

## **Response to Written Comments**

**Draft Amendment Order No. R1-2021-0041**

**for**

**Amendment of Order. No. R1-2020-0012**

**for the**

**Santa Rosa Regional Water Reuse System, Laguna Treatment Plant**

**Regional Water Quality Control Board, North Coast Region**

**December 2, 2021**

### **Comments Received**

The deadline for submittal of public comments regarding draft Amendment Order No. R1-2021-0041 (Draft Order), for the amendment of the Water Quality Trading Framework as adopted in Order No. R1-2020-0012, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of Santa Rosa. (Permittee), Santa Rosa Regional Water Reuse System, Laguna Treatment Plan (Facility) was October 11, 2021. Regional Water Board staff (staff) received written comments from the City of Santa Rosa, City of Cotati, and the Russian River Watershed Association.

This Response to Comments document includes a summary of comments received from each of these commenters, Regional Water Board staff responses, and staff-initiated changes. Text added to the Proposed Permit is identified by underline and text to be deleted from the Proposed Permit is identified by strike-through in this document. The term "Draft Order" refers to the version of the Amendment Order that was sent out for public comment. The term "Proposed Oder" refers to the version of the Amendment Order that has been modified in response to comments received and is being presented to the North Coast Regional Water Quality Control Board (Regional Water Board) for consideration.

### **City of Santa Rosa (City)**

**Comment No. 1:** *The City appreciates the Regional Water Board staff's efforts in developing the proposed Amendment Order, and via this letter, expresses support for its adoption by the Regional Water Board. The City believes the proposed changes to the WQTF will encourage and support the identification and implementation of multi-benefit restoration projects in the Laguna de Santa Rosa watershed, widely supported by community stakeholders, to satisfy the NPDES Permit's "no net loading" discharge limitation via the WQTF.*

**Response to Comment 1:** The Regional Water Board acknowledge the City's comments and appreciate their support for the proposed Amendment Order.

No changes have been made to the permit in response to this comment.

**Comment No. 2:** *The City provided the following comment regarding Section 2.3 (Credit Units) of the draft WQTF, as proposed in the Draft Order. This section states that "Water quality credits generated under this Framework may be used to offset a pollutant discharge that occurs during a single discharge season." While remaining sections of the WQTF authorize credit banking of generated credits and the application of generated credits over subsequent years, which confirms unused generated credits can be banked and subsequently used in accordance with approved Project Plans, the City wants to ensure that the standalone sentence in Section 2.3 does not give the impression that credits generated in a discharge season must be used in that same discharge season. The City suggests a minor change as follows, "Water quality credits generated under this Framework are available to offset pollutant discharges that occur during a single discharge season."*

**Response to Comment 2:** This is a reasonable request that is consistent with the intent of the amended WQTF and Draft Order's language. The Proposed Order and amended WQTF have been modified to include the language proposed by the Permittee. Section 2.3 of the amended WQTF, and the respective language within the Proposed Order that discuss this section, has been modified as follows:

Water quality credits generated under this Framework ~~may be used~~ are available to offset a pollutant discharges that occurs during a single discharge season.

**Comment No. 3:** *The City provided the following comment regarding Section 8.3.1 and proposed Footnote 11 (Suspension or Cancellation of Previously Generated Credits) of the amended WQTF, as proposed in the Draft Order. With respect to the suspension or cancellation of previously generated credits, the City seeks confirmation that the suspension or cancellation of previously generated and applied credits that might result in a credit deficit, will only occur if the previously generated and applied credits were applied after the established date of material failure.*

*While the City supports the inclusion of Footnote 11, which states, "Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure," the City believes the language could be strengthened within the text of the footnote or Section 8.3.1. to make clear that the suspension or cancellation of previously generated and applied credits, that might result in a credit deficit, will only occur if the credits were generated and applied after the established date of material failure. One suggestion is to amend Footnote 11 to state: "Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure, and the suspension or cancellation of previously generated*

*and applied credits, that might result in a credit deficit, will only occur if the credits were generated and applied after the established date of material failure.”*

**Response to Comment 3:** Regional Water Board staff can confirm that the suspension or cancellation of used credits, that might result in a credit deficit, is not intended to apply to credits generated prior to the date that a material failure first occurred. Footnote 11 has been modified to provide this clarification as follows:

<sup>11</sup> Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure. Used credits originating from a project that has experienced a material failure shall not be suspended or cancelled unless the timing and basis of the material failure indicate that the credits should not have been certified. The timing of a material failure shall extend from the date that a material failure first occurred until the date that it is corrected to the satisfaction of the Executive Officer.

### **City of Cotati**

**Comment No. 4:** *The City of Cotati expresses their support for the adoption of Amendment Order R1-2021-0041. The City of Cotati believes the proposed changes to the WQTF will encourage and support the identification and implementation of multi-benefit restoration projects in the Laguna de Santa Rosa watershed to satisfy the City of Santa Rosa’s discharge requirements. Additionally, the City of Cotati feels that the proposed changes to the WQTF, as reflected in the Amendment Order, are in alignment with the overall consensus of the Phosphorus Blue-Ribbon Panel that was regionally convened in 2018.*

**Response to Comment 4:** The Regional Water Board acknowledge the City of Cotati’s comments and appreciate their support for the proposed Amendment Order. No further action is required of this comment.

### **Russian River Watershed Association (RRWA)**

**Comment No. 5:** *The RRWA expresses their support for the adoption of Amendment Order R1-2021-0041. The RRWA believes the proposed changes to the WQTF will encourage and support the identification and implementation of multi-benefit restoration projects in the Laguna de Santa Rosa watershed to satisfy the City of Santa Rosa’s discharge requirements. RRWA also feels that the proposed changes to the WQTF, as reflected in the Amendment Order, are in alignment with the overall consensus of the Phosphorus Blue-Ribbon Panel that was regionally convened in 2018.*

**Response to Comment 5:** The Regional Water Board acknowledge the RRWA’s comments and appreciate their support for the proposed Amendment Order. No further action is required of this comment.