



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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8 August 2010

Mr. Ken Landau, Assistant Executive Officer
Ms. Diana Messina, Supervising WRCE
Mr. Cliff Raley, Senior WRCE
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Continuation of Public Hearing, Waste Discharge Requirements (NPDES No. CA0079316) for Placer County Department of Facility Service, Sewer Maintenance District 1 Wastewater Treatment Plant, Placer County

Dear Messrs. Landau, Raley and Ms. Messina,

The California Sportfishing Protection Alliance (CSPA) submitted comments, dated 15 April 2010, on the proposed NPDES permit for Placer County's Sewer Maintenance District No. 1 (SMD-1) wastewater treatment plant. The Regional Board's hearing for this matter was continued and additional comments are being accepted for:

- (1) The applicability of the proposed Aluminum Chronic Criteria,
- (2) Public noticing of the Discharger's Infeasibility Study justifying the need for compliance schedules, and
- (3) Placement of compliance schedules for tertiary-related effluent limitations (Biochemical Oxygen Demand, Total Suspended Solids and Total Coliform Organisms) in proposed NPDES permit versus in the proposed CDO. Additional changes also included in the scope of the continued hearing include a change in the averaging period for the proposed final arsenic effluent limitation and compliance schedule adjustments due to continuation of the hearing.

CSPA's additional comments on the proposed modifications are as follows:

1. Applicability of proposed Aluminum Chronic Criteria:

CSPA submitted extensive comments regarding use of US EPA's recommended ambient criteria for the protection of freshwater aquatic life for aluminum and the applicability of the recommended chronic criteria. US EPA has submitted a letter, dated 24 June 2010, specifically supporting the applicability of the chronic aluminum criteria. EPA stated that: "EPA has not formally changed its recommended aluminum criteria; the appropriate aluminum criteria values for higher hardness situations remain uncertain. The existing EPA-recommended chronic aluminum criterion of 87 ug/l is clearly protective of aquatic life and is appropriate for use in evaluating reasonable potential and establishing effluent limitations." EPA concludes their letter by recommending: "...the conservative approach of retaining the existing effluent limitations in the new permit." CSPA concurs with EPA's recommendation regarding retention of the chronic based effluent limitation for aluminum.

In reviewing Placer County's letter, dated 14 June 2010, to the Regional Board regarding "New Aluminum Information" we provide the following comments:

- a. The information used in Attachment 1 is based on mixing the effluent with the receiving stream hardness absent any mixing zone analysis. There is no indication that any of the mixing zone requirements of the SIP and/or the Basin Plan would be met under such conditions.
- b. The information used in Attachment 1 is based on effluent hardness data that is skewed by the addition of magnesium hydroxide, which raises the hardness. Hardness itself can be considered to degrade water quality. There is no indication the Placer County conducted any antidegradation analysis prior to adding magnesium hydroxide to the treatment process. There is also no indication in the record that Placer County properly notified the Regional Board of the change in the character of the effluent quality from the addition of magnesium hydroxide as is required by 40 CFR 122.41(h).
- c. Placer County conveniently ignores that fact that low hardness was observed in the receiving waters at levels used in the development of EPA's criteria. Placer County also conveniently ignores that fact that low pH values are common from activated sludge wastewater treatment systems at levels used in the development of EPA's criteria. Regardless of the information used to develop the criteria, the criteria have been developed and are EPA's recommended criteria. Placer County's comments ignore the water quality standards process where a broad range of scientific studies and statistical procedures are used to develop a specific criterion; not a single study as the comments would have one believe. It is likely

that one could go through any water quality standards development document and discover an unattractive data point.

- d. Placer County forwards quotes from an EPA staff person who cites Texas and Utah as examples where the chronic criteria for aluminum is not utilized. There are numerous other, not cited areas, such as Canada where more stringent criteria have been developed. EPA's criteria document for aluminum recommends that site specific criteria are an alternative to EPA's recommended criteria. Texas, Utah and Canada are examples where site specific criteria have been developed. As site specific criteria, they are not applicable in California. There are scientific and procedural methods for developing site specific objectives all of which are ignored by Placer County's proposal. We would not object to development of site specific criteria that follows the proper and applicable procedures for developing water quality standards in California.
- e. EPA comments in their 24 June 2010 letter that the information supplied by Placer County does not qualify as "new" information with regard to antibacksliding and antidegradation.
- f. It is our recollection that the receiving streams surrounding Placer County's SMD-1 WWTP are subject to use by water purveyors for transporting water. The low hardness sampling data from the receiving waters is unlikely due to a sampling anomaly; especially absent any QA/QC results to the contrary.

2. The Discharger's Infeasibility Study:

The Discharger's Infeasibility Study contains a list of treatment processes to be completed that reflect a fairly common nitrifying/denitrifying tertiary treatment system with UV disinfection. Such facilities have been fairly well documented as being unable to meet limitations for metals removal. Placer County has a documented issue with aluminum as is thoroughly discussed above. We have also been reviewing data at UV disinfection tertiary plants that are bypassing chlorodibromomethane and other CTR listed trihalomethanes at levels above water quality standards. It is our assumption that the trihalomethane levels are due to the drinking water system; which is somewhat confirmed by the trihalomethane levels recorded in the drinking water distribution system. Other wastewater treatment systems, for example the Cities of Lincoln and Olivehurst, have implemented specific measures to assure compliance with discharge standards; Placer County should provide assurance that their newly designed and constructed WWTP will be capable of compliance with discharge limitations.

3. Placement of compliance schedules:

As stated in our previous comments:

The proposed Permit, page F-9 contains the following with regard to Planned Changes: “Prior to the adoption of Order No. R5-2005-0074, the Discharger began to pursue regionalization with the City of Lincoln Wastewater Treatment and Reclamation Facility. As stated in Finding No. 11 of Order No. R5-2005-0074, the Discharger committed to making a determination by 2 January 2008 regarding whether to regionalize or complete and implement measures to comply with effluent limitations. If, after 2 January 2008, wastewater regionalization was not the selected compliance alternative, the Discharger agreed that sufficient time remained to complete and implement measures to come into compliance with the Order by March 2010. The Discharger has not yet connected to the City of Lincoln Wastewater Treatment and Reclamation Facility or completed measures to come into compliance with permit requirements.”

Finding No. 11 of the existing NPDES permit, Order No. R5-2005-0074 states that: “After 2 January 2008, if wastewater regionalization is not the selected compliance alternative, the Discharger has agreed that there would be sufficient time remaining under the currently included compliance period to complete and implement measures to achieve full compliance with this Order.” The existing NPDES permit also includes a compliance schedule for I/I correction measures (pages 61 and 62) to be implemented by 30 December 2009 and compliance schedules (page 63) for Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Copper, Dioxins and Furans, Lead, PCBs, Silver, and Zinc which became effective on 1 March 2010.

Placer County’s SMD-1 wastewater treatment plant remains in noncompliance despite their promise to complete and implement compliance measures by March 2010.

There is an economic benefit derived from Placer County’s continued noncompliance. The State Water Resources Control Board’s Office of Enforcement has a Civil Engineer with extensive design experience under contract to conduct economic analyses to determine the economic benefit of noncompliance. In accordance with the State Board’s Enforcement Policy an enforcement action collecting at a minimum the economic benefit derived by Placer County for the intentional acts on noncompliance should be undertaken. The Regional Board should adopt an Order in accordance with CWC 13308 with full economic benefit recovery instead of rewarding the recalcitrant Discharger with another compliance schedule to ignore.

Thank you for considering these comments. If you have questions or require clarification, please don’t hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is written in a cursive, flowing style with a large initial "B".

Bill Jennings, Executive Director
California Sportfishing Protection Alliance