

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 30 November or 1 or 2 December 2011**

**Responses to Written Comments for the  
City of Atwater  
Atwater Regional Wastewater Treatment Facility  
Merced County  
Tentative Waste Discharge Requirements and new NPDES Permit**

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At a public hearing scheduled for 30 November or 1 or 2 December 2011, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of new Waste Discharge Requirements (WDRs) and a new National Pollutant Discharge Elimination System Permit (NPDES No. CA0085308) for the new City of Atwater Regional Wastewater Treatment Facility. The final meeting agenda will be available at [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/#2011/](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/NPDES permit will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the proposed WDRs/NPDES permit.

This document contains responses to written comments received from interested parties regarding the tentative WDRs/NPDES permit circulated on 21 September 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 21 October 2011 to receive full consideration. Written comments were received from:

- United States Environmental Protection Agency (USEPA), Region IX, 19 October 2011
- City of Atwater, 21 October 2011

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

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## **USEPA COMMENTS**

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**USEPA COMMENT 1:** USEPA commented that the WDRs/NPDES permit must include effluent limitations for chlorpyrifos and diazinon because the total maximum daily load for those constituents includes a waste load allocation (WLA). Title 40, Code of Federal Regulations, Section 122.44(d)(1)(vii)(B) requires effluent limitations be developed consistent with the assumptions and requirements of any WLA established in an approved total maximum daily load for the discharge.

**RESPONSE:** The proposed WDRs/NPDES permit will require the City to monitor diazinon and chlorpyrifos in the effluent and the receiving water. The proposed WDRs/NPDES permit will also require the City to perform calculations using the WLA equation established in the diazinon and chlorpyrifos total maximum daily load

developed for the lower San Joaquin River and report its calculations, analysis, and conclusions in a technical report accompanying its NPDES permit renewal application.

Title 40, Code of Federal Regulations, Section 122.44(d)(1) requires permits to include water quality-based effluent limitations that are necessary to achieve water quality standards established under section 303 of the Clean Water Act. Available information indicates that there is no reasonable potential for the discharge to exceed water quality standards. The data available from the current Atwater Wastewater Treatment Plant indicate that chlorpyrifos and diazinon have not been detected in the influent, effluent, or receiving water. The available data supports the anticipated discharge concentrations from municipal wastewater treatment plants, as documented in the Final Staff Report (October 2005) prepared in support of the Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Diazinon and Chlorpyrifos Runoff into the Lower San Joaquin River. The Final Staff Report provides the basis for the diazinon and chlorpyrifos total maximum daily load in the Lower San Joaquin River and states "*The phase-out of the residential use of diazinon and chlorpyrifos makes it highly unlikely that these pesticides would be present in the effluent of municipal wastewater treatment plants at levels requiring additional wastewater treatment controls.*" Sales of all non-agricultural uses of diazinon and the majority of the non-agricultural uses of chlorpyrifos were banned on 31 December 2004 and December 2001, respectively.

Central Valley Water Board staff will review the monitoring data collected during the next permit term and the City's technical report to confirm whether the discharge has reasonable potential to cause an exceedance of water quality standards or the WLA. If the data demonstrate that the discharge has reasonable potential to cause or contribute to an exceedance of water quality standards or the WLA, effluent limitations for diazinon and chlorpyrifos will be established in the subsequent permit renewal consistent with the assumptions and requirements of the WLA pursuant to Title 40, Code of Federal Regulations, Section 122.44(d)(1)(vii)(B).

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## **CITYOF ATWATER (CITY)COMMENTS**

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**CITYCOMMENTS NO. 1, 8, and 12:** The City requested the WDRs/NPDES permit be modified to reflect the City's plans to build and use onsite sludge/biosolids drying beds and storage areas.

**RESPONSE:**The requested changes have been made. The facility description and flow schematic have been updated to reflect the City's plans to use onsite sludge/biosolids drying beds and storage areas. A provision has also been added that requires the City to submit, for Executive Officer approval, a plan describing the containment features of the storage and drying areas and how groundwater quality will be protected.

**CITY COMMENTS NO. 2 and 3:**The City requested that the WDRs/NPDES permit be modified to remove the words “or contribute to” in Provisions V.A. and V.B. because the language is inconsistent with other WDRs/NPDES permits issued by the Central Valley Water Board.

**RESPONSE:**The requested changes have been made.

**CITYCOMMENT NO.4:** The City requested specific changes to the Biosolids Storage and Transportation Specifications, Provision VI.C.5.c.

**RESPONSE:**The requested changes have not been made. However, Central Valley Water Board staff reconsidered inclusion of Provision VI.C.5.c. and determined the specifications do not apply to the City because the City intends to contract with a third party for land application and/or disposal of sludge/biosolids. Therefore, the Biosolids Storage and Transportation Specifications have been removed. As specified in Provision VI.C.5.b. of the proposed WDRs/NPDES permit, any land application or disposal of sludge/biosolids must be in compliance with Waste Discharge Requirements and with Federal regulations contained in Title 40, Code of Federal Regulations, Part 503. Provision VI.C.5.b. also includes specifications to ensure any onsite sludge/biosolids drying and storage areas are designed and maintained in a manner that is protective of groundwater quality.

**CITYCOMMENT NO. 5:**The City requested that Special Provision VI.C.5.e. be modified to exclude interagency agreement requirements concerning maintenance and overflows in those portions of the collection system outside of the City’s jurisdiction. The City also requested that it be allowed to have pretreatment interagency agreements in place within 12 months after adoption of the proposed WDRs/NPDES permit.

**RESPONSE:**The requested changes have been made, as the community of Winton is enrolled under General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ, which includes operation, maintenance, and reporting requirements for collection systems. In addition, Special Provision VI.C.5.e. (Special Provision VI.C.5.d. in the proposed WDRs/NPDES permit) was modified to reflect that the City has previously been informed of what the pretreatment interagency agreements must include.

**CITYCOMMENT NO. 6:**The City requested that the due date for providing a copy of the agreement between the City and Joseph Gallo Farms be revised to seven days prior to commencement of discharge instead of 30 days. The City is concerned that a final agreement will not be in place 30 days prior to initial discharge, which is scheduled for early 2012.

**RESPONSE:**The requested change has been made. Central Valley Water Board notified the City by letter dated 17 March 2010 of the items the agreement must include.

**CITY COMMENT NO. 7:** The City requested the Compliance Determination language for the Average Dry Weather Flow Effluent Limitation be modified to provide further clarification.

**RESPONSE:** The requested change has been made.

**CITY COMMENT NO. 9:** The City requested that the reporting requirements for continuous flow be changed to include daily average flow reporting and to remove daily maximum flow reporting. The City also requested to apply these flow reporting requirements to the receiving water.

**RESPONSE:** The requested changes have been made.

**CITY COMMENT NO. 10:** The City requested that the sampling frequency for flow at the upstream receiving water be changed from 1/week to continuous, and also requested that priority pollutant monitoring requirements for the downstream receiving water monitoring location be removed.

**RESPONSE:** The requested changes have been made. Priority pollutant monitoring at the downstream receiving water monitoring location was removed because it was not Central Valley Water Board staff's intent to include this requirement. Downstream priority pollutant monitoring is not typically required in permits adopted by the Central Valley Water Board.

**CITY COMMENT NO. 11:** The City requested that language be added to Tables E-9 and E-10 in Attachment E – Monitoring and Reporting Program to clarify when the City is required to collect total coliform effluent samples if turbidity exceeds the operational specifications.

**RESPONSE:** The requested changes have been made.

**CITY COMMENT NO. 13:** The City requested that the description of Peck/Atwater Drain in the Fact Sheet be modified to reflect that the drain is both a storm drain and an agricultural drain.

**RESPONSE:** The requested change has been made.

**CITY COMMENT NO. 14:** The City requested that certain language concerning the incremental increase of salinity over source water (i.e., 500  $\mu\text{mhos/cm}$  over source water) be removed from the Fact Sheet because it is speculative information and unnecessary to support permit findings.

**RESPONSE:** The requested change has been made. Removal of the language in question does not affect the proposed WDRs/NPDES permit requirements.