

Central Valley Regional Water Quality Control Board
20 June 2025 Board Meeting

Response to Comments
for
Shasta-Sustainable Resource Management, Inc.
Tentative Waste Discharge Requirements

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested persons regarding the tentative Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) Permit CA0081957 renewal for Shasta-Sustainable Resource Management, Inc. (Discharger), which regulates discharges from the facility to the Anderson-Cottonwood Irrigation District (ACID) Canal and groundwater.

The tentative NPDES Permit was issued for a 30-day public comment period on 2 April 2025, with comments due by 2 May 2025. The Central Valley Water Board received public comments regarding the tentative permit by the due date from the Discharger. Changes were made to the proposed permit based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses. Revisions proposed by staff are also summarized below the comments.

DISCHARGER COMMENTS

1. Reduce Frequency of Toxicity Testing

In reference to WDR Section VI.C.1.g; Attachment E, Page E-6, Section V.B.2; and Attachment F, Page F-28 RPA, the Discharger requests that the required chronic Whole Effluent Toxicity (WET) testing frequency be reduced from quarterly to once per permit term. The Discharger supports this request by citing negative results from the three most recent toxicity tests conducted during the current permit cycle and referencing the findings in the RPA, which concluded that the discharge does not exhibit reasonable potential to cause or contribute to an instream exceedance of the aquatic life criteria established under the Statewide Toxicity Provisions. Additionally, the Discharger notes that a reduced monitoring frequency appears consistent with other recently issued permits.

RESPONSE:

Staff do not concur with the requested reduction in chronic Whole Effluent Toxicity (WET) monitoring frequency. While the RPA concluded that the discharge does not currently exhibit reasonable potential to cause or contribute to an exceedance of the aquatic life criteria under the Statewide Toxicity Provisions, the Facility remains in a transitional phase with respect to its operational configuration and discharge controls. Planned modifications including the removal of the fuel pile stormwater

Response to Comments
Shasta-Sustainable Resource Management, Inc.

(FPSW) pond, realignment of stormwater flow pathways, and potential changes to effluent monitoring locations have not yet been implemented. These pending changes may alter effluent characteristics and warrant continued monitoring to evaluate their effects on aquatic toxicity.

Furthermore, the most sensitive species for the discharge has not been identified due to limited WET testing over the previous permit term. Continued quarterly monitoring using multiple species is necessary to establish a dataset, in accordance with the Statewide Toxicity Provisions, to support future determinations regarding test species selection and monitoring frequency.

The Discharger is also subject to a concurrent Time Schedule Order and Compliance Schedule in the Permit to address compliance with newly established effluent limitations for manganese and alpha-BHC. Given the ongoing compliance challenges and the potential for changes in effluent quality, quarterly chronic toxicity monitoring remains appropriate to ensure detections of any adverse trends in toxicity.

Staff will consider a reduction in chronic toxicity monitoring frequency following the completion of the Facility's planned operational changes and submission of the required species sensitivity screening results. Consistent with the revised Whole Effluent Toxicity Reopener Provision, the monitoring frequency may be modified if the Discharger submits sufficient data demonstrating sustained effluent quality and the absence of toxicity that is consistent with the Statewide Toxicity Provisions to qualify for a reduction in effluent toxicity monitoring.

WDR Section VI.C.1.g of the proposed NPDES Order renewal has been revised as follows:

- g. Whole Effluent Toxicity.** If after review of new data and information, it is determined that the discharge has reasonable potential to cause or contribute to an instream exceedance of the Statewide Toxicity Provisions numeric chronic aquatic toxicity objective or the Basin Plan's narrative toxicity objective, this Order may be reopened and effluent limitations added for acute and/or chronic toxicity. Additionally, if the Discharger submits data following completion of facility modifications and species sensitivity screening demonstrating that chronic toxicity is not present and is consistent with the requirements of the Statewide Toxicity Provisions to qualify for a reduction in effluent toxicity monitoring, this Order may be reopened to revise monitoring requirements.

The following section has been added after Attachment F – Fact Sheet section VI.B.1.d, Reopener Provisions in the proposed NPDES Order renewal as follows:

- e. Whole Effluent Toxicity.** If after review of new data and information, it is determined that the discharge has reasonable potential to cause or contribute to an instream exceedance of the Statewide Toxicity Provisions numeric chronic aquatic toxicity objective or the Basin Plan's narrative toxicity objective, this Order may be reopened and effluent limitations added for acute and/or chronic toxicity. Additionally, if the Discharger submits data following

completion of facility modifications and species sensitivity screening demonstrating that chronic toxicity is not present and is consistent with the requirements of the Statewide Toxicity Provisions to qualify for a reduction in effluent toxicity monitoring, this Order may be reopened to revise monitoring requirements.

2. Removal of Receiving Water Monitoring Location RSW-003

The Discharger agrees with the removal of the RSW-003 temperature monitoring requirement, noting that future compliance is not expected to include receiving water temperature limits based on recent court decisions.

RESPONSE:

Comment noted. Please see the specific details of the revisions to the proposed NPDES Order renewal in the proposed Order for Revisions to Six NPDES Tentative Permits in Response to City and County of San Francisco vs. U.S. EPA (2025) 145 U.S. 704.

3. Stormwater Clarification

In reference to WDR Section VI.C.3.c.ii of the Tentative Order, the Discharger requests removal of the requirement to submit an annual stormwater report. The Discharger states that stormwater from both industrial and non-industrial areas is currently commingled with process water and discharged via Discharge Point EFF-001; therefore, the Discharger believes there is no separate stormwater discharge to report.

RESPONSE:

Staff concur. Because stormwater is currently commingled with process water and discharged through Discharge Point EFF-001 under the NPDES permit, separate reporting under a stormwater program is not necessary at this time. The requirement to submit an annual stormwater report has been removed from the Tentative Order.

Section VI.C.3.c.iii (not VI.C.3.c.ii as commented above), which previously required submittal of the annual stormwater report has been deleted. Additionally, annual submittal of the stormwater report has been removed from Table E-9 and the table has been renumbered accordingly.

4. Average Daily Flow Rates

The Discharger notes an inconsistency between the Tentative Order and supporting documentation regarding the permitted average daily discharge flow. WDR Section III.I of the Tentative Order states that discharges exceeding an average daily flow of 1.0 million gallons per day (MGD) are prohibited, while Attachment F, Table F-1, and the Tentative Time Schedule Order reference a flow rate of 4.5 MGD.

RESPONSE:

Staff concur. The proposed Time Schedule Order and Attachment F, Table F-1 of the proposed NPDES Order renewal have been revised, correcting the flowrate from 4.5 MGD to 1.0 MGD.

5. Updated Facility Description

The Discharger requests revisions to Attachment F, Page F-6, Section II.A to better align the narrative description of facility operations with the process flow diagrams submitted. Specifically, the Discharger proposes updated language that more clearly describes effluent flows, discharge routing, and the handling of stormwater and process wastewater.

RESPONSE: Staff concur. Paragraphs four and five of Attachment F, Page F-6, Section II.A have been revised as follows:

Effluent from the Facility continuously discharges to the ACID Canal via either the westerly underdrain or the 2.8-acre unlined retention pond. An average of 433,000 gallons per day (GPD) of wastewater is discharged from the facility from the blowdown tank, wastewater from plant maintenance, and condensate. Additionally, an internal underdrain system removes shallow groundwater from within the Facility and discharges it to the retention pond. The retention pond and the underdrain flow through the outlet swale and leave the property at Discharge Point EFF-001. It then flows through a 60-inch concrete pipe under the adjacent property to a collection sump, and from there, it flows through 12-inch discharge pipes into the ACID Canal.

All stormwater runoff from industrial areas and non-industrial areas are directed to the retention pond and is discharged at EFF-001. Fuel pile stormwater is no longer recirculated to the Log Deck Spray Area (LND-002).

6. Minor Corrections

The Discharger identifies several minor corrections throughout the Tentative Order and its attachments, including typographical errors and incorrect references to effluent limits or monitoring triggers. Specifically:

- Correcting the spelling of “Settleable Solids” on WDR Page 5 and Page F-32.
- Removing references to an electrical conductivity (EC) trigger of 635 µmhos/cm on WDR Page 17 and Page F-31; the applicable limit is 700 µmhos/cm.
- Removing references to piezometers from Table E-1 (Page E-4), as the only requirement is for quarterly inspections of the septic system.
- Deleting the duplicate sentence in Section E.1.a on Page E-19.
- Replacing “Gotta Creek” with “Schneider Gulch” on Pages F-6 and F-7, based on the 2019 Permit Description and USGS mapping.
- Replacing the Flow Schematic in Attachment C with an updated version and adding a Site Drainage Plan.

RESPONSE:

Staff concur. These editorial corrections have been made to the proposed NPDES Order renewal and proposed Time Schedule Order.

STAFF REVISIONS

STAFF REVISION #1

The tentative NPDES Permit contained Groundwater Limitations that neglected to take into account natural background quality. For consistency with other recently-adopted NPDES permits, staff made revisions to the first sentence of Section VI.B. as follows:

Release of waste constituents from any portion of the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater:

STAFF REVISION #2

The tentative NPDES Permit Fact Sheet previously cited Water Code section 13241 as the basis for Prohibition III.C (regarding nuisance conditions). For accuracy and consistency with the Water Code, staff revised the justification to reflect that the prohibition more appropriately implements Water Code section 13263, subdivision (a), which requires consideration of “the need to prevent nuisance,” as defined in section 13050.

The revision to cite Water Code section 13050 has been made to WDRs, section III.C and throughout the proposed Order as necessary. The revision to WDRs, section III.C is shown below:

- C.** The treatment shall not create a nuisance as defined in section 13050 of the California Water Code.