

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 6/7 December 2007**

**Response to Written Comments for Mariposa Public Utilities District WWTF  
Tentative Waste Discharge Requirements**

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At a public hearing scheduled for 6/7 December 2007, the Regional Water Quality Control Board, Central Valley Region, (Regional Water Board) will consider adoption of Waste Discharge Requirements (WDRs), NPDES Permit No. CA0079430 (Permit), for the Mariposa Public Utility District, Mariposa Wastewater Treatment Facility (WWTF). This document contains responses to written comments received from interested parties regarding the tentative WDRs (TWDRs) circulated for public comment on 12 September 2007. Written comments from interested parties were required by the public notice to be received by the Regional Water Board by 15 October 2007 to receive full consideration. Comments were received by the deadline from the following:

1. Mariposa Public Utility District (MPUD).
2. Carollo Engineers, Inc., on behalf of MPUD
3. U.S. Environmental Protection Agency (USEPA).
4. Central Valley Clean Water Association (CVCWA).

In addition, Regional Water Board staff participated in a conference call with MPUD's General Manager on 29 October 2007 to discuss MPUD's comments and the staff response to them. Comments from the above interested parties are summarized below, followed by the response of the Regional Water Board.

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**MARIPOSA PUBLIC UTILITY DISTRICT (MPUD) COMMENTS**

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**MPUD – COMMENT No. 1:** MPUD comments that the TWDRs are substantial and require actions that will have long term impacts on MPUD. MPUD requested that consideration of adoption be postponed until March 2008 to allow additional time for review and comment.

**RESPONSE:** The specified comment period met applicable legal requirements. Additional time will not generate new information that will affect the terms of the Permit, which is already overdue for renewal. The matter remains scheduled for December 2007.

**MPUD – COMMENT No. 2:** MPUD disagrees with the TWDRs, which indicate that Mariposa Creek is designated for the beneficial use of municipal and domestic supply (MUN), and requests:

(a) It be deleted, as MPUD does not believe that MUN is attainable and believes the Regional Water Board has discretion to remove the MUN designation by use of authorized exceptions.

(b) If not deleted from the Permit by means of an exception, that the Regional Water Board expressly provide for an expedient and streamlined process for consideration of a Basin Plan amendment to de-designate MUN.

(c) If not deleted, acknowledge that state implementation of the MUN designation for unlisted waters has been taken by the City of Vacaville to Contra Costa Superior Court and commit to revisit the designation of MUN to Mariposa Creek if the litigation results affect the basis of the designation in the Permit.

**RESPONSE:** The MUN designation remains in the TWDR. State Water Board precedential decision in Water Quality Order No 2002 – 0015 established that a Basin Plan amendment is required to dedesignate MUN from an unlisted water.

Special Provision VI.C.1.g in the TWDR now states the Regional Water Board will expedite consideration of a Basin Plan amendment to dedesignate MUN should MPUD provide appropriate supporting technical information. Special Provision VI.C.1.c indicates the Order will be reopened if the judicial decision on this matter affects the manner in which MUN has been applied.

**MPUD – COMMENT No. 3:** MPUD states the estimated cost for installation of tertiary treatment in the TWDRs is too low and it provides a 2007 cost of \$2.8 million estimated by Provost and Pritchard Engineering Group. MPUD requests the maximum compliance period of ten years to complete tertiary treatment in accordance with a schedule proposed by its engineering consultant. MPUD also requests a ten-year compliance schedule for zinc, copper, DCBM, and nitrate effluent limits, and for initiating continuous chlorination/dechlorination monitoring.

**RESPONSE:** The estimated cost of tertiary treatment is updated in the TWDRs.

The time schedules for complying with effluent limitations for tertiary treatment and specific non-CTR constituents have been modified in the TWDRs. The time schedules for non-CTR constituents were extended to the shortest practicable time, not to exceed 10 years from the adoption date of the Order. The compliance deadlines for CTR constituents must conform to the SIP and are unchanged. Added language notes that that a time schedule order for CTR-related constituents could be considered should MPUD have difficulty meeting the applicable compliance schedules in the TWDRs. The TWDRs now include a longer time schedule to implement continuous chlorine residual monitoring.

**MPUD – COMMENT No. 4:** MPUD comments that the TWDRs propose very low effluent limitations for copper, zinc, and dichlorobromomethane. It expresses concern that the only practical approach to reducing effluent dichlorobromomethane concentrations is conversion to UV disinfection, and that trihalomethanes may form in the collection system regardless. MPUD also requests a reopener so that the Regional Water Board may consider eliminating the final effluent limitation for zinc if data collected after Permit adoption show no reasonable potential to cause or contribute to a violation of the water quality objective.

**RESPONSE:** The TWDRs include a general reopener at VI.C.1.b.ii that allows the Order to be reopened “When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.” Should MPUD provide new evidence that the RP for zinc, or any other limited constituent, has been eliminated, the Permit can be reopened to remove these limits.

**MPUD – COMMENT No. 5:** MPUD noted that the Fact Sheet (page F-5) indicates effluent pH as low as 3.76 pH units and, based on this result, states (page F-6) that MPUD violated the effluent pH limitation. MPUD also noted the TWDRs reference impossibly high effluent nitrate levels of 91 mg/L on 13 December 2005 and 50 mg/L on 14 Dec. 14, 2006, days when it collected no samples.

**RESPONSE:** Records cannot confirm the pH value, so information regarding it and based on it was deleted from the TWDRs. The nitrate results were reported in MPUD’s respective annual reports and summarized incorrectly. Values were corrected to NO<sub>3</sub><sup>-</sup>-N as 20.6 mg/L and 11.3 mg/L, respectively, to be consistent with the other NO<sub>3</sub><sup>-</sup>-N values reported in Attachment G.

**MPUD – COMMENT No. 6:** MPUD provides suggested reopener language for zinc, copper, nitrate, and dichlorobromomethane limits. MPUD also provides suggested reopener language should litigation direct the Regional Water Board to change the way it applies designated beneficial uses.

**RESPONSE:** This is covered in MPUD – COMMENT Nos. 2 and 4. Regarding the proposed reopener associated with how the Regional Water Board assigns beneficial uses to unlisted water bodies, we have added a reopener similar to that proposed by MPUD.

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### **CAROLLO ENGINEERS, P.C. (CAROLLO) COMMENTS**

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**CAROLLO – COMMENT No. 1:** Carollo notes the MPUD WWTF lacks continuous monitoring equipment for either total residual chlorine or the dechlorination agent, so the TWDRs would cause immediate noncompliance with the monitoring and reporting requirements. Further, Carollo notes the State Water Board’s policy on chlorine residual is still in draft form. Carollo requests deletion of Section VII.D on page 29; modification of the monitoring requirement for total residual chlorine to a daily grab sample as currently required; and deletion of the second paragraph in Fact Sheet section IV.C.e on page F-18 that explains the basis for the effluent limitations. Carollo also requests that the chlorine residual 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

**RESPONSE:** The proposed effluent limits are consistent with the federal criteria for total chlorine residual and have not been changed, nor have the requested deletions in the Fact Sheet been made. A compliance schedule was added for installation of continuous chlorine residual monitoring and the monitoring and reporting program modified accordingly. The chlorine residual compliance determination language on page 29 of the Order was deleted, as it is not applicable to MPUD's situation.

**CAROLLO – COMMENT No. 2:** Carollo requests more time, to 30 September 2008, to prepare the Toxicity Reduction Evaluation Work Plan.

**RESPONSE:** Date change made.

**CAROLLO – COMMENT No. 3:** Due to the expense and resource burden associated with conducting a UAA, Carollo requests that MPUD be allowed more time to decide whether to commit to a UAA or to comply with the final limits for dichlorobromomethane and nitrate.

**RESPONSE:** Date change made.

**CAROLLO – COMMENT No. 4:** Carollo requests that the compliance schedule for nitrate and dichlorobromomethane at VI.C.7.a be reorganized to provide a separate compliance schedule for dichlorobromomethane. Carollo also requests that the compliance schedule include language indicating that MPUD may request consideration of a time schedule order to allow more time for compliance. MPUD provides the following suggested language:

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.

**RESPONSE:** See Response to MPUD – COMMENT No. 3. Regarding the suggested language, we have added similar language.

**CAROLLO – COMMENT No. 5:** Carollo notes MPUD lacks a composite sampler for influent or effluent testing and the proposed monitoring requirements will place MPUD in immediate violation of Order. Further, Carollo notes that 24-hour composite samplers may not provide representative sample results because of the wide range diurnally that involves extremely low nighttime flows to the WWTF. Carollo requests that 24-hour composite sampling be dropped and that MPUD be allowed to continue to collect grab samples for all effluent samples, and 8-hour composites for influent BOD<sub>5</sub> and TSS.

**RESPONSE:** Monitoring requirements are revised to require 8-hour composites for BOD, TSS, copper, and zinc samples.

**CAROLLO – COMMENT No. 6:** Carollo comments that cyanide is not a disinfection byproduct.

**RESPONSE:** See Response to CVCWA – Comment No. 3 below.

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**U.S. ENVIRONMENTAL PROTECTION AGENCY (USEPA).**

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**USEPA – Comment.** USEPA comments that no regulatory basis exists to stay both interim and final effluent limits for dichlorobromomethane and nitrate pending completion of a UAA, and it requests revision to Special Provision VI.C.7.a.

**RESPONSE:** See Response to MPUD – Comment 3. Additionally, Special Provision VI.C.2.c was added as a stand alone provision offering MPUD the opportunity to conduct a UAA for the dedesignation of MUN.

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**CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA)**

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**CVCWA – COMMENT No 1.** CVCWA comments that the designation of MUN is inappropriate for Mariposa Creek and, should the City of Vacaville’s litigation regarding designation issues be successful, the Regional Water Board should revisit the related provisions of the TWDRs.

**RESPONSE:** See Response to MPUD – Comment No. 2, above.

**CVCWA – COMMENT No 2.** CVCWA comments on the compliance schedules in the TWDRs.

**RESPONSE:** See Response to MPUD – Comment No. 3, above.

**CVCWA – COMMENT No 3.** CVCWA comments that recent research conducted by LACSD indicates that cyanide is not a disinfection byproduct, but may instead result from sample preservation techniques.

**RESPONSE:** The discussion of cyanide was modified to address the comment.