



Mountain House Community Services District

230 S. Sterling Drive, Suite 100, Mountain House, CA 95391

Tel (209) 831-2300 • Fax (209) 831-5610

www.mountainhousecsd.org

October 3, 2017

Mr. James Marshall
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Subject: Comments on Tentative Waste Discharge Requirements and Tentative Time Schedule Order for the Mountain House Wastewater Treatment Plant (NPDES No. CA0084271)

Dear Mr. Marshall:

Enclosed are the Mountain House Community Services District's (District) comments on the Tentative Waste Discharge Requirements (WDRs) and Time Schedule Order (TSO) for the Mountain House Wastewater Treatment Plant issued on September 19, 2017. The District generally supports issuance of the Tentative WDRs and TSO. However, the District is requesting a modification to the Tentative TSO, specifically the required components of the Final Thermal Plan Exception Justification Report and Request. In addition, the District has comments on the Tentative WDRs generally consisting of editorial corrections to the Monitoring and Reporting Program and Fact Sheet. Detailed comments are provided in Attachment A.

Please contact me or Hamid Parsa at (209) 831-2300 if you have any questions regarding these comments.

Sincerely,

Nader Shareghi, P.E., D.M., CSPE
Public Works Director

Attachment A – Comments on Tentative Order

Cc: Joel Lindsey, Plant Operation Manager
Edwin Pattison, Mountain House Community Services District
Doug Louie, Mountain House Community Services District
Hamid Parsa, Mountain House Community Services District
Michael Bryan, Robertson-Bryan, Inc.
Michelle Brown, Robertson-Bryan, Inc.

ATTACHMENT A
Mountain House Community Services District
Comments on
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COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS

Page E-7, WET Testing Notification Requirements. This section makes reference to “accelerated monitoring.” Because accelerated monitoring is no longer a component of whole effluent toxicity testing, this reference should be removed.

Page E-8, 3. TRE Reporting. Please change the word “workplan” to “work plan” to be consistent with the terminology used throughout the Tentative WDRs.

Page E-17, X. Reporting Requirement B.6.c. This requirement states, “*The Discharger shall attach all laboratory analysis sheets, including quality assurance/quality control information, with all its SMR’s for which sample analyses were performed.*” This is a significant additional reporting requirement relative to that in the current WDRs. The District currently uploads all reporting limits, method detection limits, analytical methods, and result data via CIWQS. To fulfill this new reporting requirement, it appears the District also would need to upload every individual laboratory report (in portable document format) to provide the QA/QC data that is requested. All QA/QC documents are maintained at the MHWWT and are available for review upon request. Thus, the District requests this reporting requirement be removed.

Page E-18, g. Chlorpyrifos and Diazinon Effluent Limitations. The reference to section VII.K in this section needs to be changed to VII.J.

Page F-50, e. Human Health Criteria. The acronym “MEDL” in this section needs to be changed to “MDEL.”

Page F-56, c. Chronic Toxicity. This section makes reference to “accelerated monitoring” being continued from Order R5-2013-0004-01. Because accelerated monitoring is no longer a component of whole effluent toxicity testing, this reference should be removed.

COMMENT ON TENTATIVE TIME SCHEDULE ORDER

Item #4 of the General Water Quality Provisions of the Thermal Plan authorizes exceptions to the Thermal Plan, stating the following:

“Regional Boards may, in accordance with Section 316(a) of the Federal Water Pollution Control Act of 1972 and subsequent federal regulations [collectively termed the Clean Water Act] including 40 CFR 122, grant an exception to Specific Water Quality Objectives in this Plan.”

Clean Water Act Section 316(a) requirements are detailed in 40 CFR 125 Subpart H (Criteria for Determining Alternative Effluent Limitations under Section 316(a) of the Act).

Section 316(a) of the Act provides that:

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“With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the projection [sic] and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections on such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on that body of water.” [40 CFR 125.73(a)]

Thus, a Section 316(a) exception allows for the development and application of alternative thermal effluent limitations when the existing effluent limitations are more stringent than necessary for the protection and propagation of a balanced, indigenous aquatic community in the receiving water body. Regulations do not also require it to be demonstrated that compliance with existing thermal effluent limitations is economically infeasible. However, task v. of the Tentative TSO requires the Final Thermal Plan Exception Justification Report and Request contain a “Treatment feasibility and cost analysis demonstrating compliance with the current temperature effluent limitations without an exception is economically infeasible.” (emphasis added)

The District is willing to provide information in the Final Thermal Plan Exception Justification Report and Request regarding treatment feasibility and cost to provide additional information to the Central Valley Water Board, but demonstration that meeting the Thermal Plan objectives is economically infeasible is not required by statute or appropriate in this situation. Thus, the District requests that task v. of the Tentative TSO be modified as follows.

Task	Compliance Date
v. Submit Final Thermal Plan Exception Justification Report and Request The Final Report shall include: <ul style="list-style-type: none"> • Treatment feasibility and cost analysis <u>of demonstrating</u> compliance with the current temperature effluent limitations without an exception <u>is economically infeasible.</u> • Technical reviews by CDFW, NMFS and USFWS concurring with the findings in the Thermal Plan exception request. 	1 September 2018