



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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October 16, 2017

**Via Electronic Mail Only**

Ms. Kaylie Humbert  
Regional Water Quality Control Board,  
Central Valley Region  
364 Knollcrest Drive, #205  
Redding, CA 96002  
[Kaylie.Humbert@waterboards.ca.gov](mailto:Kaylie.Humbert@waterboards.ca.gov)

RE: Comments on the Tentative Waste Discharge Requirements for City of Mt. Shasta,  
Mt. Shasta Wastewater Treatment Plant, Siskiyou County

Dear Ms. Humbert:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements for the City of Mt. Shasta (City), Mt. Shasta Wastewater Treatment Plant (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding the daily maximum effluent limitations for biochemical oxygen demand (BOD) and total suspended solids (TSS), water recycling setback limitations, reopener provisions for copper and zinc, and the toxicity monitoring trigger.

Provision IV.A.1 of the Tentative Order proposes an effluent limitation of 30 mg/L for both BOD and TSS as a daily maximum. Both the federal regulations in 40 C.F.R. section 122.45(d) and California law require that, for publicly-owned treatment works

(POTWs), effluent limitations must be expressed as monthly averages and weekly averages, unless doing so is “impracticable.” In *California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region* (Sacramento County Superior Court, Case No. 34-2013-80001358, Oct. 29, 2014) at pp. 22-23, the Sacramento Superior Court directed the Central Valley Regional Water Quality Control Board (Regional Board) to establish a weekly average effluent limitation where the contested permit contained a monthly average limitation and a daily maximum limitation because the Regional Board failed to find that it would be impracticable to set a weekly average limitation. Here, the City’s tentative order includes a monthly average, weekly average, and a daily maximum for BOD and TSS. Accordingly, since the existence of a weekly average limitation demonstrates that generating the limit is practicable, the daily maximum limitation is unnecessary and should be removed.

Provisions IV.C.10 through IV.C.12 of the Tentative Order list recycled water buffer zones: (1) a 50-foot buffer zone between any watercourse and the irrigated area; (2) a 100-foot buffer zone between any spring, domestic well, or irrigation well and the irrigated area; and (3) a 50-foot buffer zone between effluent disposal areas and all property boundaries. Pursuant to Title 22 regulations, these setback limits are only appropriate for secondary-treated recycled water, and it appears that the City is currently upgrading its facility to produce tertiary-treated wastewater. When the facility is producing tertiary-treated wastewater, this wastewater is approved for unrestricted use in recycling applications under Title 22, and the buffer zone distances should be updated accordingly. (See Cal. Code Regs., tit. 22, § 60310.) Given the interim effluent limitations provided in the Tentative Order for other discharge locations, interim recycled water use buffer zones may also be appropriate in this instance to distinguish between the secondary- and tertiary-treated wastewater produced by the facility.

Additionally, Provision IV.C.2 states that the City must recycle its treated wastewater to the maximum extent possible, and then refers to a section III.E.2 of the Fact Sheet. No such section exists in the Fact Sheet for this Tentative Order. We request that the appropriate reference language be added to ensure clarity.

The City has been under a Time Schedule Order (TSO) for copper and zinc for several years, which has now reached the maximum ten-year duration and expired. In the interim, the City had been planning significant facility upgrades that would allow it to meet the copper and zinc effluent limitations, including modifications to the facility’s outfall. Given the City’s status as a small, disadvantaged community, CVCWA requests that the Tentative Order be revised to include a broader reopener provision in section VI.C.1 to allow the City, after upgrading their outfall, to request that the order be opened pending a final mixing zone study based on the design of the outfall upgrade.

CVCWA appreciates that the Tentative Order recognizes low-level toxicity and provides reasonable actions for POTWs to undertake to identify and address the causes of toxicity effects in Provision VI.C.2.a. We are looking forward to continuing to work with Regional Board staff on the issue of low-level toxicity as CVCWA's study is ongoing. However, the Tentative Order grants dilution credits to the City, including a dilution credit of 3:1 for acute aquatic life and of 4:1 for chronic aquatic life. Despite these dilution credits, the toxicity monitoring trigger is set for >1 TUc. This trigger should be set for >3 TUc (and the other triggers adjusted accordingly) to accurately reflect the dilution credits granted to the City for aquatic life.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or [eofficer@cvcwa.org](mailto:eofficer@cvcwa.org).

Sincerely,



Debbie Webster  
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board  
([pamela.creedon@waterboards.ca.gov](mailto:pamela.creedon@waterboards.ca.gov))