



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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December 22, 2006

Ms. Diana Messina
Senior Engineer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114

SUBJECT: Comments on Tentative Order for Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 3 (NPDES Permit No. CA0079367)

Dear Ms. Messina:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the Tentative Order for Placer County's Sewer Maintenance District No.3. CVCWA's review identified a number of key issues with the Tentative Order (TO). We understand that Placer County is seeking to have consideration of the permit deferred in order to work with you and your staff to resolve these issues, and CVCWA supports the County's request.

- **Hardness:** CVCWA has consistently commented on regarding the Regional Board staff's practice of using "lowest upstream receiving water" measured hardness to calculate hardness dependent CTR limits. CVCWA continues to be concerned with this practice. We appreciate the Regional Board's efforts to try and identify the "reasonable worst-case condition". However, CVCWA does not support the use of a single value for lowest upstream ambient hardness as being a "reasonable worst case condition." There are many other factors such as flow, precipitation, hardness of the effluent, and dilution that must be considered in selecting an appropriate hardness value for identifying the reasonable worst-case hardness condition.

The CTR calls for the use of ambient hardness to protect receiving waters – it does not call for "upstream unaffected" or "background" hardness. The California Toxics Rule, at (c)(4)(i), "*Application of metals criteria*" specifies: *For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this*

section, for waters with a hardness of 400 mg/L or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations.” [emphasis added]

At the December meeting, the Regional Board acknowledged the validity of using floating or variable limits that reflect actual conditions. The Regional Board directed staff to replace fixed effluent limitations for ammonia with floating limitations in the permit for the City of Atwater. A similar logic should be applied to permitting metals, the toxicity of which varies depending on hardness. The State Water Board’s decision on the Yuba City permit (Order WQO 2004-013) does not preclude this approach. The State Water Board’s order recommends, but does not mandate, use of a single hardness value for permitting metals.

- **Electrical Conductivity:** The proposed permit includes two conflicting provisions regarding electrical conductivity (EC). On the one hand, the tentative order includes a final effluent limitation for EC of 700 umhos/cm, based on the most stringent advisory goal for protection of the most sensitive crops grown anywhere in the world. The County will be required to immediately comply with this requirement. Yet, in addition, the TO contains a special study provision for salinity reduction. This requirement is inconsistent with the effluent limitation for EC. The 700 umhos/cm limitation is not expressed in the permit as “a reasonable intermediate goal” but as a final effluent limitation. Compliance with the numeric effluent limitation is all that should be required.
- **Aluminum:** Aluminum is not a California Toxics Rule (CTR) criterion and is therefore not subject to the May 28, 2010 limitation for compliance schedules. An appropriate compliance schedule for aluminum should be included in the permit pursuant to the Basin Plan.
- **Reopeners:** The TO contains a re-opener provision that is tied to the detection of any priority pollutant. Detection alone does not trigger reasonable potential. Instead, the reopeners should be limited to circumstances where a pollutant is present at levels that would cause or contribute to the exceedance of an applicable water quality objective.
- **Mineralization:** The TO contains a special provision that requires Best Practical Treatment and Control to limit mineralization to no more than reasonable increment. This language is vague and should be removed from the TO.

- **Beneficial Uses:** The Fact Sheet for the TO states that the Board's justification for applying the agricultural beneficial uses is Resolution 88-63. CVCWA believes that the Board intended to limit this justification to MUN uses; however, as currently drafted it is also the justification for AGR uses. This justification should be revised to correctly identify the Board's basis for applying the AGR use.

Thank you for your consideration of our comments. If you have any questions, I can be contacted at 530-886-4911.

Sincerely,

Warren Tellefson
Executive Officer

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