Regional Water Quality Control Board
Central Valley Region
Board Meeting – 13/14 September 2007

Response to Written Comments for City of Kerman, Wastewater Treatment Facility, Fresno County
Tentative Waste Discharge Requirements

At a public hearing scheduled for 13/14 September 2007, the Regional Water Board will consider adoption of Waste Discharge Requirements for the City of Kerman Wastewater Treatment Facility (WWTF). This document contains responses to written comments received from interested parties regarding the tentative Waste Discharge Requirements (WDRs) circulated on 9 July 2007. Written comments from interested parties were required to be received by the Regional Water Board by 8 August 2007 to receive full consideration. Written comments were received from:

1. The Central Valley Clean Water Association

Written comments from the above interested party are summarized below, followed by the response of Regional Water Board staff.

COMMENT 1: The proposed groundwater imitations based on MCLs are not supported by the WDRs findings or evidence in the record. The Regional Water Board must "set forth findings to bridge the analytical gap between the raw evidence and the ultimate decision or order."

> **RESPONSE:** Finding 37 of the tentative WDRs indicates that the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan) specifies the beneficial uses of groundwater within the Kings Basin Hydrologic Unit include municipal and domestic supply. Finding 38 of the tentative WDRs indicates that to protect these beneficial uses, the Basin Plan requires, at a minimum, waters designated as domestic and municipal supply to meet the MCLs specified in Title 22 (Page III 3, paragraph 2 of the Basin Plan).

COMMENT 2: The proposed groundwater limitations lack the clarity necessary to ensure compliance with the WDRs. The MCLs are established by another agency for drinking water. The tentative WDRs fail to specify whether the groundwater limitations automatically incorporate any future changes in MCLs.

> **RESPONSE:** Compliance with groundwater limitations will be evaluated through the groundwater monitoring network required by Provision G.13, which requires submittal of a work plan for a monitoring network that will provide representative data to determine the effect of the discharge on groundwater. The intent of the groundwater limitations is not to require effluent in the ponds to meet MCLs. The applicability of MCLs as Water Quality Objectives was established when the Basin Plan was adopted. The MCLs incorporated by reference in the groundwater limitations are published in Title 22 of the California Code of Regulations. The MCLs in effect at the time of adoption of the WDRs would be the applicable groundwater limitations. The groundwater limitations would not automatically incorporate future changes to MCLs.

COMMENT 3: In addition, the automatic or prospective incorporation of new or revised MCLs into the groundwater limitations for the Kerman WWTF would be of dubious validity, as such incorporation would eliminate the public participation process for issuance of WDRs.

RESPONSE: Finding 38 states that incorporation of MCLs into the Basin Plan is prospective. That does not mean that the groundwater limitations in the WDRs are prospective. If a more stringent MCL were to be promulgated by the Department of Health Services, the WDRs would need to be reopened to incorporate the new MCL into the groundwater limitations, and if appropriate, to incorporate a time schedule for compliance. To avoid confusion, the sentence stating that the Basin Plan's incorporation of MCLs is prospective will be removed from Finding 38.

COMMENT 4: Remove the proposed groundwater limitations in the tentative WDRs.

RESPONSE: The groundwater limitations are necessary to ensure the ability of the Regional Water Board to protect the beneficial uses of groundwater. In response to a verbal comment by the City of Kerman, the reference to specific constituents (i.e., nitrate and coliform) will be removed from the groundwater limitations.