



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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**TERRIE MITCHELL** – Vice Chair, Sacramento Regional CSD  
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August 19, 2013

***Via Electronically Only***

Ms. Kathy Harder  
Water Resources Control Engineer  
Regional Water Quality Control Board,  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670  
[kharder@waterboards.ca.gov](mailto:kharder@waterboards.ca.gov)

RE: Comments on the Tentative Waste Discharge Requirements Order R5-2013-XXXX (NPDES No. CA0079243), City of Lodi White Slough Water Pollution Control Facility, San Joaquin County

Dear Ms. Harder:

The Central Valley Clean Water Association (“CVCWA”) appreciates the opportunity to submit comments on the tentative Waste Discharge Requirements for the City of Lodi White Slough Water Pollution Control Facility (“Tentative Order”). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this spirit, we provide the following comments on the effluent limitation for temperature, reasonable potential determinations based on best professional judgment and the turbidity discussion in the Fact Sheet.

## **I. Effluent Limitation for Temperature**

The Tentative Order includes an effluent limitation for temperature that states, “The maximum temperature of the discharge shall not exceed 86°F.”<sup>1</sup> According to the Fact Sheet, the Central Valley Regional Water Quality Control Board (“Central Valley Water Board”) finds that an effluent limitation for temperature is necessary because “domestic wastewater is an elevated temperature waste, which provides the basis for the discharge to have reasonable potential to cause or contribute to an excursion above Thermal Plan requirements.”<sup>2</sup> However, the maximum temperature limitation that has been taken from the Thermal Plan does not apply to wastewater discharges. The maximum temperature provision of 86°F applies to thermal waste discharges. Thermal waste discharges are defined in the Thermal Plan as, “cooling water and industrial process water used for the purpose of transporting waste heat.”<sup>3</sup> The wastewater in question here is not cooling water or industrial process water. Thus, the limitation is not applicable.

## **II. Use of Best Professional Judgment for Finding Reasonable Potential**

Further, CVCWA is concerned in general that the Central Valley Water Board is continuing to depart from the normal reasonable potential analysis procedures to determine if water quality based effluent limitations (“WQBELs”) are necessary. Rather than evaluating the concentration (or in this case temperature) of a pollutant in the effluent and comparing it to an applicable water quality objective or criteria, the Central Valley Water Board continues to expand its use of “best professional judgment” to impose treatment requirements under the guise of WQBELs. In this Tentative Order, the Central Valley Water Board proposes to use this approach to impose effluent limitations on ammonia, nitrate, total coliform, BOD, TSS, and temperature even though the effluent does not exhibit reasonable potential for these constituents in the normal sense. As indicated, CVCWA is concerned that the Central Valley Water Board is inappropriately departing from traditional analysis for reasonable potential to impose treatment standards. Such a process is of concern, and the Central Valley Water Board should re-evaluate some of its determinations based on best professional judgment.

## **III. Fact Sheet Discussion Regarding Turbidity**

With respect to turbidity, the Fact Sheet in its discussion on pathogens states that a “turbidity effluent limitation has been included as a second indicator of the effectiveness of the treatment process and to assure compliance with the required level of treatment.”<sup>4</sup> However, such a statement is incorrect, and appears to be in error. The Tentative Order contains operational specifications for turbidity – but does not include effluent limitations. Accordingly, the Fact Sheet needs to be revised.

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<sup>1</sup> Tentative Order, p. 12.

<sup>2</sup> Tentative Order, p. F-51.

<sup>3</sup> Thermal Plan, p. 1.

<sup>4</sup> Tentative Order, p. F-45.

We appreciate your consideration of these comments and request that you revise the Tentative Order as suggested above. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or [eoofficer@cvcwa.org](mailto:eoofficer@cvcwa.org).

Sincerely,



Debbie Webster,  
Executive Officer

cc: Pamela Creedon, Central Valley Regional Water Quality Control Board  
Larry Parlin, City of Lodi