



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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December 20, 2012

Via Electronic Mail Only

Mr. Lixin Fu
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670
lfu@waterboards.ca.gov

Re: Central Valley Clean Water Association's Comments on the Tentative Order for the Douglas Flat/Vallecito Wastewater Treatment Facility

Dear Mr. Fu:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit comments on the Tentative Order for Calaveras County Water District's (District) Douglas Flat/Vallecito Wastewater Treatment Facility (WWTF). CVCWA is a non-profit organization representing more than 50 publicly owned treatment works (POTWs) throughout the Central Valley in regulatory matters affecting surface water discharge, land application, and water reuse. We carefully review permits for POTWs being proposed for adoption with a perspective to balance environmental and economic interests consistent with applicable law.

Based on our review of the Tentative Order, its inclusion of ultraviolet (UV) disinfection system and turbidity requirements appears to be premature. The WWTF should not have to comply with such requirements unless and until it produces recycled water that is used for purposes approved under the California Code of Regulations, Title 22 and Reclamation Specifications are added to the permit. Further, assuming these conditions occur, we believe that the UV Disinfection System Operating Specifications would impermissibly dictate how the District must comply with the permit. Section A below describes the basis for this concern, and

Section B includes suggested provisions for ensuring proper disinfection without impermissibly dictating permit compliance.

A. The Tentative Order's UV Disinfection System Operating Specifications

Section G of the Tentative Order contains highly prescriptive UV Disinfection System Operating Specifications for the WWTF.¹ These specifications are inconsistent with the Water Code's prohibition against dictating the manner of permit compliance. In particular, Water Code section 13360(a) states:

No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.

Water Code section 13360 "preserves the freedom of persons who are subject to a discharge standard to elect between available strategies to comply with that standard."² Under this section, "[t]he discharger *must* be allowed to comply with the permit in any lawful manner."³ Accordingly, the Tentative Order and adopted permit must "allow[] the dischargers to select the manner of compliance."⁴ However, in this case, the Tentative Order would establish requirements that impermissibly dictate the District's manner of permit compliance. For example, the Tentative Order would require the District to "operate the UV disinfection system to provide a minimum UV dose per channel of 80 millijoules pre square centimeter (mJ/cm²) at peak daily flow[.]"⁵ In addition, the Tentative Order contains detailed requirements related to UV transmittance, flow, lamps, quartz sleeves, and other parameters.⁶

¹ Tentative Order at pp. 19-20.

² *Tahoe-Sierra Preservation Council v. State Water Resources Control Board* (1989) 210 Cal.App.3d 1421, 1438.

³ *In the Matter of the Review on Own Motion of Waste Discharge Requirements Order No. 5-01-044 for Vacaville's Easterly Wastewater Treatment Plant*, Order WQO 2002-0015 (Oct. 3, 2002) at p. 37, emphasis added.

⁴ *In the Matter of Petition of Citizens for a Better Environment (CBE), et al.*, Order No. WQ 90-5 (Oct. 4, 1990) at p. 87; see *In the Matter of the Petition of the United States Department of Agriculture, Forest Service of Review of Order No. 6-82-123*, Order No. WQ 83-3 (April 21, 1983) at p. 4 [Water Code section 13360 "allows the Regional Board to regulate discharges of waste fully, so long as it does not tell the discharger precisely how to meet the established limits."].

⁵ Tentative Order at p. 19.

⁶ *Id.* at pp. 19-20.

B. CVCWA's Suggested Revisions

Because the UV Disinfection System Operating Specifications would run afoul of the Water Code, we respectfully request that you replace them with the following, if and when recycled water use occurs. Our suggested revisions retain the Tentative Order's specifications for turbidity and would become part of any Reclamation Specifications:

G. Reclamation Specifications

- 1. Disinfection System Specifications.** The Discharger shall operate and maintain the Facility to achieve equivalency to Title 22 disinfected tertiary recycled water as described in Findings 15 and 44.
- 2. Filtration System Operating Specifications.** To ensure the filtration system is operating properly to provide adequate disinfection of the wastewater, the turbidity of the filter effluent shall not exceed:
 - i. 2 NTU, as a daily average;
 - ii. 5 NTU, more than 5% of the time within a 24-hour period; and
 - iii. 10 NTU, at any time.
- 3. Compliance with the final effluent limitations for total coliform bacteria and the turbidity operational requirements shall verify compliance with Section G.1 and Section G.2, for equivalency to Title 22 disinfected tertiary recycled water.**

We believe that these provisions would ensure proper operation of the UV disinfection system without impermissibly dictating the manner of permit compliance.

Thank you for considering these comments. Please contact me at (530) 268-1338 or eofficer@cvcwa.org if I can be of assistance.

Sincerely,



Debbie Webster,
Executive Officer

Cc: *Via electronic mail:*
Pamela Creedon, Central Valley Regional Water Quality Control Board
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