



# CVCWA Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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October 15, 2007

Mr. Dale Harvey  
Senior Engineer  
Regional Water Quality Control Board  
Central Valley Region  
3614 East Ashlan Avenue  
Fresno, CA 93726

SUBJECT: Tentative Waste Discharge Requirements for the Mariposa Public Utility District,  
Mariposa Wastewater Treatment Facility (NPDES No. CA0079430)

Dear Mr. Harvey:

The Central Valley Clean Water Association (“CVCWA”) appreciates the opportunity to provide comments on the *Tentative Waste Discharge Requirements for the Mariposa Public Utility District Wastewater Treatment Facility (“WWTF”)*, prepared by the Regional Water Quality Control Board (“Regional Board”) staff. In particular, CVCWA continues to be concerned with the use of Resolution 88-63 to designate municipal beneficial uses (“MUN”) where MUN is clearly not appropriate. In addition, the Tentative Order inappropriately applies compliance schedule dates for California Toxic Rule (“CTR”) constituents to non-CTR constituents. Finally, the Fact Sheet to the Tentative Order classifies cyanide as a disinfection byproduct. New research conducted by the Los Angeles County Sanitation Districts (“LACSD”) indicates that the presence of cyanide is more likely a function of sample preservation and is not a disinfection byproduct. Our comments on these issues are provided below.

### **Resolution 88-63 to Designate MUN**

CVCWA understands that the Regional Board staff proposes to apply MUN to Mariposa Creek because of the incorporation of Resolution 88-63 into the Beneficial Use Chapter of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (“Basin Plan”). We also understand that Regional Board staff believes that this position is correct due to the State Water Resources Control Board’s decision in *City of Vacaville* (Order WQO 2002-0015). CVCWA respectfully disagrees with the Regional Board and the State Water Board’s position on this issue and continues to encourage the Regional Board to re-evaluate this position in light of the unusual results this position creates.

In particular, the Regional Board staff indicates that MUN is not an appropriate designation for the waterbody in question. However, instead of being able to apply a case-by-case evaluation or determine if one of the exceptions within 88-63 applies to this discharge scenario, the Mariposa Public Utilities District ("MPUD") and the Regional Board must now conduct an expensive and time consuming use attainability analysis ("UAA") to show that MUN as "designated" through Resolution 88-63 is not applicable even though both agree that MUN is not a viable use of this waterbody.

CVCWA is aware that there is currently pending litigation as brought forward by the City of Vacaville on this issue with regard to the legality of the actual incorporation of Resolution 88-63 into the Basin Plan as well as the Regional Board's implementation of the language contained in the Basin Plan. Should the City of Vacaville be successful in challenging the Regional Board's and the State Water Board's decision, CVCWA encourages the Regional Board to revisit the applicable provisions of this permit and others that may be impacted.

### **CTR Compliance Schedule for Non-CTR Constituents**

CVCWA encourages the Regional Board staff to re-evaluate the compliance schedules proposed for the various constituents. In particular, the compliance schedules for nitrate, BOD, TSS, total coliform and turbidity are all currently set in the discharge limitations section of the Tentative Order for May 17, 2010, which is the mandatory compliance date for CTR constituents. It is inappropriate to generically apply the CTR compliance date to non-CTR constituents. Under the Basin Plan, the Regional Board must determine the compliance schedule that is as short as practicable, without exceeding ten years.

### **Cyanide as a Disinfection Byproduct**

The Fact Sheet for the tentative order identifies cyanide as a disinfection byproduct. Recent research conducted by LACSD indicates that cyanide is not a disinfection byproduct, but appears to be resulting from sample preservation techniques. Because of the connection between sample preservation and the presence of cyanide, there are new questions being raised regarding the actual presence of cyanide in effluent. As a result, CVCWA encourages the Regional Board staff to review the LACSD study and not prematurely classify cyanide as a disinfection byproduct. Also, CVCWA would like to work with the Regional Board staff to further investigate and determine why cyanide appears to result in effluent samples but is not present within the facility or the facility process.

Thank you for consideration of these issues. If you have any questions, please call Debbie Webster at (530) 268-1338.

Sincerely,



Stan Dean  
Chair

cc: Mark L. Rowney, General Manager, MPUD