

**Central Valley Regional Water Quality Control Board
6 December 2007 Board Meeting**

**Response to Comments for City of Grass Valley Wastewater Treatment Plant
Tentative Cease and Desist Order**

The following are Central Valley Regional Water Quality Control Board (Regional Water Board) staff responses to comments submitted by interested parties regarding the tentative Cease and Desist Order (CDO) for the City of Grass Valley Wastewater Treatment Plant (WWTP). Public comments regarding the proposed CDO were required to be submitted to the Regional Water Board office by 12:00 p.m. (noon) on 26 November 2007. The Regional Water Board received timely comments regarding the tentative CDO by City of Grass Valley (Discharger). Written comments are summarized below, followed by Regional Water Board staff responses.

CITY OF GRASS VALLEY (DISCHARGER) COMMENTS

COMMENT NO. 1: Compliance Schedule for Aluminum and Manganese. The Discharger is involved in litigation with Newmont USA Limited (Newmont) to require the elimination of the mine discharge (containing aluminum and manganese) to the WWTP, or otherwise resolve this issue in a manner satisfactory to the City of Grass Valley. Pending the outcome of a scheduled March 2008 legal hearing involving the litigation between City of Grass Valley and Newmont, the constructed solution to the mine drainage problem will likely require a minimum of two (2) years for completion, placing that completion date to March 2010.

The Regional Water Board issued a 25 July 2007 California Water Code §13267 letter to Newmont requiring investigations of the sources of water and pollutants in the Drew Tunnel discharge and an assessment of the possible treatment and source control methods to reduce the quantity of pollutants discharged. Appropriate remedial actions will be determined at a later date.

The Discharger projects that the earliest that a constructed solution to the Drew Tunnel discharge will be in place is March 2010, but is concerned that given the slow progress on this issue over recent years and its lack of control over the manganese and aluminum compliance issue, it is quite likely that completion of the constructed solution could extend well beyond March 2010. Since the Discharger remains in compliance jeopardy for mandatory minimum penalties after June 2008, it has requested that the Regional Water Board establish a modified CDO time schedule based on the March 2010 compliance date, to maintain a sense of urgency in the resolution of the Newmont discharge issue. However, the Discharger has also requested that language in the tentative CDO clearly recognizes that adherence to this schedule depends on timely action by Newmont and the Regional Water Board to resolve the Drew Tunnel discharge and allow the Discharger to comply with the final manganese and aluminum WQBELs.

The Discharger requests that either (1) language be added to the CDO allowing the March 2010 compliance date to be extended in the future if circumstances beyond the

Discharger's control prevent compliance with that date, or (2) that the March 2010 compliance date be extended to the maximum allowable under the proposed order.

RESPONSE: The proposed compliance date for final aluminum and manganese effluent limitations is based on the Discharger's projection of earliest that a constructed solution of the mine discharge will be in place. Regional Water Board staff acknowledges that ongoing litigation may result in completion of the constructed solution to extend beyond the proposed March 2010 compliance date. Because of the "unknown" nature of the necessary corrective action, the proposed compliance date remains unchanged. Language has been added, however, to Finding No. 5 of the tentative CDO to reference the potential of the Discharger not being able to comply with aluminum and manganese final effluent limitations by this compliance date. If appropriate, the Regional Water Board may further extend the compliance dates by amending the CDO.

COMMENT NO. 2: Pollution Prevention Plan Requirements for Chloroform Dibromochloromethane, Dichlorobromomethane, and Nitrate-plus-Nitrite. The Discharger states that chloroform, dibromochloromethane and dichlorobromomethane are not present in influent, but are produced during the wastewater disinfection process, and do not lend themselves to source control. Similarly, nitrate-plus-nitrite are present in WWTP influent due to the breakdown of ammonia, which is inherent to municipal wastewater, and is also not source controllable. These constituents are listed for inclusion in the tentatively-required Pollution Prevention Plan (PPP). The Discharger requests either (a) removal of these constituents from the list to be considered in a pollution prevention plan or (b) addition of language in the CDO that acknowledges that these constituents likely cannot be managed through a pollution prevention program.

RESPONSE: The California Water Code requires a PPP to be prepared and implemented for constituents in which the Discharger is not able to comply with final limitations. Footnote No. 1 of the proposed CDO Provision No. 1, states that the PPP shall be prepared and implemented for aluminum, chloroform, copper, cyanide, dibromochloromethane, dichlorobromomethane, manganese, nitrate-plus-nitrite, and zinc, *as appropriate*, and shall meet the requirements specified in CWC section 13263.3. For constituents in which pollution prevention measures are not applicable, such as disinfection byproducts and nitrogen from domestic wastewater, then the Discharger must provide information on the non-applicable nature of the constituent in its PPP reports to the Regional Water Board office, as required.

Additionally, additional language in Finding Nos. 10 and 11 of the proposed CDO has been added to clarify that the PPP requirements for chloroform, dibromochloromethane dichlorobromomethane and nitrate-plus-nitrite may be inapplicable because these compounds are either created within the treatment process or inherently present in municipal wastewater.

COMMENT NO. 3: Interim Copper Limitation. The proposed interim effluent limitations for copper are an average daily concentration of 9.1 ug/l and a mass limitation of 0.21 pounds per day are in error. The Discharger has provided information to staff that indicates that the WWTP effluent cannot consistently comply with these proposed limitations. The information provided describes the development of performance-based limitations for copper in accordance with the methodology described in Finding 13 of the proposed CDO. The Discharger requests that the interim performance-based effluent limitations for copper be changed from 9.1 ug/l and 0.21 pounds per day to a limit of 13 ug/l and 0.3 pounds per day.

RESPONSE: Regional Water Board staff acknowledges that the proposed 9.1 ug/l and 0.21 pounds per day performance-based copper limitation are in error, and the correct interim limitations, based on existing monitoring data, should be 13 ug/l and 0.3 pounds per day. The tentative interim copper limitations have been corrected.

COMMENT NO. 4: Editorial Comments. The Discharger requests that following editorial modifications to the tentative CDO:

Finding No. 5:

- Second sentence, delete the word “modifying” and add the words “on aquatic life uses” after the word “hardness”.
- Third sentence, insert the word “major” after the word “construct”.
- Fourth sentence, replace the word “largest” with the word “primary” and insert the words “and aluminum” after the word “manganese”.

Finding No. 6, second bullet: Replace the word “April” with the word “March”.

Finding 13: Delete the word “copper” from the second sentence and add the word “copper” to the third sentence after the word “chloroform”.

Finding 14: Delete the word “significantly” from the third sentence.

RESPONSE: Regional Water Board staff concurs with the suggested edits and has made the appropriate modifications in the tentative CDO.

COMMENT NO. 4: Editorial Comments (continued).

Finding No. 10: Either delete “Dibromochloromethane” and “Dichlorobromomethane” from the third sentence or add a fourth sentence which states “It is understood that the pollution prevention plan for dibromochloromethane and dichlorobromomethane will be constrained by the fact that these compounds are created within the disinfection process.”

Finding No. 11: Either delete “chloroform” and “nitrate plus nitrite” from the second sentence or add a third sentence which states “It is understood that the pollution prevention plan for chloroform and nitrate plus nitrite will be constrained by the facts that (a) chloroform is created within the existing chlorine disinfection process and (b) nitrate-plus-nitrite are produced by the existing nitrification/denitrification process in the breakdown of the ammonia that is inherently present in municipal wastewater.”

RESPONSE: See second paragraph of Response to Comment No. 2 above.