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# California Regional Water Quality Control Board Central Valley Region

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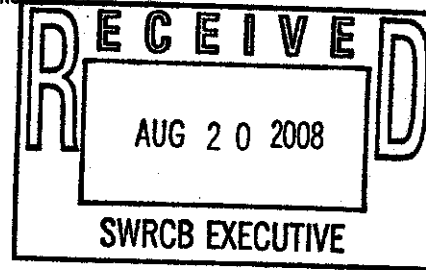
9/2/08 Bd Mtg Item 11  
A-1894 – City of Davis  
Deadline: 8/20/08 by 12 p.m.



Arnold  
Schwarzenegger  
Governor

20 August 2008

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor 95814  
Sacramento, CA 95812-0100



## COMMENTS FOR PETITION OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2007-0132 FOR THE CITY OF DAVIS WASTEWATER TREATMENT PLANT, SWRCB/OCC FILE NO. A-1894 – 2 SEPTEMBER 2008 STATE WATER RESOURCES CONTROL BOARD MEETING

Thank you for the opportunity to comment on the 21 July 2008 draft State Water Board Water Quality Order (Order) referenced above. The Central Valley Water Board does not object to the draft Order. The draft Order balances providing guidance to the Regional Water Board and recognizing areas where we retain the necessary discretion to address site-specific conditions.

The Central Valley Water Board agrees with the draft Order, but is asking for some revisions to the Order to clarify a number of issues:

1. Numeric Limits for Chronic Toxicity: We agree the inclusion of a narrative chronic toxicity effluent limitation is necessary to implement the direction provided in Water Quality Order No. 2003-012, and will be included in the revised permit. The existing requirements in the NPDES permit specify that the Discharger meet best management practices for compliance with the Basin Plan's narrative toxicity objective. This is a narrative limit implementing best management practices, as allowed under 40 CFR 122.44(k). We believe that implementing these BMPs will fully protect the ephemeral receiving waters from chronic toxicity. Unfortunately these conditions were not specifically included as Effluent Limitations as they should have been, which will be corrected in the revised NPDES Permit. This was discussed in detail in Fact Sheet Section IV.C.5.b.

Additionally, we request that the draft Order be modified to clarify the point of compliance for the narrative chronic toxicity effluent limit. As written, the draft Order states, "There shall be no chronic toxicity in the effluent". In instances when dilution is granted, we will apply the dilution credit to the chronic toxicity trigger as we do the other water quality based effluent limitations. This approach is similar the practice of other regional water boards and is protective of the narrative objective.

2. Hardness: We are pleased that the State Water Board acknowledges the importance of maintaining Regional Water Board discretion regarding flexibility to establish seasonal effluent limitations based on seasonal variation of receiving water flows. Additionally, we support the statement in the draft Order that it is not always necessary to select the

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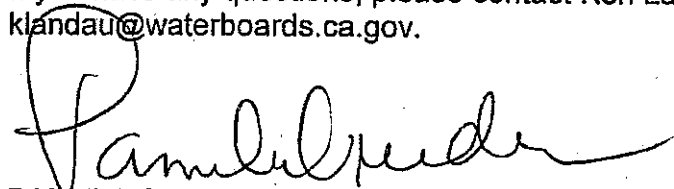
20 August 2008

lowest hardness value during high or storm flow conditions, because when the lowest hardness value is combined with low receiving water flow conditions, an unreasonably stringent worst-case scenario is used for setting effluent limitations. Any effluent limit will need to be based upon an adequate record that demonstrates that toxic conditions do not occur under any flow conditions or circumstances.

The historic practice by both Federal and State NPDES writers for setting effluent limitations is to use low flow receiving water conditions. The proposed Order would require use of receiving water conditions that may not occur under low flow conditions, diverging from historic practice. We request the Order be revised to clarify that the State Board is recommending a divergence from the USEPA Permit writers guidance. We also request the Order be revised to clarify that the Regional Board has the discretion to establish more than one effluent limit that considers seasonal or other conditions that are fully protective of water quality, recognizing that the receiving water conditions do vary seasonally, as discussed above.

3. Reasonable Potential for Copper and Silver: We acknowledge that there is reasonable potential for copper and silver in the identified discharge to the Conaway Ranch Toe Drain if the lower upstream receiving water hardness values (addressed in Item No. 2 above) are used in the reasonable potential analysis calculations. If the WQO is adopted and remands this permit to the Regional Water Board on this issue, the Regional Water Board will use its discretion to conduct a subsequent reasonable potential analysis based on seasonal flows, and consider establishing seasonal limits where reasonable potential exists; and
4. Site-Specific Salinity Study Requirement: We agree that it is appropriate for the Central Valley Water Board to consider whether the results from the City of Woodland's site-specific salinity study can be used to determine appropriate electrical conductivity level in the receiving waters for protection of beneficial uses, and to calculate a final effluent limitation for electrical conductivity.

If you have any questions, please contact Ken Landau at (916) 464-4726 or [klandau@waterboards.ca.gov](mailto:klandau@waterboards.ca.gov).



PAMELA C. CREEDON  
Executive Officer

cc: Mr. Bill Jennings, California Sportfishing Protection Alliance [via email]  
Mr. Mike Jackson, Esq., Law Office of Mike Jackson  
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Mr. Doug Eberhardt, Chief, Permit Office, U.S. EPA, Region 9 [via email]  
Mr. Keith Smith, Utilities Engineer, City of Davis  
Ms. Elizabeth Miller Jennings, Esq., Office of Chief Counsel, State Water Board [via email]  
Ms. Lori Okun, Office of Chief Counsel, State Water Board [via email]  
Mr. Patrick Pulupa, Esq., Office of Chief Counsel, State Water Board [via email]  
Mr. Loren Harlow, Assistant Executive Director, Central Valley Regional Water Board

[via email]

Mr. Jim Pedri, Assistant Executive Director, Central Valley Regional Water Board

[via email]