

Central Valley Regional Water Quality Control Board
18/19 February 2021 Board Meeting

Response to Comments
for the
City of Turlock
Regional Water Quality Control Facility
Tentative Waste Discharge Requirements

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements, National Pollutant Discharge Elimination System (NPDES) Permit CA0078948 renewal for the City of Turlock (Discharger) Regional Water Quality Control Facility (Facility).

The tentative NPDES Permit was issued for a 30-day public comment period on 20 November 2020 with comments due by 22 December 2021. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Discharger. Some changes were made to the proposed Permit based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

DISCHARGER COMMENTS

Discharger Comment 1: Page 6, Table 4. Effluent Limitations for Ammonia at Discharge Point No. 001.

The Discharger commented that the Average Weekly Effluent Limitations (AWEL) for ammonia during the summer and winter period have been calculated using a Z-statistic for the 95th percentile (1.645), which is the appropriate Z score to use when calculating the Average Monthly Effluent Limitation (AMEL) multiplier, not the AWEL multiplier. According to the tentative permit the AWEL multiplier should be calculated using a Z score of 2.054, which corresponds to the 98th percentile. Using the correct Z score for the AWEL multiplier results in AWELs of 3.7 mg/L for 16 April – 31 October and 6.8 mg/L for 1 November – 15 April.

The Discharger also commented that the values for the ammonia criteria (CMC and CCC) for the winter period (1 November – 15 April) have been inverted in the table in Attachment H summarizing the calculation of water quality-based effluent limitations (WQBELs). The CMC is 6.3 mg/L and the CCC is 2.5 mg/L.

RESPONSE: Central Valley Water Board staff concurs and the AWEL for ammonia have been revised and the table in Attachment H has been corrected in the proposed Order.

Discharger Comment 2: Page 6, Table 4. Effluent Limitations for Electrical Conductivity (EC) at Discharge Point No. 001.

The Discharger commented that the Water Quality Objectives (WQOs) for EC applicable to the San Joaquin River at Vernalis developed as part of the Bay-Delta Plan's South Delta salinity WQOs cannot be applied to the Discharger per the Superior Court for Sacramento judgment and preemptory writ of mandate in the matter of the *City of Tracy v. State Water Resources Control Board* (Case No. 34-2009-8000-392-CU-WM-GDS). The Superior Court for Sacramento ruled that the South Delta salinity WQOs shall not apply to the City of Tracy and other municipal dischargers pending reconsideration of the South Delta salinity WQOs and adoption of a proper program of implementation that includes municipal dischargers. Although the State Water Board revised the Bay-Delta Plan to include new salinity WQOs for the South Delta, including the San Joaquin River at Vernalis, the WQOs have not been approved by the United States Environmental Protection Agency (U.S. EPA), so they are currently not in effect. The tentative Order implemented the old South Delta salinity WQOs, which is improper according to the Superior Court for Sacramento.

RESPONSE: Central Valley Water Board staff concurs and effluent limitations for EC based on the South Delta salinity objectives have been removed from the proposed Order. The proposed Order continues the annual average EC effluent limitations from the previous permit.

Discharger Comment 3: Page 6, Table 4. Effluent Limitations for EC at Discharge Point No. 001.

The Discharger commented that if the effluent limitations for EC that are based on the South Delta salinity objectives (comment 2) are not removed from the proposed Order, the Discharger would appreciate the Central Valley Water Board's consideration of suggested compliance determination language to apply to effluent limitations for EC.

RESPONSE: As discussed in Response to Discharger Comment 2, the EC effluent limitations based on the South Delta salinity objectives have been removed from the proposed Order, therefore, the suggested compliance determination language is not applicable and has not been included in the proposed Order.

Discharger Comment 4: Page 18, Section VI.C.1. Reopener Provision for Delta Plan Objectives for EC.

The Discharger commented that on 25 February 2019 the California Office of Administrative Law approved the 2018 Bay-Delta Plan amendments, which include a numeric WQO for the San Joaquin River at Vernalis of 1,000 $\mu\text{mhos/cm}$ maximum, year-round, applied as a 30-day running average of mean daily EC. Once approved by USEPA, the revised WQO for EC will be applicable to the San Joaquin River at Vernalis. The Discharger requested that the Central Valley Water Board include an alternative set of effluent limitations in the proposed Order, based on the revised WQO in the 2018 Bay-Delta Plan amendments, that would apply in

lieu of the effluent limitations requested in Comment 2 once USEPA approves the amendments. Alternatively, the Discharger has requested that a reopener provision be included so that the effluent limitations for EC (comment 2) can be amended once the 2018 Bay-Delta Plan is effective.

RESPONSE: Central Valley Water Board staff concurs a reopener provision should be added in the proposed Order that would allow staff to reopen and amend the Order to implement the 2018 Bay-Delta Plan objectives once they have been approved by U.S. EPA.

Discharger Comment 5: Page 20, Section VI.C.2.a.ii.(f). Issuance of TRE Action Plan.

The Discharger commented that this item is intended to convey when the action plan for a Toxicity Reduction Evaluation (TRE) is issued and should be numbered as a subsection to the preceding item (e). Section VI.C.2.a.ii.(d) also references this item as subsection (e).1. Hence, it is appropriate to renumber the item as Section VI.C.2.a.ii.(e).1.

RESPONSE: Central Valley Water Board staff concurs and the requested change has been made in the proposed Order.

Discharger Comment 6: Page 25, Section VII.A. Compliance Determination – Effluent Limitations for All Parameters.

The Discharger requested clarifying changes to Section VII. A Compliance Determination – Effluent Limitations for All Parameters:

- to provide additional context and rationale for the compliance determination language,
- to clarify that effluent limitations only apply when a discharge has occurred,
- to clarify that representative data must come from the compliance period that the discharge occurred, and
- to indicate that this compliance language also applies to annual average effluent limitations.

RESPONSE: Central Valley Water Board staff concurs and the requested change has been made in the proposed Order.

Discharger Comment 7: Page 26, Section VII.E. Compliance Determination for Total Coliform.

The Discharger requested that the example scenario provided to help explain compliance determination with total coliform effluent limitations should be modified to clarify that monitoring data for discharges to both the Delta Mendota Canal (DMC) and the San Joaquin River can be used in the compliance determination.

RESPONSE: Central Valley Water Board staff concurs and the requested change has been made in the proposed Order.

**Discharger Comments 8- 10: Monitoring and Reporting Program.
Typographical and Editorial Changes.**

The Discharger requested that minor typographical errors be corrected and editorial changes be made to the Monitoring and Reporting Program.

RESPONSE: Central Valley Water Board staff concurs and the requested changes have been made to the Monitoring and Reporting Program in the proposed Order.

**Discharger Comments 11: Page E-27, Section X.D. Other Reports –
Groundwater Well Destruction.**

The Discharger commented that groundwater monitoring is no longer required at the Facility because treatment process units, biosolids holding ponds, biosolids staging areas, and the emergency storage basin have impermeable liners and do not affect underlying groundwater. Furthermore, the Facility's groundwater monitoring wells have been dry for the past five years. Hence, the Discharger requests that the proposed Order include a reporting requirement allowing the Discharger to abandon and destroy the current groundwater monitoring well network.

RESPONSE: Central Valley Water Board staff concurs and the requested language has been included in the proposed Order.

**Discharger Comments 12: Page F-6, Table F-2. Historic Effluent Limitations
for Chronic Toxicity.**

The Discharger commented that Table F-2 lists historic effluent limitations for the Facility and includes a row for chronic Whole Effluent Toxicity (WET). The 1 TUc value listed as the "Historic Effluent Limitation" for chronic WET was not included in the current NPDES Permit (Order R5-2015-0027-01) as a numeric effluent limitation. Therefore, it is appropriate to footnote the 1 TUc value in the "Historic Effluent Limitations" column to identify that the value is not an effluent limitation, but rather it is a numeric toxicity monitoring trigger.

RESPONSE: Central Valley Water Board staff concurs and the requested change has been made in the proposed Order.