

**Central Valley Regional Water Quality Control Board
Board Meeting – 5/6 December 2013**

**Response to Written Comments for
Ironhouse Sanitary District
Water Reclamation Facility
NPDES Permit Renewal (CA0085260)**

At a public hearing scheduled for 5/6 December 2013, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of renewed Waste Discharge Requirements for NPDES Permit CA0085260 for the Ironhouse Sanitary District Water Reclamation Facility. A tentative Order was issued for public review on 26 September 2013. This document contains Central Valley Water Board staff responses to written comments received from interested persons.

Written comments on the tentative Order were required to be received by the Central Valley Water Board by 29 October 2013 in order to receive full consideration. Timely comments were received from the Ironhouse Sanitary District (ISD), Central Valley Clean Water Association (CVCWA), and California Urban Water Agencies (CUWA).

Written comments are summarized below, followed by Central Valley Water Board staff responses.

Ironhouse Sanitary District (ISD)

ISD Comment #1. p. 6, Interim Total Mercury Effluent Limitation. An interim total mercury limitation of 0.2 grams/year is shown in the Tentative Order. Based on our review of the spreadsheet used to calculate this mass limitation, there are some errors in the mass loading equation, some effluent mercury data have not been included, and some erroneous flow data were used. Using the corrected data values and corresponding monthly average total mercury concentrations, the interim total mercury mass limitation should be 8.65 grams per year, not 0.2 grams per year. The ISD requests the interim total mercury mass limitation be revised to 8.65 grams per year.

Response. Central Valley Water Board staff concurs. The interim total mercury effluent limitation has been revised to 8.65 grams/year.

ISD Comment #2. p. 15, Pollution Prevention Plan for Mercury. The ISD is now part of the CVCWA Methylmercury Special Project coordinated group. The group will be working together to address requirements in the Delta Mercury Control Plan. ISD requests that they be relieved of new mercury PPP requirements. As part of the CVCWA group project, ISD will be addressing all the components of the previously submitted Mercury PPP.

Response. Central Valley Water Board staff partially concurs. Staff does not concur that the proposed Order includes “new” PPP requirements for mercury, rather, the proposed Order simply requires continued implementation of the ISD’s 2008 mercury PPP. However, staff concur that the requirement for annual progress reports for the PPP is not clear in the proposed Order. Therefore, as discussed in Response to CVCWA Comment #1, below, the requirements for annual progress reports for the methylmercury compliance schedule

(including the mercury PPP) have been modified to be consistent with the Delta Mercury Control Program. Please see Response to CVCWA Comment #1, below.

ISD Comment #3. The ISD identified a few minor editorial and/or typographical errors. Central Valley Water Board staff has corrected the proposed Order accordingly.

Central Valley Clean Water Association (CVWCA)

CVWCA Comment #1. The Tentative Order on page 16 contains a requirement that the ISD submit a progress report annually on October 20th, starting in 2014 through 2017, as part of its compliance schedule with its final effluent limit for methylmercury. Footnote 2 on page 17 of the Tentative Order details the requirements of the annual progress reports:

“The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, sources of funding, and recommendations for additional measures as necessary to achieve full compliance by the final compliance date.”

ISD is part of CVCWA’s Methylmercury Special Project; a collaborative effort of eighteen publically owned treatment works (POTWs) located both in and outside of the Delta designed to collaboratively fulfill the control study requirements of the Delta Methylmercury TMDL. The purpose of the control study is “to evaluate existing control methods and, as needed, develop additional control methods that could be implemented to achieve their methylmercury load and waste load allocations.” (Basin Plan at p. IV-33.14). “Final reports for Control Studies shall include a description of methylmercury and/or inorganic (total) mercury management practices identified in Phase 1; an evaluation of the effectiveness, and costs, potential environmental effects, and overall feasibility of the control actions. Final reports shall also include proposed implementation plans and schedules to comply with methylmercury allocations as soon as possible.” (Basin Plan a p. IV-33.15.)

CVCWA is concerned that the language of Footnote 2 is inconsistent with the requirements of the TMDL and would require the ISD to make findings outside this collaborative study. CVCWA believes the language of Footnote 2 should be modified to be consistent with the Delta Methylmercury TMDL and basin plan amendment which require annual reporting on pollution prevention efforts. The Basin Plan on page IV-33.13 states (*emphasis added*):

“Until the NPDES permitted facility achieves compliance with its waste load allocation, the discharger shall submit annual progress reports on pollution minimization activities implemented and evaluation of their effectiveness, including a summary of mercury and methylmercury monitoring results.”

As we contemplated as part of the Delta Methylmercury Stakeholder TMDL group, it may be most efficient for a POTW to submit these pollution minimization TMDL required reports as part of the annual report, so that efforts such as annual monitoring results are not duplicated. CVCWA suggest footnote 2 be replaced with a requirement which mirrors the TMDL requirements for annual progress reports, and allows that they may be submitted as part of the POTWs annual reporting.

Response. Central Valley Water Board staff concurs. Footnote 2 for the methylmercury compliance schedule has been revised as shown in underline/strikeout format, below, and the due date for the annual progress report has been changed to 30 January, annually, to be consistent with the annual reporting required in the Order.

- ² Beginning 30 January 2015, and annually thereafter until the Facility achieves compliance with the final effluent limitations for methylmercury, the Discharger shall submit annual progress reports on pollution minimization activities implemented and evaluation of their effectiveness, including a summary of total mercury and methylmercury monitoring results. ~~The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, sources of funding, and recommendations for additional measures as necessary to achieve full compliance by the final compliance date.~~

CVWCA Comment #2. CVCWA is also concerned with the interim mercury limit contained in the tentative order. We appreciate the approach that Central Valley Water Board staff has taken due to lack of monitoring data for this facility; however we are still concerned that the flow data for the ISD may not be representative and may put the ISD in jeopardy of non-compliance. The ISD is an intermittent discharger due to its recycling efforts. One year of flow data may not be representative of flow conditions. CVCWA recommends that the Central Valley Water Board consider utilizing either the design flow of the facility or other methodology to account for varying discharge flows, as allowed by the TMDL (see Basin Plan IV-33.13 concerning intermittent dischargers).

Response: Central Valley Water Board staff concurs. The interim mercury effluent limitation has been corrected based on new information provided by the ISD. See Response to ISD Comment #1.

California Urban Water Agencies (CUWA)

CUWA Comment #1. Are the ammonia effluent limitations in the Ironhouse tentative order based on the April 2013 Ambient Water Quality Criteria for Ammonia?

Response. The ammonia effluent limitations in the proposed Order were calculated based on the 1999 Ambient Water Quality Criteria for Ammonia. The 2013 Ambient Water Quality Criteria for Ammonia was recently published in the Federal Register on 22 August 2013. Central Valley Water Board staff is currently evaluating how to implement the new 2013 criteria in NPDES permits.

CUWA Comment #2. The Standard Provisions do not have public notification language as shown underlined below:

- f. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal, and adequate public notification within 24 hours to downstream water agencies or others whose contact is reasonably foreseeable with the non-complying discharge.

Response. Central Valley Water Board staff concurs. The provision has been modified accordingly.