

California Regional Water Quality Control Board San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the Tentative Order for
Mt. View Sanitary District Wastewater Treatment Plant and Collection System,
Martinez, Contra Costa County

The Regional Water Board received written comments on a draft NPDES permit (tentative order) distributed for public comment on October 20, 2021. Mt. View Sanitary District (District) provided comments.

The comments are summarized below in *italics* (paraphrased for brevity), followed by staff responses. For the full content and context of the comments, please refer to the comment letters. To request copies of the letters, see the contact information provided in Attachment F, section VIII.G, of the revised tentative order.

This document also shows staff-initiated revisions. All revisions are shown with strikethrough ~~text~~ for deletions and underline text for additions.

MT. VIEW SANITARY DISTRICT

District Comment 1

The District requests minor revisions to various sections of the Fact Sheet to clarify the District's participation in activities aimed at coordination with other stakeholders in the Peyton Slough marsh complex.

Response

We revised the tentative order, as the requested revisions were minor in scope and consistent with the Regional Water Board's intent.

We revised Fact Sheet section 2.2 (third paragraph) as follows:

The Discharger has agreed to work with the other landowning stakeholders (Eco Services, EBRPD, and TransMontaigne) ~~to collaborate on~~ regarding tide gate operation in 2022, with the goal of improving flushing and circulation in McNabney Marsh while maintaining pickleweed habitat in Eco-Services' 17-acre mitigation marsh (Rhodia Marsh), located downstream and just northeast of McNabney Marsh....

We revised Fact Sheet section 4.1.2 (last paragraph) as follows:

In addition, the Discharger collaborates with other stakeholders in McNabney Marsh and the Peyton Slough marsh complex to maintain and

improve water quality. The Discharger currently participates in regularly ~~meetings~~ with other marsh complex stakeholders that are being in meetings facilitated by contractors provided by the State Water Board's Office of Public Participation to discuss marsh management and tide gate operation. The Discharger intends to continue participating in these and subsequent meetings with other marsh complex stakeholders. Funding allowing, the Discharger may pursue other collaborative projects aimed at improving understanding of the marsh complex.

We revised Fact Sheet section 5 (third paragraph) as follows:

The Discharger has agreed to work with the other landowning stakeholders (Eco-Services, EBRPD, and TransMontaigne) ~~to collaborate on~~ regarding tide gate operation in 2022, with the goal of improving flushing and circulation in McNabney Marsh while maintaining pickleweed habitat in Eco-Services' 17-acre mitigation marsh (Rhodia Marsh), located downstream and just northwest of McNabney Marsh.

We revised Fact Sheet section 7.1.4 (second paragraph) as follows:

Further study of the receiving water is necessary to understand marsh dynamics, tide gate operations, and how effluent quality interacts with those dynamics. The Regional Water Board anticipates that additional information on the marsh will be developed collaboratively through the stakeholder planning process during this permit term.

District Comment 2

The District requests that we revise the tentative order to include a secondary finding recognizing the net environmental benefit of its discharge to Moorhen Marsh. The District understands that the primary exception to Basin Plan Prohibition 1 is based on the inordinate burden of constructing a deepwater outfall for its plant and on the equivalent protection provided by the District's advanced treatment. However, since 1993, the District's permits have recognized the net environmental benefit exception to Basin Plan Prohibition 1 derived from the constructed wetland habitat provided by Moorhen Marsh.

Response

We revised the tentative order to mention the benefits of Moorhen Marsh, but not to find that Moorhen Marsh provides a net environmental benefit that would justify an exception to Basin Plan Prohibition 1. We recognize that Moorhen Marsh, a constructed treatment wetland, provides benefits such as habitat for migratory birds and other wildlife. However, Regional Water Board Resolution 94-089 makes clear that a finding of "net environmental benefit" can only be made for waters of the United States (i.e., receiving waters) in which a discharge creates new beneficial uses. We therefore cannot include such a finding in the tentative order. We have made this change to provide clarity and prevent further misunderstanding.

We added the following paragraph to the end of Fact Sheet section 4.1.2:

The Discharger’s 40-acre constructed treatment wetland, Moorhen Marsh, provides a diverse freshwater habitat, refuge for migratory and year-round wildlife, and opportunities for bird watching, photography, and other wildlife-related activities. However, per Regional Water Board Resolution 94-086, treatment wetlands do not provide net environmental benefits that would justify an exception to Basin Plan Prohibition 1.

STAFF-INITIATED CHANGES

In addition to making minor editorial and formatting changes, we made several revisions necessary to remove the tentative order’s oil and grease effluent limits and monitoring requirements. These changes reflect Resolution R2-2020-0031, adopted by the Regional Water Board in November 2020, which revised the Basin Plan’s oil and grease effluent limits so they do not apply to treatment facilities that provide secondary or advanced-secondary treatment. The District’s wastewater treatment plant provides advanced-secondary treatment.

We also revised Tables E-3 and F-10 to reduce the pH monitoring frequency at Monitoring Location EFF-002. The tentative order would have required pH monitoring at Monitoring Location EFF-002 five times per week. It should have required pH monitoring at EFF-002 once per month, at the same time and frequency as ammonia monitoring, to allow calculation of the un-ionized ammonia fraction.

Thus, we made the following revisions:

1. We revised Table 2 and its footnotes as follows:

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand 5-day @ 20°C	mg/L	15	25	—	—	—
Oil and Grease ^[1]	mg/L	10	—	20	—	—
pH ^[2]	standard units	—	—	—	6.5	8.5
⋮	⋮	⋮	⋮	⋮	⋮	⋮

Footnote:

^[1] ~~The oil and grease effluent limits shall cease the first day of the month following U.S. EPA approval of Regional Water Board Resolution R2-2020-0031.~~

^[2] If the Discharger monitors pH continuously, pursuant to 40 C.F.R. section 401.17 the Discharger shall be in compliance with this pH limitation provided that both of the following conditions are satisfied: (i) the total time during which the pH is outside the required range shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the required pH range shall exceed 60 minutes.

2. We revised Attachment E, Monitoring and Reporting Program, Table E-3 and its footnotes as follows:

Parameter	Unit	Sample Type	Minimum Sampling Frequency
Flow ^[1]	MG/MGD	Continuous	Continuous/D
:	:	:	:
Enterococcus Bacteria ^[2]	CFU/100 mL	Grab	3/Week
Oil and Grease ^[3]	mg/L	Grab	1/Quarter
pH ^[4, 5, 3, 4]	s.u.	Grab	5/Week ^[6, 5]
Ammonia, Total ^[4, 3]	mg/L as N	C-24 or Grab	1/Month ^[6, 5]
Copper, Total Recoverable	µg/L	C-24	1/Month
Cyanide, Total ^[7, 6]	µg/L	Grab	1/Month
Dioxin-TEQ	µg/L	Grab	1/Year
Selenium	µg/L	C-24	1/Year
Temperature ^[4, 3]	°C	Grab	1/Month ^[6, 5]
Acute Toxicity ^[8, 7]	% survival	Flow-through	2/Year
Chronic Toxicity ^[9, 8]	TU _c	C-24	1/Quarter
Priority Pollutants ^[10, 9]	µg/L	Grab ^[11, 10]	Once

Footnotes:

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^[3] ~~Oil and grease sampling and analysis shall be conducted in accordance with U.S. EPA Method 1664A. The monitoring requirements for oil and grease shall cease the first day of the month following U.S. EPA approval of Regional Water Board Resolution R2-2020-0031.~~

^[4] Ammonia, temperature, and pH monitoring shall occur concurrently and at the same frequency at Monitoring Location EFF-002 to allow for calculation of the un-ionized ammonia fraction. The Discharger may monitor for other nutrient parameters (e.g., nitrate-nitrite and total phosphorus) required by NPDES Permit CA0038873 at Monitoring Location EFF-001 or EFF-002.

^[5] pH monitoring for compliance with the effluent limits specified in Table 2 of this Order shall occur at Monitoring Location EFF-001.

^[6] The monitoring frequency for ammonia, pH, and temperature shall be once per day when the biotower is not operating.

^[7] The Discharger may, at its option, analyze for cyanide as weak acid dissociable cyanide using protocols specified in 40 C.F.R. Part 136 or an equivalent method in the latest Standard Method edition.

^[8] Acute toxicity tests shall be performed in accordance with MRP section 5.1.

^[9] Chronic toxicity tests shall be performed in accordance with MRP section 5.2.

^[10] The Discharger shall monitor for the pollutants listed in Attachment G, Table B.

^[11] The Discharger shall collect C-24 samples for metals.

3. We deleted Fact Sheet section 4.2.2.2, Oil and Grease, and renumbered the subsequent section accordingly.

4. We revised Fact Sheet section 4.4.1 (third paragraph) as follows:

This Order removes oil and grease effluent limitations pursuant to ~~one~~ U.S. EPA ~~approves~~ Resolution R2-2020-0031. Although Clean Water Act section 402(o) prohibits backsliding, with certain exceptions, Clean Water Act section 303(d)(4) allows backsliding when consistent with antidegradation policies....

5. We revised Fact Sheet Table F-10 as follows:

Parameter ^[1]	Influent INF-001	Effluent EFF-001	Effluent EFF-002	Receiving Water RSW-001, RSW-002, RSW-003, RSW-004
Flow	—	Continuous/D	—	—
⋮	⋮	⋮	⋮	⋮
Enterococcus	—	3/Week	—	Support RMP
Oil and Grease	—	1/Quarter	—	—
pH	—	5/Week ^[1, 2]	5/Week 1/Month ^[1, 2]	1/Quarter ^[1]
Ammonia, Total	—	—	1/Month ^[1, 2]	1/Quarter ^[1]
⋮	⋮	⋮	⋮	⋮