

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, December 13, 2017
Regional Water Board Office
Santa Rosa, California

ITEM: 5

SUBJECT: Public Hearing on Order No. R1-2017-0048 Modifying Cease and Desist Order No. R1-2012-0011 for the Forestville Water District Wastewater Treatment, Recycling, and Disposal Facility, WDID No. 1B831000SON, NPDES No. CA0023043 (*Cathleen Goodwin*)

BOARD ACTION: The Board will consider adoption of Order No. R1-2017-0048 modifying Cease and Desist Order No. R1-2012-0011. The Order as proposed will extend the compliance date for compliance with final effluent limitations for total recoverable copper from June 30, 2016, to June 30, 2018.

BACKGROUND: The Forestville Water District (hereinafter Permittee) is currently discharging disinfected tertiary municipal effluent from the Forestville Water District Wastewater Treatment, Recycling, and Disposal Facility (hereinafter Facility) under Order No. R1-2012-0012 and National Pollutant Elimination System (NPDES) Permit No. CA0023043 (hereinafter Order No. R1-2012-0012), and Cease and Desist Order No. R1-2012-0011 (CDO), both adopted on January 19, 2012. Order No. R1-2012-0012 expired on February 28, 2017, and was administratively extended, pending adoption of a renewed NPDES permit by the Regional Water Board.

The Permittee's NPDES permit is in the process of being renewed. A draft of the permit has been developed, and was originally planned to move forward for adoption by the end of 2016. Due to staffing changes and heavy permit work loads, the Permittee's permit renewal has been delayed to early 2018.

Among other requirements, Order No. R1-2012-0012 establishes final effluent limitations for total recoverable copper in accordance with the California Toxics Rule and procedures set forth in the State Water Resources Control Board (State Water Board) *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California* (State Implementation Policy or SIP). Section 1.2 of the SIP allows the Regional Water Board to adjust the criteria/objective for metals with discharge-specific water effect ratios (WERs) established in accordance with U.S. Environmental Protection Agency (EPA) guidance as established in *Interim Guidance on Determination and Use of Water Effect Ratios for Metals* (EPA-823-B-94-001) or *Streamlined Water Effect Ratio Procedure for Discharges of Copper* (EPA-822-R-01-005) (Streamlined Procedure). The Streamlined Procedure determines site-specific values for a WER, a criteria adjustment factor accounting for the effect of site-specific water characteristics on pollutant bioavailability and toxicity to aquatic life.

The State Water Board amended the SIP in 2005 to allow WERs to be established through the normal NPDES permit modification process, rather than through the Basin Planning process.

The Permittee has been unable to consistently comply with final effluent limitations for total recoverable copper as established in Order No. R1-2012-0012. CDO Order No. R1-2012-0011 establishes interim effluent limitations and a compliance schedule for the Permittee to achieve compliance with final effluent limitations for total recoverable copper by June 30, 2016. The compliance schedule required the Permittee to conduct a discharge-specific WER study and submit study results to the Regional Water Board Executive Officer for review and approval by January 15, 2016.

In accordance with the compliance schedule in Order No. R1-2012-0011, the Permittee submitted the WER study results on January 15, 2016, in a report titled, *Copper Water-Effect Ratio (WER) Final Report (WER Study Report)* along with a letter requesting the Regional Water Board to modify final copper effluent limitations in Order No. R1-2012-0012 based upon the results of the WER study.

Regional Water Board staff has reviewed the WER Study Report and finds that the Permittee conducted the WER study in accordance with the Streamlined Procedure and the SIP, and evidence provided by the Permittee supports the application of a WER for copper for effluent discharges to Jones Creek which is tributary to Green Valley Creek thence the Russian River.

The Permittee's WER study determined the site-specific toxicity of copper in the receiving water and concluded that a site-specific WER of 8.39 for total recoverable copper and 7.98 for total dissolved copper applies to the discharge. Regional Water Board staff evaluated the results of the study and determined that (1) the results of the study are within the expected range for a WER for a municipal wastewater discharge; (2) the study followed the guidance in the Streamlined Procedure; and (3) the results of the study are supported by data that generated scientifically defensible results.

Regional Water Board staff revised the reasonable potential analysis for copper, and found that, based on this new information, effluent copper concentrations no longer demonstrate reasonable potential to exceed the WER-adjusted water quality criteria for copper. The forthcoming permit renewal will eliminate effluent limitations for copper based on the revised reasonable potential analysis that utilizes the Permittee's copper WER results.

Until the permit renewal is completed through the adoption of a new NPDES permit in 2018, the Permittee would be subject to mandatory penalty (MMP) violations under Order No. R1-2012-0012 since the CDO required compliance with total recoverable copper effluent limitations by June 30, 2016. This is unreasonable in light of the fact that the Permittee has documented that its effluent does not have reasonable potential for total recoverable copper in light of the WER results.

Extending the compliance date for total recoverable copper from June 30, 2016, to June 30, 2018, would provide the Permittee with protection from MMPs until the new permit is adopted.

ISSUES: Order R1-2017-0048 proposes to modify Order No. R1-2012-0011 by extending the date for the Permittee to comply with final effluent limitations for total recoverable copper in Order No. R1-2012-0012 from June 30, 2016, to June 30, 2018.

This item was noticed for public comment between September 11, 2017, and October 11, 2017. No comments were received regarding this item. This CDO modification is acceptable to the Permittee. Staff expects this CDO modification to be uncontested.

RECOMMENDATION: Adopt Order No. R1-2017-0048, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2017-0048
2. Public Notice