

**Response to Comments**

**Comment Deadline: April 29, 2019 by 5:00 p.m.**

**Tentative National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirements (WDRs) Order R7-2019-0005, Niland County Sanitation District, Niland Wastewater Treatment Plant**

Comment Letter #	Date	Commenter	Affiliation
Email 1	4/29/2019	Pascal Mues	USEPA – Environmental Engineer

Changes proposed in response to comments made on 4/29/19 will be incorporated into the tentative WDRs as shown in the errata sheet prepared on 5/2/19.

Comment #	Location in the WDR	Comment	Response
1	Page numbers	For Niland, the same numbering error occurred but with A-# and C-# sections instead of A- and B-#.	These editorial changes will be made in the adopted version.
2	<b>Attachment F.</b> Fact Sheet, <b>III.D. Impaired Water Bodies</b> on Clean Water Act 303(d) List. Rationale for Effluent Limitations, <b>IV.C.3.</b> Determining the Need for WQBELs for Priority Pollutants	<u>My most significant issue is addressing 303(d) listed impairments more clearly and explicitly.</u> Given the long list of chemical impairments for the New River, Salton Sea, and Imperial Valley Drains (Fact Sheet section III.D) , I would have liked to see a clear statement that each facility’s priority pollutant scans (and other monitoring data) were reviewed for the presence/absence of each of the impairing pollutants- most of them do not appear to be addressed anywhere in the permit record outside of the mention of the impairment listings. The idea that nutrient impairments would not need to be addressed in the context of a WWTP discharge, for example, warrants specific explanation, especially in light of the basin plan’s prohibition of “biostimulatory substances...”. Similar issues might arise for addressing the impairments for low DO and “sediment”.	The draft NPDES permit/WDRs do contain a reasonable potential analysis (RPA) for all pollutants for which there are water quality-based effluent limitations (WQBELs) in the permit, including for the 303(d) List of impairing pollutants.  For clarity, staff recommends adding the following language in <b>bold</b> to the attachment F Fact Sheet section IV.C.3. second to the last paragraph:  <b>“Except for chlorodibromomethane, the discharge from the Facility does not contain any of the 303(d)-List, impairing pollutants for the receiving water at detectable levels.”</b>

3	<p><b>Attachment F.</b> Fact Sheet, <b>III.D.</b> Impaired Water Bodies on Clean Water Act 303(d) List. Rationale for Effluent Limitations</p>	<p>In Niland’s case, the claim that the TSS effluent limitations comply with the sediment TMDL’s WLA needs to be demonstrated. When I back-calculate from the TBEL TSS limits, I get [(396 lbs/day)*(365 days/year)*(1 ton/2000 lbs)] = 72.27 tons/year, well in excess of the stated WLA of 11.4 tons per year. Assertion of compliance with the WLA isn’t enough when the numbers show that kind of disparity. One potential way to address this question for most other parameters would be to add some additional discussion to the numbers presented in table F-3 and how they are consistent with the requirements for discharging to a water listed as impaired for those substances</p>	<p>According to the Imperial Valley Drains Sedimentation/Siltation TMDL approved by USEPA on September 30, 2005, the TMDL establishes a numeric target of 200 mg/L for Total Suspended Solids (TSS). The TSS loading rate for the Facility is 152.3 tons per year shown the detailed calculation below:</p> $(200\text{mg/L}) * (1\text{kg}/10^6\text{mg}) * (3.78541\text{L}/\text{gal}) * 500000 \text{ gal}/\text{day}) * (\text{ton}/907.185\text{kg}) = (0.41723 \text{ ton}/\text{day}) * (365 \text{ days}/\text{Yr}) = \mathbf{152.3 \text{ tons}/\text{Yr}}$ <p>The Waste Load Allocation (WLA) stated an incorrect loading rate of 11.4 tons per year. The correct WAL is 152.3 tons/year, as shown above. Therefore, the TBEL for TSS (72.27 tons/year) is less than TMDL WLA of 152.3 tons/year. As such, staff does not recommend changing the TSS effluent limitation in response to this comment, but does recommend correcting the error in the identified loading rate.</p> <p>Under Attachment F, Fact Sheet, Section II.D., Imperial Valley Drains, staff recommends replacing “loading rate (11.4 tons per year)” with “with numeric target of 200 mg/L (annual average).”</p>
4	<p><b>Attachment F.</b> Fact Sheet, <b>IV.D.1.</b> anti-backsliding Requirements <b>IV.D.2.</b> Determining the Need for WQBELs for Priority - Pollutants</p>	<p>Given the pattern of eliminating narrative TDS limits in favor of only keeping the numeric receiving water limits, I would like to see (separate from these permit issuance documents, and on a whole-board scale) a data table on which permits have had that TDS narrative limit removed in their most recent reissuances, and what receiving water limits were implemented in each case. I think we’d want to be able to demonstrate consistency (as well as protectiveness) since implementation of RW limits can be challenging, especially in the context of receiving waters which may have flow interruptions or other drought-driven effects over the life of the permits.</p>	<p>The removal of narrative TDS effluent limitation will not affect the quality of the discharge or degrade the receiving waters.</p> <p>The “narrative” TDS effluent limitation in the prior Order (R7-2014-0001) was written as a receiving water limitation, with compliance measured as the discharge not causing the concentration of TDS in the receiving water to exceed an annual average concentration of 4,000 mg/l or a maximum daily concentration of 4,500 mg/l. This exact same requirement is still retained as a receiving water limitation. Accordingly, the removal of the TDS “narrative” effluent limitation will not result in any less stringent requirements in the permit.</p> <p>Staff is happy to work with EPA further on this issue.</p>