



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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October 20, 2015

Via Electronic Mail Only

Ms. Lixin Fu
Water Resources Control Engineer
Regional Water Quality Control Board,
Central Valley Region
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Rancho Cordova, CA 95670
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RE: Comments on the Tentative Waste Discharge Requirements for California Department of Corrections and Rehabilitation, Mule Creek State Prison Wastewater Treatment Plant, Amador County

Dear Ms. Fu:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements for the California Department of Corrections and Rehabilitation, Mule Creek State Prison Wastewater Treatment Plant (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 letter, we provide the following comments regarding the land application area specifications and the effluent limitation for total nitrogen.

I. Land Application Area Specifications

The Tentative Order explains that secondary disinfected effluent from the treatment plant is disposed of via spray irrigation on Land Application Areas (LAAs), each of which has native grasses, shrubs and trees, and an earthen berm on the downslope perimeter for tailwater containment. Accordingly, the Tentative Order provides land discharge specifications for the spray irrigation that occurs on the LAAs. However, some of the specifications, and the setback requirements in particular, are not based on the criteria in Title 22 of the California Code of Regulations (Title 22), are more stringent than those criteria, or do not provide the necessary qualifications.

For example, Provision F.8 provides setback requirements for the LAAs, including minimum setbacks of 25 feet from the edge of the LAAs to property boundaries; 30 feet from the edge of the LAAs to a public road right of way; 50 feet from the edge of the LAAs to manmade or natural surface water drainage course; 100 feet from the edge of the LAAs to domestic water supply wells; 100 feet from the edge of the LAAs to residences; and 100 feet from the edge of the LAAs to public areas like playgrounds and school yards.¹ In comparison, Title 22 only restricts use of disinfected secondary recycled water near domestic water supply wells (100 feet minimum), residences (100 feet minimum), and places where public exposure could be similar to a park, playground, or school yard (100 feet minimum).² The other setback provisions in the Tentative Order are not based on or related to the requirements in Title 22.

CVCWA respectfully requests that the specifications that are not part of Title 22 be deleted from the Tentative Order. Placing these types of arbitrary setbacks in permits unnecessarily restricts recycled water uses. This is especially the case where the LAAs are located throughout the site and where the discharger is in the process of constructing new facilities. Any changes that become necessary to the proposed design that are inconsistent with the setback provisions require that the order be reopened. Here, the LAAs have been constructed with earthen berms to prevent runoff. There is no further need to prescribe where on the site spray irrigation may take place.

II. Total Nitrogen Effluent Limitation

Provision C.1 of the Tentative Order proposes an effluent limitation of 20 mg/L for total nitrogen as an annual average.³ Setting an effluent limitation for total nitrogen is inappropriate for several reasons. First, there is no water quality objective for total nitrogen. There is a primary maximum contaminant level (MCL) for nitrate, but not for total nitrogen. For this reason, the proposed limit is not consistent with any adopted water quality objective or known criteria.

¹ Tentative Order, p. 27.

² Cal. Code Regs., tit. 22, § 60310(c), (f).

³ Tentative Order, p. 23.

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Second, total nitrogen is also different and distinguishable from nitrate, and setting an effluent limit for total nitrogen will not necessarily translate to obtaining the target nitrate levels. There are no findings in the Tentative Order that provide any reasoning or explanation why a total nitrogen effluent limit will result in maintaining groundwater quality at the Primary MCL of 10 mg/L for nitrate. Finding 60(b) discusses the nitrate (as N) concentration for the background well and the downgradient wells, but these data points are nitrate measurements, not total nitrogen.⁴ At most, the Regional Board could determine that an effluent limitation for nitrate is appropriate to protect groundwater quality and similarly set the effluent limit at 20 mg/L for nitrate. CVCWA requests that the effluent limitation for total nitrogen be removed from the Tentative Order.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eofficer@cvcwa.org.

Sincerely,



Debbie Webster
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board
(pamela.creedon@waterboards.ca.gov)

⁴ Tentative Order, pp. 17-18.