

Central Valley Regional Water Quality Control Board
18 October 2024 Board Meeting

Response to Written Comments on
Tentative Waste Discharge Requirements for
City of Rio Vista
Beach Wastewater Treatment Facility
Solano County

At a public hearing scheduled for 18 October 2024, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CA0079588) for the City of Rio Vista, Beach Wastewater Treatment Facility. This document contains responses to written comments received from interested persons and parties in response to the tentative Order. Written comments from interested parties were required to be received by the Central Valley Water Board by 16 September 2024 in order to receive full consideration. Comments were received by the deadline from:

1. City of Rio Vista (Discharger) (received 16 September 2024)
2. Central Valley Clean Water Association (CVCWA) (received 16 September 2024)

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff.

DISCHARGER (CITY OF RIO VISTA) COMMENTS

DISCHARGER COMMENT #1 – Arsenic Effluent Limitations

The tentative Order retained the same AMEL (Average Monthly Effluent Limitation) and MDEL (Maximum Daily Effluent Limitation) for arsenic from Order R5-2019-0016, of 22 and 24 ug/L, respectively. These effluent limits were first developed in the 2014 NPDES permit (R5-2014-0012) as performance-based effluent limitations providing sufficient dilution credits necessary to attain consistent compliance.

The City of Rio Vista (City) utilizes local groundwater as part of its drinking water supply that can vary seasonally depending on demand. Arsenic is present in varying concentrations in the groundwater underlying the City. Of the groundwater wells utilized by the City, Well 10 has the highest arsenic concentrations and utilizes treatment to reduce arsenic in the drinking water. Backwash from the treatment system is discharged to the sanitary sewer system and conveyed to the Beach WWTF. Well 10 was removed from service in summer of 2022 due to the need to

replace parts of the treatment system. It was rehabilitated, including replacing the filter media, in August 2024 and is expected to be on-line in the fall of 2024. A statistical analysis using data during the period when Well 10 was operating prior to summer 2022 indicates that a concentration 22 µg/L (i.e., the proposed AMEL) or higher is less than two standard deviations above the mean (i.e., a concentration of 22 µg/L or higher will occur slightly more than 5 percent of the time). This may affect the City's ability to comply with the proposed effluent limits.

Based on the Discharger's April 2014 mixing zone study (*City of Rio Vista Main Wastewater Treatment Plant Dilution/Mixing Zone Study, Hydrodynamic Model of the Wastewater Effluent Plut in the Sacramento River*), a maximum dilution credit of 20:1 is available for acute and chronic aquatic life criteria protection and a maximum dilution credit of 1,000:1 is available for human health criteria protection. The mixing zone study indicates that a higher dilution credit can be implemented and still be protective of beneficial uses. The Discharger requests that the Central Valley Water Board consider an increase in the dilution credit for arsenic to at least 2.5:1 to mitigate a scenario that can cause an arbitrary violation of the arsenic effluent limitation that will not impact protection of water quality standards.

RESPONSE:

Central Valley Water Board staff concur and have modified arsenic effluent limits and/or dilution credits in Table 4, Table F-6, Table F-7, Attachment F Section IV.C.3.c.i, Table F-11, Table F-14, and Attachment H-1 of the proposed Order.

Additionally, Attachment F, Section IV.C.2.c.vi (Evaluation of Available Dilution for Specific Constituents) of the proposed Order has been revised as shown below:

- (b) **Arsenic.** As outlined above, a completely mixed human health mixing zone and a dilution credit of 1000:1 meets the mixing zone prohibitions of Section 1.4.2.2.A of the SIP. In this case, however, to ensure the mixing zone is as small as practicable and considering section 1.4.2.2.B of the SIP, the Central Valley Water Board finds the mixing zone must be limited. Based on Facility performance, the full dilution credits are not needed for arsenic and have been reduced to ensure compliance with the mixing zone provisions of the SIP. The dilution credit for arsenic has been adjusted based on new information from a nearby drinking water well, resulting in a dilution credit of 2.5:1 for the human health mixing zone. Therefore, this Order includes revised effluent limits for arsenic from Order R5-2019-0016.

The allowance of a mixing zone and dilution credits are a discretionary act by the Central Valley Water Board. The mixing zones and dilution credits for arsenic permitted in this Order will result in a minor increase in the discharge

(i.e., use 0.1 percent of the available assimilative capacity in the receiving water). According to U.S. EPA's memorandum on Tier 2 Antidegradation Reviews and Significance Thresholds, any individual decision to lower water quality for nonbioaccumulative chemicals that is limited to 10 percent of the available assimilative capacity represents minimal risk to the receiving water and is fully consistent with the objectives and goals of the Clean Water Act. Per U.S. EPA guidance a simple antidegradation analysis is appropriate in this case. Furthermore, considering existing Facility performance and the de minimis impact on the receiving water, the effluent limits will result in the implementation of best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained.

Additionally, Attachment F, Section IV.D.3 (Satisfaction of Anti-Backsliding Requirements) of the proposed Order has been revised as shown below:

1. Satisfaction of Anti-Backsliding Requirements:

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA sections 402(o) or 303(d)(4), or, where applicable, 40 C.F.R. section 122.44(l).

The effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order, with the exception of effluent limitations for acute whole effluent toxicity, arsenic, silver, and cyanide. The effluent limitations for acute whole effluent toxicity, silver, and cyanide have been removed since the available data show no reasonable potential. Effluent limitations for arsenic are less stringent than those in Order R5-2019-0016. This removal or relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

- a. **CWA section 402(o)(1) and 303(d)(4).** CWA section 402(o)(1) prohibits the establishment of less stringent water quality-based effluent limits "except in compliance with section 303(d)(4)." CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters.
 - i. For waters where standards are not attained, CWA section 303(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDLs or WLAs will assure the attainment of such water quality standards.

- ii. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy.

The Sacramento River is considered an attainment water for acute whole effluent toxicity, silver, and cyanide because the receiving water is not listed as impaired on the 303(d) list for this constituent. The Sacramento River is considered a non-attainment water for arsenic. The exceptions in section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list. As discussed in section IV.D.4, below, relaxation or removal of the effluent limits complies with federal and state antidegradation requirements. Thus, removal of the effluent limitations for acute whole effluent toxicity, silver, and cyanide from Order R5-2019-0016 meets the exception in CWA section 303(d)(4)(B).

- b. **CWA section 402(o)(2).** CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

As described further in section IV.C.3.b of this Fact Sheet, updated information that was not available at the time Order R5-2019-0016 was issued indicates that acute whole effluent toxicity, cyanide and silver do not exhibit reasonable potential to cause or contribute to an exceedance of water quality objectives in the receiving water. Additionally, updated information that was not available at the time Order R5-2019-0016 was issued indicates that less stringent effluent limitations for arsenic based on available dilution credits satisfy requirements in CWA section 402(o)(2). The updated information that supports the relaxation or removal of effluent limitations for these constituents includes the following:

- i. **Acute Whole Effluent Toxicity.** This Order removes the effluent limitation for acute whole effluent toxicity per standard approach under the new Statewide Toxicity Provisions because chronic toxicity testing is generally protective of both acute and chronic toxicity. Furthermore, Effluent monitoring data collected from January 2019 through April 2023 indicates that acute toxicity in the discharge does not exhibit reasonable potential to

cause or contribute to an exceedance per the Toxicity Provisions. This Order does include effluent limitations for chronic whole effluent toxicity, consistent with the Statewide Toxicity Provisions.

- ii. **Cyanide.** Effluent and receiving water monitoring data collected from January 2020 through April 2023 for cyanide indicates that the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the CTR criteria for the protection of freshwater aquatic life.
- iii. **Silver.** Effluent monitoring data collected from January 2020 through April 2023 for silver indicates that the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the CTR criteria for the protection of freshwater aquatic life.
- iv. **Arsenic.** Based on the Discharger's 2014 Dilution Study (as described in Attachment F, Section IV.C.2.c) and receiving water monitoring data collected from January 2020 through June 2023, a mixing zone and dilution credit of 2.5 is applicable and the receiving water contains assimilative capacity for arsenic, as discussed in section IV.C.2.c of this Fact Sheet. Therefore, this Order includes less stringent effluent limitations for arsenic based on the performance of the Facility and the available dilution.

Thus, removal or relaxation of the effluent limitations for acute whole effluent toxicity, arsenic, cyanide, and silver from Order R5-2019-0016 is in accordance with CWA section 402(o)(2)(B)(i), which allows for less stringent effluent limitations based on information that was not available at the time of permit issuance.

Additionally, Attachment F Section IV.D.4 (Antidegradation Policies) of the proposed Order has been revised, as shown in part below:

2. Antidegradation Policies

This Order removes effluent limitations for cyanide and silver since monitoring data for the above-mentioned constituents have no reasonable potential to exceed water quality objectives in the receiving water. This Order relaxes effluent limitations for arsenic based on dilution credits and assimilative capacity available in the receiving water. This Order also removes effluent limitations for acute whole effluent toxicity. based on updated monitoring data demonstrating that the

effluent does not cause or contribute to an exceedance of the applicable water quality criteria or objectives in the receiving water.

Therefore, the Central Valley Water Board finds that the removal and relaxation of WQBELs for these parameters represents minimal risk to the receiving water and is fully consistent with the objectives and goals of the Clean Water Act. The Central Valley Water Board finds that any lowering of water quality outside the mixing zone will be de minimis. Thus, the removal and relaxation of effluent limitations is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and the State Anti-Degradation Policy.

DISCHARGER COMMENT #2 – Acute and Chronic Toxicity Testing

In Provisions V.B and V.C of the Monitoring and Reporting Program (Attachment E), the City is required to conduct acute and chronic toxicity testing, respectively. Under Provision V.B (Acute Toxicity Testing), the in-stream waste concentration (IWC) is 100 percent effluent and under Provision V.C (Chronic Toxicity Testing), the IWC is 6.25 percent effluent. With the City having a dilution credit of 20:1 available for protection of aquatic life as discussed above, the City requests that the Central Valley Water Board consider toxicity testing be conducted at an IWC of 4.76 percent to match the dilution credit. The City also supports comments provided by the Central Valley Clean Water Association (CVCWA) on revisions to toxicity language in the Tentative Order.

RESPONSE:

Central Valley Water Board staff concur that a chronic aquatic life dilution credit of 20:1, resulting in an IWC of 4.7 percent effluent, is appropriate for chronic whole effluent toxicity testing, given that the Discharger has an acute and chronic aquatic life mixing zone. The proposed Order has been revised with the updated IWC of 4.7 percent effluent in Attachment E, Section V.C.1; Table F-12; and Attachment F, Section VII.D.4. Additionally, Attachment F, Section IV.C.5.a.i of the proposed Order has been revised as shown below:

- i. **RPA.** A dilution ratio of 20:1 is available for chronic whole effluent toxicity. Therefore, chronic toxicity testing has been conducted at an instream waste concentration (IWC) of 4.7 percent effluent. A test result that fails the Test of Significant Toxicity (TST) or has a percent effect of greater than 10 percent at the IWC demonstrates the discharge has a reasonable potential to cause or contribute to an exceedance of the Statewide Toxicity Provisions aquatic toxicity numeric objectives. Based on chronic toxicity

testing conducted between June 2019 and June 2023 there were one or more fails of the TST and the percent effect exceeded 10 percent, therefore, the discharge has a reasonable potential to cause or contribute to an instream exceedance of the Statewide Toxicity Provisions numeric chronic aquatic toxicity objective.

Also see response to CVCWA Comment #3 below.

DISCHARGER COMMENT #3 – Receiving Water E. Coli Monitoring

The City supports comments provided by the Central Valley Clean Water Association (CVCWA) that the *E. coli* receiving water monitoring requirements in the Tentative Order are duplicative of other requirements, and that the City should not be required to monitor for this parameter.

RESPONSE:

Central Valley Water Board staff concur. The Discharger already monitors the effluent for total coliform which is sufficiently protective of recreational beneficial uses in the receiving water. Additionally, the Discharger participates in the Delta RMP which is holistically monitoring and evaluating water quality concerns in Delta waterways, so additional bacteria monitoring in the Sacramento River at this specific location is not necessary. The proposed Order has been revised to remove E. Coli receiving water monitoring from Table F-17 (Summary of Monitoring Changes) and from Table E-4 (Receiving Water Monitoring Requirements) as shown below:

Table E-4 Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Monitoring Location
Copper, Dissolved	µg/L	Grab	1/Quarter Between 1 July 2025 and 30 June 2026	RSW-001
Flow (see note b)	Cfs	Estimate	1/Quarter	RSW-002 RSW-003
Flow Direction (see note b)	Upstream or Downstream	Observation	1/Quarter	RSW-002 RSW-003
Temperature (see note a)	°F (°C)	Grab	1/Quarter	RSW-002 RSW-003
pH	Standard units	Grab	1/Quarter	RSW-002 RSW-003
Dissolved Oxygen	Mg/L	Grab	1/Quarter	RSW-002 RSW-003
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Quarter	RSW-002 RSW-003
Hardness, Total (as CaCO ₃)	Mg/L	Grab	1/Quarter	RSW-002 RSW-003
Temperature	Degrees F	Grab	1/Quarter	RSW-002 RSW-003
Total Dissolved Solids	Mg/L	Grab	1/Quarter	RSW-002 RSW-003
Turbidity	NTU	Grab	1/Quarter	RSW-002 RSW-003

2. **Table E-4 Testing Requirements.** The Discharger shall comply with the following testing requirements when monitoring for the parameters described in Table E-4:
 - a. **Temperature.** While participating in the Delta Regional Monitoring Program, the Discharger shall continue to submit receiving water data for temperature. One upstream and downstream quarterly receiving water temperature sample shall be submitted for the month of January. The temperature data shall be submitted in the January SMR and will be used to determine compliance with the temperature receiving water limitation. Temperature data may be collected by the Discharger for this purpose or the Discharger may submit representative temperature data from the Delta RMP or other appropriate

- monitoring programs (e.g., Department of Water Resources or USBR stations).
- b. The Discharger shall report the Sacramento River flow (cfs) and the flow direction at the time of sampling.
 - c. Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods requested by the Discharger that have been approved by the Central Valley Water Board or the State Water Board.

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA COMMENT #1 – Toxicity, Effluent Limitations

The Chronic Whole Effluent Toxicity (WET) effluent limitations included in the Tentative Order are inconsistent with the State Policy for Water Quality Control: Toxicity Provisions (Statewide Toxicity Provisions). Importantly, the Statewide Toxicity Provisions include reference to the “most sensitive species” for Chronic WET MDEL and MMEL. CVCWA requests the MDEL effluent limitation be revised as follows, with additions shown in bold and underlined font:

No **most sensitive species** chronic aquatic toxicity test shall result in a “Fail” at the Instream Waste Concentration (IWC) for the sub-lethal endpoint measured in the test AND a percent effect for the survival endpoint greater than or equal to 50 percent.

CVCWA also request that the Chronic WET MMEL effluent limitation be revised as follows, with additions shown in bold and underlined font:

No more than one **most sensitive species** chronic aquatic toxicity test initiated in a toxicity calendar month shall result in a “Fail” at the IWC for any endpoint.

RESPONSE:

Central Valley Water Board staff concur and have modified the proposed Order accordingly in Waste Discharge Requirements Section IV.A.1.d-e and in Attachment F, Section IV.C.5.a. ii.

CVCWA COMMENT #2 – Toxicity, Most Sensitive Species

CVCWA highlighted ongoing stakeholder concerns with the consistency of *Ceriodaphnia dubia* chronic test results and recommended that the Order identify an

alternative test species or that the Executive Officer exercise discretion to allow Dischargers to use the next appropriate test species.

RESPONSE:

Staff do not concur. Per Section III.C.2.d of the Statewide Toxicity Provisions, the Executive Officer can allow the temporary use of the next appropriate species as the most sensitive species when the Discharger submits documentation, and the Executive Officer determines that the Discharger has encountered unresolvable test interference or cannot secure a reliable supply of test organisms. This option is included in Attachment E, Section V.C.6 of the proposed Order. Additional clarifying language has been added to Attachment E, Section V.G.2 of the proposed Order, as shown below. To date, the Discharger has not submitted any documentation requesting a change to its most sensitive species. This option is available to them in the future.

2. **Determination of Most Sensitive Species.** If a single test in the species sensitivity screening testing results in a “Fail” using the TST statistical approach, then the species used in that test shall be established as the most sensitive species. If there is more than a single test that results in a “Fail”, then of the species with results of a “Fail”, the species that exhibits the highest percent effect shall be established as the most sensitive species. If none of the tests in the species sensitivity screening results in a “Fail”, but at least one of the species exhibits a percent effect greater than **10** percent, then the single species that exhibits the highest percent effect shall be established as the most sensitive species. In all other circumstances, the Executive Officer shall have discretion to determine which single species is the most sensitive considering the test results from the species sensitivity screening.

The “next appropriate species” is a species in Table 1 of the Statewide Toxicity Provisions in the same test method classification (e.g., chronic aquatic toxicity test methods, acute aquatic toxicity test method), in the same salinity classification (e.g., freshwater or marine), and in the same taxon as the most sensitive species. When there are no other species in Table 1 in the same taxon as the most sensitive species (e.g., freshwater chronic toxicity tests), the “next appropriate species” is the species exhibiting the highest percent effect at the IWC tested in the species sensitivity screening other than the most sensitive species. The Executive Officer shall have discretion to allow the temporary use of the next appropriate species as the most sensitive species when the Discharger submits documentation and the Executive Officer determines that the Discharger has encountered unresolvable test interference or cannot secure a reliable supply of test organisms.

CVCWA Comment #3 – Toxicity Dilution Ratio

CVCWA stated that the acute toxicity testing requirements in the Tentative Order should include a dilution ratio of 20:1 or 15:1, consistent with the results of the Discharger's dilution study and chronic WET, instead of requiring a sample at 100 percent effluent. CVCWA expressed concern that failing to acknowledge the applicable dilution credit in the permit may result in confusion or inappropriately restrictive requirements in any future order.

RESPONSE:

Acute WET sampling in the previous permit was conducted at an IWC of 100% and these results were used to determine reasonable potential, consistent with the Statewide Toxicity Provisions (Section III.C.3.c.i). Since the results showed no reasonable potential for acute toxicity, routine acute WET monitoring was appropriately removed from this Order. However, this Order does require one acute WET characterization sample during the permit term at an IWC of 100% to provide a comparable result to previous acute WET results. Per Section III.C.1 of the Statewide Toxicity Provisions, the Central Valley Water Board will still determine the appropriate IWC for every permit issuance, reissuance, renewal, or reopening (if the permit reopening is to address toxicity requirements), prior to determining reasonable potential. The appropriate IWC will also factor into the establishment of toxicity limitations, should they be required. The Discharger has the option to submit additional results of one or more acute WET dilution series for consideration prior to the next permit renewal. If the Discharger chooses to submit additional acute WET results at an IWC<100%, staff recommend the Discharger first reach out to NPDES permitting staff to discuss the dilution series. Attachment E, Section V.B.1 of the proposed Order has been revised as shown below:

- B. Acute Toxicity Testing.** The Discharger shall meet the following acute toxicity testing requirements:
 - 1. Instream Waste Concentration (IWC) for Acute Toxicity.** The acute toxicity IWC is 100 percent effluent. Test results from one or more dilution series may also be submitted but are not required.

CVCWA COMMENT #4 – Arsenic Effluent Limitations

CVCWA supports the City's comments requesting an increase in the dilution for arsenic from a factor of 1.5 to at least 2.5 as it provides arsenic treatment to its drinking water well supply. (See Tentative Order at F-31.) Importantly, mandatory conservation measures implemented by the State Water Board could increase effluent concentrations in the near future. Adjusting the dilution factor for arsenic as requested would help ensure that the facility would not be at risk for potential NPDES permitting violations while complying with such conservation measures.

RESPONSE:

See response to Discharger Comment #1 above.

CVCWA COMMENT #5 – Pretreatment Program

CVCWA requests that the Regional Water Board modify the pretreatment program requirements contained in the Tentative Order (Tentative Order at 16; see also id. Order at 11, E-32, F-74 - F-75.) Specifically, the Tentative Order requires the City to seek USEPA approval for an industrial pretreatment program for the Facility, consistent with the pretreatment requirements contained in 40 C.F.R. Part 403 within the next ROWD (Due in November 2028). As CVCWA has commented in the past, requiring a full USEPA pretreatment program for small POTWs is a drain on the community's resources, in terms of financial investments, permitting costs, and staff time. Where some pretreatment controls are required, the Regional Water Board has in the past required a similar but much less onerous pretreatment program, one that does not require compliance with federal requirements and/or USEPA approval. (See, e.g., R5-2023-0046.) CVCWA recommends that the Regional Water Board use this approach with the City of Rio Vista and other smaller POTWs.

CVCWA appreciates that the Tentative Order provides the option for the City to pursue regionalization with the City of Rio Vista Northwest Wastewater Treatment Facility and secure funding over the next permit term by submitting proof of progress on regionalization efforts with the next ROWD in lieu of these pretreatment requirements. However, with the current reductions in available funding through the Clean Water State Revolving Fund and other means, the ability for the City of Rio Vista to secure such funding is unknown.

RESPONSE:

Staff do not concur. State Water Resources Control Board staff conducted a Pretreatment Compliance Inspection (PCI) at the Beach WWTF to assess the need for a pretreatment program on 12 December 2023. Following the inspection, a Final PCI Summary Report was transmitted to the Discharger dated 22 March 2024, and included three requirements and eight recommended actions. One of the three requirements is listed as follows:

“Because the Beach WWTF is experiencing plant interference and pass through due to illicit discharges resulting in NPDES effluent violations, and has industrial users subject to National Pretreatment Standards, the City is required to develop and implement pretreatment program measures cited at §40 CFR 403.8(f)(2) to control and resolve these issues. (Section 4 POTW Plant Upsets and NPDES Effluent Exceedances).”

The proposed Order memorializes the above requirement, which the Discharger has committed to implementing in a response letter to the Final PCI Summary Report, dated 14 May 2024. Central Valley Water Board staff recognize the Discharger’s financial and technical resource constraints and has included in the proposed Order the option to continue pursuing regionalization efforts with the Northwest Wastewater Treatment Facility as an alternative.

CVCWA COMMENT #6 – Receiving Water E. Coli Monitoring

The Tentative Order requires monthly sampling of E. coli for the first twelve months and, if no exceedances are found, then quarterly sampling. (Tentative Order at E-15 - E-16.) However, the monitoring requirement is unnecessary, because it is duplicative of other applicable requirements that protect human health and safety.

Specifically, the facility has an effluent limitation for total coliform, which encompasses multiple species of coliform bacteria. (Tentative Order at 7.) The associated disinfection requirements are sufficiently protective. (See id. at F-50 - F-51; see also Bacteria Provisions and Variance Policy at 4-5 [Section IV.E.1].) The Tentative Order also states that the mixing zone does not approach the shoreline. (Id. at F-22.) Lastly, the facility is a participant in the Delta Regional Monitoring Program (Delta RMP), which provides coordinated information on waste discharges to Delta Waters. (See id. at F-82 - F-83.) The City’s participation in the Delta RMP does not require monitoring, but benefits from the submission of other monitoring data to identify water quality issues. Inclusion of the E. coli monitoring requirement is not necessary for protection of human health and safety, and is an otherwise burdensome task with minimal benefit. Therefore, CVCWA recommends removing the sampling requirement.

RESPONSE:

See response to Discharger Comment #3 above.