CENTRAL VALLEY CLEAN WATER ASSOCIATION
CVCWA
CENTRAL VALLEY CLEAN WATER ASSOCIATION

CASEY WICHERT – Chair, City of Brentwood
MINDY BOELE – Secretary, City of Vacaville
KATHERINE WILLIS– Vice-Chair, City of Yuba City
HEATHER GROVE– Treasurer, City of Manteca

July 21, 2025

Via Email Only

California Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, California 93706
Nicolette.Dentoni@waterboards.ca.gov

Re: CVCWA Comment Letter – Tentative Waste Discharge Requirements/NPDES Order for the City of Merced, Merced Wastewater Treatment Facility

To the Central Valley Regional Water Quality Control Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the Tentative Waste Discharge Requirements/NPDES Order for the City of Merced, Merced Wastewater Treatment Facility (R5-2025-XXXX) (hereinafter, "Tentative Order"). CVCWA is a nonprofit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters from the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide comments supporting revisions to the Tentative Order.

A. Groundwater Limitations

CVCWA recommends the following revision of the Groundwater Limitations (Tentative Order, p. 12), with deletions shown in strikethrough:

> ~~**3. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses.**~~

CVCWA recommends removal of item 3 because demonstration of an exceedance of current groundwater quality is evidenced by an analysis of each

groundwater compliance monitoring well listed in Table E-1 of Attachment E – Monitoring and Reporting Program. (Tentative Order, pp. E-3 – E-4.)

Moreover, to the extent limitations in the Tentative Order are based on "first encountered" groundwater, CVCWA recommends using an alternative method for ensuring Basin Plan compliance. The Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) states that the WQOs "govern the levels constituents and characteristics in the *main water mass* unless otherwise designated." (Basin Plan at 3-2, emphasis added.) There is no stated basis for considering receiving water to be "first encountered" groundwater, as opposed to the main water mass. Therefore, unless specifically requested by the City of Merced, CVCWA recommends removing all references to and reliance on "first encountered" groundwater as the receiving water.

B. Pyrethroid Management Plan

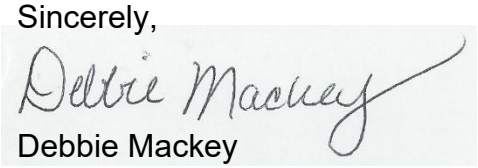
The Tentative Order states that the City of Merced is required to develop and submit a Pyrethroid Management Plan to the Central Valley Regional Water Board within one year from the date that an exceedance of any actuate and/or chronic pyrethroid numeric trigger is identified. (Tentative Order, p. 20.) The Tentative Order also states that "[i]f a Pyrethroid Management Plan is required," the City must provide mid-term and/or end-term progress reports consistent with [Table 8]…." (*Id*. at p. 20.) However, Table 8 in the Tentative Order states that the progress reports are "required" by and must be "approved by" certain dates calculated from the "permit effective date," "3rd year in permit term," and "3rd year to permit expiration date." (*Id.* at p. 21.) The deadlines in Table 8 are contradictory to the statement that a Pyrethroid Management Plan and related reporting are required *only if* an exceedance of any pyrethroid numeric trigger is identified, in which case the Pyrethroid Management Plan is due within one year. Accordingly, CVCWA requests clarification and/or revision of the Table 8 reporting deadlines for consistency with the reporting trigger.

C. Toxicity

The Tentative Order includes a Chronic Whole Effluent Toxicity (WET) Maximum Daily Effluent Target (MDET) and a Chronic WET Median Monthly Effluent Target (MMET) for the Wildlife Management Area (Discharge Point 003). (Tentative Order, pp. 18-19.) The City's prior permit (Order No. R5-2020-0014) contained only an Acute WET effluent limitation for the same point of discharge. CVCWA requests additional information and an explanation for the use of Chronic WET targets – as opposed to acute – for this point of discharge. Use of the Chronic WET target potentially increases the likelihood that the City may be required to conduct a Toxicity Reduction Evaluation (TRE).

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

Sincerely,



Debbie Mackey
Executive Officer

DM:MEC:je