

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 8/9/10 June 2011**

**Response to Written Comments for the
Planada Community Services District
Planada Wastewater Treatment Facility
Merced County
Tentative Waste Discharge Requirements/NPDES Permit**

At a public hearing scheduled for 8/9/10 June 2011, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of renewed Waste Discharge Requirements (WDRs) (NPDES No. CA0078950) and a Time Schedule Order (TSO) for the Planada Community Services District (Discharger) Wastewater Treatment Facility. The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2011/ at least ten days before the meeting. The agenda will provide the date the proposed WDRs and TSO will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the proposed WDRs and TSO.

This document contains responses to written comments received from interested parties regarding the tentative WDRs and TSO circulated on 5 April 2011. Written comments from interested parties were required by public notice to be submitted to the Central Valley Water Board by 5:00 pm on 9 May 2011 to receive full consideration. Written comments were received from:

- United States Environmental Protection Agency, Region IX (USEPA), 5 May 2011
- AECOM, on behalf of Planada Community Services District, 6 and 9 May 2011
- Fremming, Parson & Pecchenino, Inc., on behalf of Planada Community Services District, 6 May 2011

Written comments from the above interested parties are summarized below, followed by the response of the Central Valley Water Board staff.

USEPA COMMENTS

USEPA COMMENT NO. 1: USEPA points out that the effluent limitations for total ammonia nitrogen (as N) do not match throughout the WDRs.

RESPONSE: The WDRs have been updated to reflect the correct effluent limitations throughout.

USEPA COMMENT NO. 2: USEPA states that the effluent data for copper and lead should not be rejected if there are no QA/QC issues identified in the laboratory reports. USEPA also comments that the statement in the Fact Sheet concerning no QA/QC issues were reported in the laboratory reports contradicts the Central Valley Water Board staff “justification that the data is insufficient to perform a proper [reasonable potential analysis].”

RESPONSE: As stated in Section IV.C.3.b.ii. of the Fact Sheet, Central Valley Water Board staff determined that the maximum effluent concentrations for copper and lead were inappropriate to use in the reasonable potential analysis. Central Valley Water Board staff does not believe, nor does the Fact Sheet state, that the copper and lead data are insufficient to perform a proper reasonable potential analysis as suggested by the commenter. The maximum effluent concentrations were rejected because monitoring data from both the effluent and upstream receiving water monitoring locations show that the highest concentrations of almost all CTR metals occurred during the same sampling event, the concentrations were much higher compared to other sampling events as well as compared to results from other wastewater treatment facilities in the Central Valley Region, and there are no known industrial dischargers that might be contributing high metals concentrations into the collection system. For these reasons, it does not appear that the maximum effluent concentrations for copper and lead are representative of the effluent. Section 1.2 of the State Implementation Policy gives Central Valley Water Board discretion when determining whether any data are inappropriate to use in the reasonable potential analysis or are not representative of the effluent.

USEPA COMMENT NO. 3: USEPA comments that Central Valley Water Board permits need to be consistent in their justification for tertiary treatment-based BOD₅ and total suspended solids effluent limitations.

RESPONSE: Consistent with recent permits, the WDRs have been changed to reflect that the BOD₅ and total suspended solids effluent limitations included are water quality-based effluent limitations.

USEPA COMMENT NO. 4: USEPA requests that Central Valley Water Board staff clarify whether waste load allocations apply to the discharge for chlorpyrifos and diazinon.

RESPONSE: The WDRs have been changed to reflect that the Central Valley Water Board adopted a Total Maximum Daily Load (TMDL) for diazinon and chlorpyrifos in the lower San Joaquin River, which is applicable to the discharge. The TMDL includes a waste load allocation for NPDES-permitted dischargers. The Discharger has never been required to monitor for diazinon and/or chlorpyrifos; therefore, the WDRs include new monitoring requirements for both constituents to determine whether the discharge has a reasonable potential to exceed the water quality objectives established in the TMDL.

AECOM COMMENTS

AECOM COMMENT 1: The Discharger requests that the due date for the Toxicity Reduction Evaluation Work Plan be postponed to coincide with the final compliance date for other items in the WDRs because the Discharger is a small community with financial hardship and the

California Toxics Rule will not apply to the discharge when it ceases discharging to Miles Creek.

RESPONSE: The requested change has not been made. The Toxicity Reduction Evaluation (TRE) Work Plan is unrelated to the California Toxics Rule. As stated in the Fact Sheet of the WDRs, whole effluent toxicity testing data show the discharge has reasonable potential to cause or contribute to an exceedance of the narrative toxicity objective in the *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (Basin Plan). The purpose of the work plan is so the Discharger can be better prepared to conduct a TRE in case subsequent whole effluent toxicity testing shows that the effluent exhibits toxicity.

AECOM COMMENT 2: The Discharger requests that the Monitoring and Reporting Program (Attachment E) of the WDRs be revised to reduce or eliminate monitoring requirements for copper, lead, and bis(2-ethylhexyl)phthalate in the effluent and receiving water.

RESPONSE: The monitoring frequency for copper, lead, and bis(2-ethylhexyl)phthalate has not been removed or reduced. However, the WDRs have been changed to require monitoring for these constituents beginning the third year of the permit.

AECOM COMMENT 3: The Discharger requests that whole effluent toxicity testing be reduced to once every two years.

RESPONSE: The requested change has not been made. See response to Comment 1. Additionally, there is no evidence in the case file that the Discharger ever initiated a Toxicity Identification Evaluation to identify causes of toxicity, as required by Provision G.15 of Order R5-2005-0009. Therefore, it is appropriate to require yearly acute toxicity testing and semi-annual chronic toxicity testing.

AECOM COMMENT 4: The Discharger requests that the final effluent limitations in Findings 2, 3, and 4 of the TSO be changed to interim effluent limitations because the Discharger will not be able to comply with the final effluent limitations.

RESPONSE: The requested change has not been made. Findings 2, 3, 4, and 5 of the TSO refer to requirements in the WDRs. The TSO is an enforcement order that allows additional time to comply with certain final effluent limitations in the WDRs. The TSO includes interim effluent limitations (page 8) and a final compliance date consistent with the Discharger's implementation schedule.

AECOM COMMENT 5: The Discharger requests that Finding 10 of the TSO be revised to reflect that the Discharger holds a purchase option on 109 acres.

RESPONSE: The requested change has been made.

FREMMING, PARSON & PECCHENINO (FREMMING) COMMENTS

FREMMING COMMENT: The Discharger provided a detailed account of delays it has encountered and items that it still needs to complete to cease discharging to Miles Creek.

RESPONSE: The Discharger's comments are noted and are included in the administrative record.