

**REQUEST FOR REVISIONS TO
TENTATIVE WASTEWATER DISCHARGE REQUIREMENTS
NPDES NO. CA 0079430
MARIPOSA PUBLIC UTILITY DISTRICT
WASTEWATER TREATMENT FACILITY
October 15, 2007
Prepared by Carollo Engineers, P.C.**

On behalf of the Mariposa Public Utilities District (MPUD), Carollo Engineers, P.C. have reviewed the tentative permit dated September 12, 2007 and requests the following revisions:

MUN Designation

As more fully set forth in comments submitted by Mark Rowney, General Manager for MPUD, the Tentative Order relies on the incorporation of State Board Resolution No. 88-63 into the Basin Plan to designate MUN as a beneficial use of Mariposa Creek. (Tentative Order, p. F-11.) MPUD respectfully disagrees with this interpretation of Resolution 88-63. The Regional Board should remove the MUN beneficial use designation from the Tentative Order because: (1) Mariposa Creek is not presently or potentially suitable for MUN and (2) Mariposa Creek fits within the self-effectuating exceptions established by the Basin Plan's incorporation of Resolution 88-63. Consistent with the comments set forth below related to section VI.C.1, in the event the Regional Board designates MUN through the MPUD permit, MPUD should be provided the opportunity to revisit the Regional Board's designation of MUN to Mariposa Creek to the extent resolution of litigation results in any new legal precedent or regulation affecting the Regional Board's designation of MUN to Mariposa Creek.¹ In the event the Regional Board continues to contend that application of the exceptions within Resolution 88-63 require a Basin Plan Amendment, the Regional Board should provide the following language at page F-11 of the Tentative Order to expressly provide for an expedient and streamlined process for Regional Board consideration of a Basin Plan Amendment to de-designate MUN for Mariposa Creek:

The Regional Board has evidence that the MUN use may not exist nor is likely to be attained for Mariposa Creek. Consistent with State Board Order No. WQO-2002-0015, the Regional Board must expeditiously initiate appropriate basin plan amendments to consider de-designating the use. Thus, this Order includes a time schedule(s) allowing the Discharger the opportunity to provide the Regional Board with technical information necessary to conduct a UAA and Basin Plan Amendment for the Regional Board to consider de-designation of MUN on Mariposa Creek.

Compliance Date for Non-CTR Constituents (IV.A.2. pp. 10-11):

¹ The City of Vacaville challenged the Regional Board's designation of certain drainage channels as MUN as well as the State Water Board's position in upholding this designation. The City's litigation is currently pending in Contra Cost Superior Court. The hearing on the MUN designation challenge is scheduled for December 2007.

Section VI.C.7.c (pp. 27-28) of the Tentative Order provides a five-year compliance schedule for providing tertiary treatment at the WWTF. The Basin Plan Policy for Application of Water Quality Objectives (Basin Plan at IV-16.00) authorizes the Regional Board to establish a schedule of compliance in a NPDES permit. Such a schedule must be based on the shortest practicable time (determined by the Regional Water Board) required to achieve compliance, but may allow up to ten years for compliance. (Basin Plan at IV-16.00) As will be demonstrated to the Regional Board by separate comments provided by Mark Rowney, General Manager for MPUD, 2017 is the earliest practicable date that MPUD can implement tertiary treatment at the WWTP to meet Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) objectives.

Total Residual Chlorine (IV.A.1.d., page 10; VII.D, page 29, page E-3, and page F-18):

The MPUD WWTP does not have continuous monitoring equipment for total residual chlorine or their dechlorination agent. The WWTP cannot immediately comply with the 1-hour limit, as implied by the statements on page 29, and as required by the MRP on page E-12. Furthermore, the State Board's policy on chlorine residual is still in draft form. MPUD requests the requirement for continuous monitoring be removed from the permit, and the limits on page 10 be changed to the following:

- d. Total Residual Chlorine.** Effluent total residual chlorine shall not exceed:
- i. 0.1 mg/L, as a monthly average; and
 - ii. 0.2 mg/L, as a daily maximum

Similarly, the following changes are needed: 1) Delete Section VII.D on page 29; 2) Change the monitoring requirement for total residual chlorine to a grab sample, monitored daily, to the table on page E-3, and; delete the second paragraph in section IV.C.e on page F-18.

Reopener Provisions (VI.C.1, pp. 19-20):

The Tentative Order provides compliance schedules for nitrate, BOD, TSS, total coliform and turbidity (all non-CTR constituents) that are consistent with the May 17, 2010 mandatory compliance date for CTR constituents. This generic application of the 2010 compliance date to non-CTR constituents is inappropriate. The Regional Board must instead follow the Basin Plan Policy for Application of Water Quality Objectives to set forth a compliance schedule that is as short as practicable (up to ten years) to achieve compliance with the non-CTR objectives. (Basin Plan at IV-16.00.)

TRE Work Plan (VI.C.2.a.i., page 20):

MPUD needs more time to plan for, obtain funding and prepare the Toxicity Reduction Evaluation Work Plan. Assuming the effective date of the Order is March 2008 (see the

attached letter from Mark Rowney, General Manager), 180 days would allow MPUD to defer beginning this work until FY 2008/2009:

- i. **Initial Investigative Toxicity Reduction Evaluation (TRE) Work Plan. By September 30, 2008**, the Discharger shall submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer. This should be a one to two page document including, at minimum:

Compliance Schedule for Dichlorobromomethane and Nitrate (VI.C.7.a., pp. 25-26):

Section VI.C.7.a (pp. 25-26) of the Tentative Permit provides compliance schedule options for dichlorobromomethane and nitrate that hinge on MPUD's decision to pursue a Use Attainability Analysis (UAA) for the MUN beneficial use designation for Mariposa Creek, which is being designated in the Tentative Order through Resolution 88-63. Section VI.C.7.a (page 25) would allow MPUD "90 days after the effective date of this Order" to provide written certification of its decision to either comply with the effluent limitations in section IV.A.1.a for dichlorobromomethane and nitrate or to "provide the information/support necessary for the Regional Water Board to conduct a UAA for the MUN beneficial use designation for Mariposa Creek." Due to the expense and burden on resources implicated by the UAA workplan process, MPUD requests additional time to make this determination. Thus, MPUD requests that Regional Board staff revise paragraph (a) of section VI.C.7 on page 25 to allow MPUD 120 days after the effective date of this Order to provide the written certification on its UAA decision:

Compliance Schedule for Final Effluent Limitations for Dichlorobromomethane and Nitrate. By <120 days after the effective date of this Order>, the Discharger shall submit written certification of its decision to either: (1) comply with Effluent Limitations in Section IV.A.1.a. for dichlorobromomethane and nitrate or (2) provide the information/support necessary for the Regional Water Board to conduct a Use Attainability Analysis

Consistent with comments provided above, section VI.C.7.a (pp. 25-26) should be reorganized to provide a separate compliance schedule for dichlorobromomethane, which (unlike nitrate) is subject to the 2010 CTR compliance deadline. Within the separate compliance schedule for dichlorobromomethane, the Regional Board should provide the following language to explain the potential for future action by the Regional Board after the May 17, 2010 CTR compliance deadline:

On or before November 30, 2009, the Discharger may request Regional Board consideration of a time schedule order to allow the Discharger to come into compliance with the final effluent limitation for dichlorobromomethane. Upon timely receipt of such request, the Executive Officer shall schedule Regional Board consideration of a time schedule order for dichlorobromomethane no later than March 31, 2010.

Assuming that the Regional Board staff's designation of MUN through Resolution 88-63 is legal (see discussion on this issue above), the compliance schedule set forth in Section VI.C.7.a (pp. 25-26) of the Tentative Order does not accommodate the Regional Board's consideration and potential adoption of a Basin Plan Amendment to de-designate MUN as a beneficial use of Mariposa Creek. As currently proposed, the language only provides time for MPUD to prepare a workplan in consideration of a Basin Plan amendment. The proposed schedule does not account for or accommodate the Regional Board's process related to Basin Plan amendments. As directed by the State Board, "[a]t a minimum, where a Regional Board has evidence that a use neither exists nor likely can be feasibly attained, the Regional Board must expeditiously initiate appropriate basin plan amendments to consider de-designating the use." (WQO 2002-0015 at p. 15.) Thus, the compliance schedules for nitrate and dichlorobromomethane must accommodate expeditious initiation of the basin planning process to consider de-designating the MUN use for Mariposa Creek. We understand that Regional Board staff's discretion with regard to a compliance schedule for dichlorobromomethane is somewhat limited. Due to this limitation, the language requested above, as well as language in the Fact Sheet that provides an indication of the Regional Board's intent is necessary to ensure that MPUD is not put in an unfortunate position of violating final effluent limitations for dichlorobromomethane to protect a beneficial use that does not exist.

Compliance Schedule for Zinc and Copper (VI.C.7.b.i., page 26):

Within the compliance schedule for zinc and copper, the Regional Board should provide the following language to explain the potential for future action by the Regional Board after the May 17, 2010 CTR compliance deadline:

On or before November 30, 2009, the Discharger may request Regional Board consideration of a time schedule order to allow the Discharger to come into compliance with the final effluent limitations for zinc and copper. Upon timely receipt of such request, the Executive Officer shall schedule Regional Board consideration of a time schedule order for dichlorobromomethane no later than March 31, 2010.

Compliance Schedule for Tertiary Treatment (VI.C.7.c, page 27-28):

Section VI.C.7.c (pp. 27-28) of the Tentative Order provides a five-year compliance schedule for providing tertiary treatment at the WWTP. The Basin Plan Policy for Application of Water Quality Objectives (Basin Plan at IV-16.00) authorizes the Regional Board to establish a schedule of compliance in a NPDES permit. Such a schedule must be based on the shortest practicable time (determined by the Regional Water Board) required to achieve compliance, but may allow up to ten years for compliance. (Basin Plan at IV-16.00) As will be demonstrated to the Regional Board by separate comments provided by Mark Rowney, General Manager for MPUD, 2017 is the earliest practicable

date that MPUD can implement tertiary treatment at the WWTP to meet Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) objectives.

The revision to the schedule below corresponds to MPUD's proposed schedule and requires MPUD to achieve substantial progress toward tertiary treatment within five years.

<u>Task</u>	<u>Compliance Date</u>
Submit technical report in the form of a work plan and implementing schedule for complying with Special Provision VI.C.6.a., or for fully implementing an alternative treatment and disposal method.	< 180 days from adoption date of Order>
Implement Executive Officer approved work plan	60 days following written Executive Officer approval of work plan and schedule.
Finalize and adopt the Final Facilities Plan and CEQA documentation.	<December 1, 2012>

Composite Sampling (VII.A, and Attachment E, Tables E-1, E-2, and E-3, and Paragraph V.A.2): The WWTP does not have a composite sampler for influent or effluent testing as required in the various provisions of the tentative Order. The requirements will place MPUD in immediate violation of the monitoring requirements specified on page E-12 when the Order becomes effective. MPUD requests the removal of the requirement to use 24-hour composite sampling.

For influent sampling, flows are very low during the low-flow periods in the diurnal curve, and an autosampler may not be able to reliably collect the flow-paced sample during these times. Implementing this requirement is therefore impractical and the validity of the laboratory results may be questionable. Current WWTP practice is to collect grabs for all effluent samples, and 8-hour composites for influent BOD₅ and TSS. MPUD prefers to continue this way. Change all requirements for influent and effluent 24-hour composites to 8-hour composites and grabs, respectfully.

Costs for Tertiary Treatment (Fact Sheet Page F-14): The costs noted in the last paragraph for tertiary treatment do not accurately reflect the costs anticipated by MPUD. As noted in the attached letter from Mark Rowney, General Manager, costs for tertiary have been estimated at \$2.8 million.

Cyanide (Fact Sheet Page F-19): Cyanide is not a disinfection byproduct. It is classified as an inorganic contaminant under the National Primary Drinking Water Standards.

Nitrate Data (Attachment G): The nitrate data reported in the Fact Sheet and Attachment G include 38 samples from March 2004 through February 2007. All but two of these data points are between 0.5 and 11.3 mg/L, with the December 14, 2006 sample at 50 mg/L and the December 13, 2005 sample at 91 mg/L. These two data points are suspicious. Since the typical influent wastewater concentration of nitrogen (in the form of ammonia) is in the range of 25-30 mg/L, it is very unlikely that such high levels of nitrate are true results.