumes, and flow percentages directed to the headworks and Davis Wetlands for treatment and relevant information necessary to make this revision, to consider revising the tentative order to include a special provision requiring the Discharger to submit this information by 90 days following order adoption.

    RESPONSE: Staff do not concur. The Discharger has not sent stormwater runoff from the Facility to the Davis Wetlands stormwater tract in the last 7 years. The Davis Wetlands stormwater tract and other tracts in the wetlands only receive stormwater from storm events.

11. **Opposition to Wastewater Bypass Authorization**
    Ms. Kipps requests Central Valley Water Board staff reject the Discharger's request to authorize bypassing wastewater to stormwater percolation ponds and suggests restoring the ponds original function as long-term storage ponds for recycled water.

    RESPONSE: Staff concur in part. The discharge to the Auxiliary Emergency Storage Ponds will be mostly stormwater and will not occur on a regular basis. Per the response to Jo Anne Kipps Comment Number 12, a new discharge prohibition was included in the proposed order prohibiting discharge to the Auxiliary Emergency Storage Ponds until after the Treatment Pond Decommissioning work on the soil at the Auxiliary Emergency Storage Ponds is completed.

12. **Justification for Additional Emergency Storage Capacity.**
    Ms. Kipps requests how much extra storage capacity the Discharger needs to dispose of emergency flows. Ms. Kipps requests an explanation as to why the Discharger needs this extra capacity in the future when it was not needed before.

Ms. Kipps notes that if staff considers an occasional discharge of primary effluent to the auxiliary emergency storage ponds (via Emergency Storage Pond 2) reflects best practicable treatment or control, at least delay authorization of all discharges to the auxiliary emergency storage ponds until after the Discharger completes the required decommission work (WDR VI.C.2.d) and to consider imposing a limitation for total annual flow from the emergency storage ponds to the auxiliary emergency storage ponds.

RESPONSE: Staff concur in part. A new discharge prohibition was included in the proposed Order (WDR section III.F) prohibiting discharge to the Auxiliary Emergency Storage Ponds until after the Treatment Pond Decommissioning work on the soil at the Auxiliary Emergency Storage Ponds is completed. The new discharge prohibition in WDR section III.F and Fact Sheet section IV.A.6 are shown below:

WDR Section III.F

F. No wastewater or stormwater can be discharged to the Auxiliary Emergency Storage Ponds until after the Treatment Pond Decommissioning work (section VI.C.2.d) on the soil at the Auxiliary Emergency Storage Ponds is completed.

Fact Sheet section IV.A.6

6. **Prohibition III.F (Auxiliary Emergency Storage Pond Use)**. The Auxiliary Emergency Storage Ponds and the Emergency Storage Pond 2 are in the location of the oxidation ponds in the former overland flow treatment system. Water discharged to the Auxiliary Emergency Storage Ponds cannot be returned to the Facility headworks and is considered a discharge to groundwater. This prohibition prohibits the Discharger from discharging to the Auxiliary Emergency Storage Ponds until the Treatment Pond Decommissioning work (section VI.C.2.d) to remove sediment and sludge from the former overland flow treatment system at the Auxiliary Emergency Storage Ponds is completed.

13. Verification of Denitrification Capability.

Ms. Kipps requests confirmation that the Facility can consistently comply with the new nitrate (total as nitrogen) land discharge specification of 10 mg/L. Ms. Kipps also asks if the Discharger has internal monitoring data that demonstrate compliance that can be cited in the final Order or be included in these Response to Comments.

RESPONSE: No changes were made to the proposed Order. The Discharger provided information determining that the current treatment design cannot reduce nitrate levels below 10 mg/L due to high influent ammonia resulting from water conservation efforts. To achieve further nitrate reduction, the Discharger indicated that additional basins must be constructed, requiring extensive design planning, future funding, and construction.

14. Consideration for Total Nitrogen Limitation.

Ms. Kipps requests revising the Land Discharge Specification to apply total nitrogen to establish an effluent limitation for monthly average total nitrogen of 10 mg/L for all

discharges to land. Ms. Kipps notes that it is unlikely that the Discharger would be able to consistently comply with total nitrogen land discharge specification of 10 mg/L if it were to discharge to the stormwater percolation ponds wastewater that did not receive full nitrification and denitrification treatment when there is insufficient or no stormwater runoff available for dilution.

Ms. Kipps adds that if the discharger is unable to consistently comply with a new requirement, in this case, a new discharge limit of 10 mg/L for nitrate (total as nitrogen), then usually an order will contain a special provision establishing a time schedule to complete work necessary to achieve and maintain compliance (e.g., increase lined emergency pond storage capacity).

RESPONSE: Staff do not concur, see response to Discharger Comment 1.

15. Groundwater Depth Determination Methods.

Ms. Kipps requests clarification on how Central Valley Water Board staff determined the 9-foot below ground surface depth for groundwater, including the specific wells and timeframes evaluated.

RESPONSE: Staff used boring logs to determine the depth to groundwater. Staff has revised references to groundwater being 9 feet below the ground surface in Fact Sheet section IV.F.1.a (first bullet) and Fact Sheet section V.B.5.

Fact Sheet section IV.F.1.a (first bullet)

- From June 2019 through September 2022, depth to groundwater is approximately 20 feet below the ground surface (bgs) at well MW-2, 7 feet bgs at MW-4, 10 feet bgs at MW-8, and 15 feet bgs at MW-9.

Fact Sheet section V.B.5 (second paragraph)

Groundwater in the vicinity of the emergency storage ponds averages 20 feet below ground surface. Currently as constructed the Emergency Storage Pond 1 drainage inlet is six inches above the pond bottom and the Emergency Storage Pond 2 drainage inlet is nine inches above the pond bottom, both with uneven bottoms, resulting in portions of the wastewater discharged to these ponds remaining in place until it evaporates or percolates. With the potential to impact “high quality waters” through continued use of the emergency storage ponds this Order implements BPTC by requiring lining of the Emergency Storage Ponds. Lining the Emergency Storage Ponds will significantly reduce the potential of impacting groundwater and allow the Discharger to more efficiently use their emergency ponds by allowing them to completely drain and be regularly maintained, which will also reduce the potential for use of the Stormwater Percolation Ponds since they are designed to receive overflow from Emergency Storage Ponds 1 and 2 once they reach maximum capacity, thus reducing potential groundwater impacts.

16. Monitoring Requirements for RGW-006.

Ms. Kipps requests that Monitoring Well RGW-006 be monitored for all parameters in MRP Table E-7 to support groundwater quality assessments and will enable the tracking of delayed decreases in groundwater TDS following periods when

Discharge Point 002 is active which, in turn, should provide data useful for evaluating the rate at which commingled effluent and stormwater percolates through the vadose zone. Ms. Kipps notes that data collected from RGW-006 may be useful for interpreting trends in monitoring wells RGW-004 and RGW-005.

RESPONSE: Staff concur. As per Ms. Kipps comment, Monitoring Well RGW-006 will provide useful information for the required assessments.

Note “i’ in MRP Table E-7 from the tentative Order was removed and Note “j” in MRP Table E-7 was reindexed to Note “i’ in the proposed Order.

To clarify the soil types at specific wells, staff revised language in Fact Sheet section III.E.1.b as follows:

> The (UC Davis Soils Website) characterizes the soil series at RGW-006 as 85% “Riz soil” (member of the fine, montmorillonitic, thermic family of Typic Natrixeralfs), and as a member of the “alfisols” order. The "Natrixeralfs" suborder may indicate the presence of a natric horizon, a subsurface layer enriched with clay and sodium, and often associated with high sodium content. The UC Davis Soils Website shows the soil series at RGW-004 and RGW-005 as 90% “Clear Lake” soils.

17. Specificity of Groundwater Reports

Ms. Kipps requests revising provisions to ensure the Groundwater Information Report, annual groundwater assessment reports, and Groundwater Background Concentration and Well Monitoring Network Evaluation Report (respectively sections VI.C.2.a.i, VI.C.2.b, and VI.C.2.c of the tentative Order) focus on Davis Wetlands, reclamation storage ponds, and auxiliary emergency storage ponds, to enhance applicability.

RESPONSE: Staff concur. WDR sections VI.C.2.a.i, VI.C.2.b, VI.C.2.c have been revised to specifically reference the Davis Wetlands, each emergency storage pond, and auxiliary emergency storage pond. The revised WDR section VI.C.2.a.i is shown in the response to Jo Anne Kipps Comment 5.

The revised WDR sections VI.C.2.b and VI.C.2.c are shown below:

b. **Annual Groundwater Assessment Report**

i. The Discharger shall submit an Annual Groundwater Assessment Report to determine if the Facility is impacting groundwater and contributing to groundwater degradation around the Davis Wetlands, each emergency storage pond, and auxiliary emergency storage pond. The analysis shall assess whether the groundwater is in compliance with groundwater limitations and the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan), which requires that constituent concentrations in the groundwater do not exceed either the Basin Plan’s groundwater water quality objectives or background groundwater concentrations, whichever is greater.

The report should also include groundwater gradients and flow direction and a summary of data collected during the term of the annual report. The data summary shall also include a comparison to previous groundwater data collected from monitoring wells, where available, and a comparison of current groundwater monitoring data to data collected from current monitoring well network. The Discharger shall provide the Annual Groundwater Assessment Report to the Central Valley Water Board on the dates provided in the Technical Reports Table. The annual report shall cover the previous calendar year.

c. **Groundwater Background Concentration and Monitoring Well Network Evaluation Report.** For each groundwater monitoring parameter/constituent identified in the Monitoring and Reporting Program (Attachment E, Section VIII.B), the report shall present a summary of monitoring data, calculation of the concentration in background monitoring wells, and a comparison of background groundwater quality to that in wells used to monitor the facility. Determination of background quality shall be made using the methods described in Title 27 California Code of Regulations Section 20415(e)(10), and shall be based on data from at least four consecutive quarterly (or more frequent) groundwater monitoring events. The report shall compare measured concentrations for compliance monitoring wells with the calculated background concentration.

   The Discharger shall assess the current groundwater monitoring well network and propose additional wells, where necessary, to characterize groundwater gradient and quality near and downgradient from the Davis Wetlands, each emergency storage pond, and auxiliary emergency storage pond, and, if necessary, to better characterize background concentrations. The report shall include a project schedule not to exceed one year, include, if necessary, a closure plan for the decommissioning of existing wells, and satisfy the information requirements, as part of the Groundwater Background Concentration and Monitoring Well Network Evaluation Report. The Discharger must submit the Groundwater Background Concentration and Monitoring Well Network Evaluation Report to the Central Valley Water Board on the date provided in the Technical Reports Table. If the Discharger determines there is a need to install new groundwater monitoring wells, then the Discharger shall follow the monitoring requirements for groundwater monitoring wells in MRP section VIII.B.

   i. **Groundwater Monitoring Well Installation Work Plan (if necessary).** If the Discharger determines there is a need to install new groundwater monitoring wells, then the Discharger shall follow the requirements of Attachment I – Standard Requirements for Monitoring Well Installation Work Plans and Monitoring Well

Installation Reports and provide a Groundwater Monitoring Well Installation Work Plan to the Central Valley Water Board by the date provided in the Technical Reports Table.

ii. **Groundwater Monitoring Well Installation Report (if necessary).** If the Discharger determines there is a need to install new groundwater monitoring wells, then the Discharger shall follow the requirements of Attachment I – Standard Requirements for Monitoring Well Installation Work Plans and Monitoring Well Installation Reports and provide a Groundwater Monitoring Well Installation Report to the Central Valley Water Board by the date provided in the Technical Reports Table.

18. Timing of Annual Groundwater Assessment Reports

Ms. Kipps requests delaying the annual groundwater assessment reports until after the submission of the Groundwater Background Concentration and Well Monitoring Network Evaluation Report.

RESPONSE: Staff concur. See response to Discharger Comment 18.

19. Facility Flood Risk and FEMA Disclosure.

Ms. Kipps requests the tentative Order to disclose the Facility's flood risk according to FEMA and identify the elevation(s) of perimeter levees of the treatment works, ponds, and wetlands. Ms. Kipps requests the tentative Order be revised to disclose whether these elevations are adequate to protect the Facility's unit operations from floods with a 100-year return period and to require all conveyance, treatment, storage, and disposal systems be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

RESPONSE: Staff concur. The Discharger noted that the levee around the Facility was designed and built in 2018 to protect the Facility from flooding through a breached Cache Creek levee. The elevation of the perimeter is 35.3 feet. This narrative was added to Fact Sheet section II.A. The revised Fact Sheet section II.A is shown in the response to Jo Anne Kipps Comment 3.

20. RGW-002 Elevation Verification.

Ms. Kipps requests confirmation of the top-of-casing elevation for RGW-002 and correction of any discrepancies in Table F-5 of the Fact Sheet.

RESPONSE: The top-of-casing elevation could not be confirmed for well RGW-002; therefore, the value has been removed and Table F-5 has been revised. The revised Table F-5 in part is shown below:

Monitoring Well	Construction Date	Borehole Depth, feet bgs	Depth of Screened Interval, feet bgs	Top of Casing Elevations, feet above MSL	Well Diameter, Inches
RGW-002	Prior to 1998	34	--	--	4

21. Compliance Determination for Total Suspended Solids and Total Coliform Organisms.

Ms. Kipps requests revising the Monitoring and Reporting Program to allow EFF-001 data to be used for determining compliance at EFF-002, considering the potential for algae and wildlife impacts at EFF-002.

RESPONSE: Staff concur. MRP section IV.A.2.o contains a table note allowing the Discharger to monitor for total coliform organisms at EFF-001 when discharging to Discharge Point 002.

STAFF REVISIONS

1. Headers on Attachment G, Attachment H, and Attachment I.

The headers for Attachment G, Attachment H, and Attachment I included the names and NPDES number for the City of Yuba City Wastewater Treatment Facility. Staff corrected the headers to reflect the correct discharger, facility, and NPDES number. The revised header for Attachment G, Attachment H, and Attachment I is shown below:

CITY OF DAVIS ORDER R5-2025-XXXX
WASTEWATER TREATMENT PLANT NPDES CA0079049

2. Dissolved Organic Carbon.

Table F-10 and Table F-10 Note 7 in the Fact Sheet mistakenly reference Total Organic Carbon instead of Dissolved Organic Carbon. The revised sections Table F-10 and Table F-10 Note 7 are shown below.

Table F-10: Revised Effluent Monitoring

Parameter	Units	Previous Sample Frequency	Revised Sample Frequency	Reason for Change
Dissolved Organic Carbon	mg/L	--	1/Month	Note 7

7. **Dissolved Organic Carbon.** Monitoring required to calculate site-specific freshwater aluminum criteria in accordance with the 2018 U.S. EPA NAWQC for aluminum in freshwater for the next permit renewal.

3 Treatment Pond Decommissioning Report.

Staff revised section VI.C.2.d to clarify that this report is intended to be done at the Auxiliary Emergency Storage Ponds and Emergency Storage Ponds. The revised section VI.C.2.d is shown below:

i. **Treatment Pond Decommissioning Work Plan.** The Discharger shall submit a Treatment Pond Decommissioning Work Plan by the date on the Technical Reports Table for the Auxiliary Emergency Storage Ponds and Emergency Storage Ponds. The Treatment Pond Decommissioning Work Plan shall include the work necessary to remove accumulated sludge and contaminated soil

from the pond bottoms, sampling plan to confirm the sludge and contaminated soil has been removed, and a schedule to perform the remediation.

4. Time Schedule Order: Pollution Prevention Plan for Copper and Cyanide.

A pollution prevention plan for copper and cyanide was not included in the tentative TSO. The Clean Water Enforcement and Pollution Prevention Act of 1999 (Senate Bill 709) amended the California Water Code (CWC) by adding Section 13263.3. CWC Section 13263.3(d)(1) authorizes the State Water Resources Control Board, a Regional Water Quality Control Board, or a publicly owned treatment works to require a discharger to prepare and implement a pollution prevention plan if the Board find that the discharger to be a chronic violator, and the Board determines that pollution prevention could assist the discharger in achieving compliance.

The addition of a requirement to submit a Pollution Prevention Plan for total copper and total zinc does not constitute a material change to the proposed Order. The requirement is authorized under California Water Code sections 13263.3 and 13267 and is structured as a technical report needed to evaluate the Discharger's efforts to reduce pollutant loading and achieve compliance with the final effluent limitations. It does not impose new discharge limits or modify the fundamental regulatory scope, findings, or intent of the proposed Order.

California Water Code section 13267 provides independent authority for the Regional Water Board to require technical and monitoring reports at any time. Incorporating the Pollution Prevention Plan into the final Order under this authority formalizes an information-gathering requirement and supports compliance evaluation. This addition is informational in nature and does not introduce new or more stringent permit conditions.

Staff added a pollution prevention plan for copper and cyanide to the proposed TSO, revised dates on the compliance schedule table and revised the first Time Schedule Order requirement as shown below:

1. Pursuant to California Water Code Sections 13300 and 13383, the Discharger shall comply with the following time schedule shown on Table 3, to submit reports and ensure completion of the compliance project described in Finding 7.b, above:

Table 3. Compliance Schedule for Total Copper and Total Cyanide Effluent Limitations

Task Number	Task	Compliance Date
1	**Pollution Prevention Plan.** Submit and implement a Pollution Prevention Plan pursuant to CWC section 13263.3 for total copper and total zinc.	**1 August 2026**
2	**Annual Progress Reports.** The Discharger shall submit annual progress reports. The progress reports shall detail what steps have been implemented towards achieving compliance with total copper and total cyanide effluent limitations.	**31 March, annually until 31 March 2028**
3	**Copper Water Effects Ratio (WER) and Receiving Water Hardness Study Workplan.** The Discharger shall submit the Copper WER and Receiving Water Hardness Study Workplan describing how the sampling plan will be conducted along with methods used to determine a WER for total copper and how the evaluation of the representative up and downstream receiving water hardness values will be conducted.	**1 November 2025**
4	**Copper WER and Receiving Water Hardness Technical Memorandum.** The Discharger shall submit the Copper WER and Receiving Water Hardness Technical Memorandum documenting results and conclusions from the total copper WER study and receiving water hardness study. This study shall, at minimum, provide an evaluation of the representative up and downstream receiving water hardness values, along with a WER value that was derived in accordance with the methods allowed in the SIP and CTR.	**1 November 2026**
5	**Compliance with Total Copper Effluent Limitations.** The Discharger shall submit documentation that the Facility complies with the total copper effluent limitations contained in WDR Order R5-2025-XXXX.	**1 August 2027**
6	**Cyanide Study Workplan.** The Discharger shall submit the Cyanide Study Workplan describing how the Discharger will investigate the treatment process for cyanide generation, investigate sample preservation techniques, conduct holding time study for unpreserved samples, propose an alternative effluent sampling location and sampling method for cyanide.	**1 March 2026**

Task Number	Task	Compliance Date
7	**Cyanide Study Technical Memorandum.** The Discharger shall submit the Cyanide Study Technical Memorandum documenting the cyanide study results and conclusions.	**1 May 2027**
8	**Compliance with Total Cyanide Effluent Limitations.** The Discharger shall submit documentation that the Facility complies with the total cyanide effluent limitations contained in WDR Order R5-2025-XXXX.	**1 May 2028**

5. Auxiliary Emergency Storage Ponds.

The Auxiliary Emergency Storage Ponds will be used as an emergency option as back-up storage when Emergency Storage Ponds 1 and 2 are full and the wastewater sent to these ponds would be diluted with stormwater.

The proposed Order revises "*Stormwater Percolation Ponds*" to "*Auxiliary Emergency Storage Ponds*" throughout the proposed Order and Attachments to better reflect their use.

6. Findings on Water Quality Impacts in Disadvantaged or Tribal Communities and Environmental Justice Concerns.

Pursuant to California Water Code section 13149.2, the Regional Water Board is required to make specific findings when adopting Waste Discharge Requirements or NPDES permits that include time schedules for achieving water quality objectives or that authorize alternative compliance pathways, such as the Prioritization and Optimization (P&O) Study for the Salt Control Program or the Management Zone approach under the Nitrate Control Program.

Staff added a section to Fact Sheet section III.C. The addition is not a material change to the proposed Order as it does not alter any requirements or compliance obligations, but clarifies an existing legal obligation that already applies by operation of law. The reference improves clarity without changing the substance of the proposed Order.

12. **Findings on Water Quality Impacts in Disadvantaged or Tribal Communities and Environmental Justice Concerns.** Consistent with Water Code section 13149.2, the Central Valley Water Board has taken into account environmental justice, tribal impact, and racial equity considerations in issuing this Order. The discharges regulated by this Order may impact one or more disadvantaged communities or tribal communities.

    The Facility regulated by this Order discharges Tertiary treated disinfected wastewater from the Facility is discharged to Willow Slough Bypass and seasonally to the Main Conaway Canal, seasonally to groundwater via percolation from the Davis Wetlands and if the Davis Wetlands reach capacity during the rainy season, the Conaway Ranch Toe Drain. Willow Slough

Bypass, the Main Conaway Canal, and the Conaway Ranch Toe Drain are all waters of the United States within the Yolo Bypass and Sacramento River Watershed. The Facility is subject to discharge limitations for the following constituents, given potential to cause or contribute to exceedances of water quality objectives in the receiving water, or due to an adopted Total Maximum Daily Load (TMDL), site-specific Basin Plan objective, or statewide policy: ammonia, biochemical oxygen demand, chlorine residual, chlorpyrifos, chronic toxicity, copper, cyanide, diazinon, total mercury, methylmercury, nitrate plus nitrite, pH, total coliform, and total suspended solids. This Order includes a compliance schedule for attainment of final effluent limitations for methylmercury, consistent with the Basin Plan. This Order addresses potential adverse impacts to water quality from the Facility’s discharge by setting prohibitions and limits on the discharge of wastewater, requiring ongoing monitoring and reporting of the discharged wastewater and receiving water, and imposing other specifications on the Facility's wastewater treatment operations.