Alameda County Water District
Alameda County Flood Control and Water Conservation District, Zone 7
Contra Costa Water District
Kern County Water Agency
Metropolitan Water District of Southern California
State Water Contractors
San Luis & Delta-Mendota Water Authority
Santa Clara Valley Water District
Westlands Water District

November 13, 2012

BY EMAIL TO COMMENTLETTERS@WATERBOARDS.CA.GOV

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comments to A-2144 – December 4 Board Meeting

Dear Ms. Townsend:

The Public Water Agencies[1] appreciate the opportunity to comment on the proposed order (Proposed Order) of the State Water Resources Control Board (State Water Board) relating to the petitions of Sacramento Regional County Sanitation District (Discharger) and California Sportfishing Protection Alliance (CalSPA), regarding Waste Discharge Requirements Order No. R5-2010-0114 (Permit) for the Sacramento Regional Wastewater Treatment Plant (Treatment Plant).

The Public Water Agencies strongly support the State Water Board's adoption of the Proposed Order. The Proposed Order culminates almost a decade of extensive work by the Central Valley Regional Water Quality Control Board (Regional Water Board) and State Water Board. The Proposed Order is thoughtful, well reasoned and well supported by an expansive Administrative Record (Record). The Proposed Order takes important steps to control pathogens, ammonia and nitrate in order to protect the largest fresh water supply in California and start restoring the largest estuary in the western United States.

In support of the Proposed Order, we provide our comments below and recommend minor edits and additions set forth in Attachment A to this letter.

[1] The "Public Water Agencies" are: Alameda County Water District; Alameda County Flood Control and Water Conservation District, Zone 7; Contra Costa Water District; Kern County Water Agency; Metropolitan Water District of Southern California; State Water Contractors; San Luis & Delta-Mendota Water Authority; Santa Clara Valley Water District; and Westlands Water District.

1. The State Water Board Should Require the Discharger to Take Interim Measures that Reduce Ongoing Harm to Beneficial Uses While the Discharger Completes Treatment Plant Upgrades.

The Public Water Agencies remain very concerned that the Discharger will continue to discharge thousands of tons of untreated ammonia and other harmful waste over the next decade, while it designs and builds upgrades to the Treatment Plant.[2] This sentiment is shared by the U.S. Fish and Wildlife Service (USFWS). The USFWS wrote in 2010 comments that the final effluent limitations proposed then, which are supported now by the Proposed Order, should be imposed, but that to be protective of listed fish, the Regional Water Board and the Discharger should provide an interim plan that would reduce biochemical oxygen demand and ammonia while working to meet the final limitations.[3]

The Discharger has represented that it will take at least eight more years to design and build the new treatment facilities needed to comply with the Permit's final effluent limitations. For at least this period of time, the discharge will continue to exceed water quality objectives, will continue to degrade and harm beneficial uses of Delta receiving waters, and will continue to harm aquatic life, including fish species and habitat protected under the federal and state Endangered Species Acts. The Record shows that lower discharge loadings are reasonably achievable with existing treatment facilities and the addition of supplemental, interim treatment.[4] Thus, we ask the State Water Board to adopt specific language directing the Regional Water Board to establish interim measures by including proposed inserts on pages 23 and 40 of the Proposed Order.[5]

2. The Proposed Order Is Supported by Extensive Data, Scientific Information and Other Evidence in the Administrative Record as a Whole, Even Beyond Those References Cited in the Permit Findings and the Proposed Order.

The Proposed Order properly and fully supports the Regional Water Board's decision to establish final effluent limitations that will require the Discharger to upgrade its 30-year-old Treatment Plant. The Regional Water Board was justified to impose, and the Proposed Order correctly supports, final effluent limitations that will require the Discharger to implement advanced treatment to remove harmful pathogens, to nitrify the discharge to remove toxic ammonia, and to denitrify the wastewater to reduce nutrient loadings before it is disposed of in the waters of this State. Indeed, ample law and Record evidence is cited in both the Proposed Order and the findings made by the Regional Water Board to show that the Permit's final effluent limitations and other requirements are appropriate and proper, and could have been even lower. However, even beyond the references cited by the State Water Board and the Regional Water Board, extensive additional data, scientific literature, and other information in the Record

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[2] Public Water Agencies' Comments on State Water Board Draft Order at 29-35 (June 15, 2012) (PWA Comments).

[3] USFWS Comments on September 3, 2010, Tentative WDR Order at 6-7 (October 6, 2010) (because "the permit would not require ammonia and BOD reductions until November 2020," there should be "an interim plan that would improve these parameters *while* working to meet the final effluent limitation goals") (emphasis in original).

[4] Trussell Technologies, Inc. 2010b. Letter to Adam Kear, Metropolitan Water District, "Summary of Preliminary Findings in Response to the Tentative SRCSD NPDES Permit," October 1, 2010.

[5] See Attachment A.

support the Permit's final effluent limitations (or even lower limitations). To assist the State Water Board as it finishes its deliberations on its Proposed Order, we identify in Attachment A to these comments illustrative additional Record information that supports the Permit limitations and which could be added to the final order.[6]

3. The Proposed Order Appropriately Requires the Discharger to Meet a Nitrate Limit of 10 mg/L

We strongly support the Proposed Order's affirmation of the 10 mg/L nitrate limit adopted by the Regional Water Board. The rationale in the Proposed Order is logical, well-reasoned and supported by the Record, and we urge the State Water Board to adopt it. Even beyond the reasoning in the Proposed Order, there are multiple additional lines of analysis in the Record that support a 10 mg/L effluent limitation (or lower) for nitrate. We outlined certain of those in our previous Comments[7] and at the workshop on July 18, 2012,

As an example, the Record supports the conclusion that the 10 mg/L nitrate limitation is an appropriate and proper first step to implement the narrative water quality objective by protecting the receiving waters from biostimulatory effects caused by the discharge.[8] The Proposed Order's conclusion that an unlimited discharge of nitrate by the Treatment Plant would have the reasonable potential to cause or contribute to violations of that narrative water quality objective is well supported by evidence in the Record.[9] Where a discharge has the "reasonable potential" to cause or contribute to the violation of a narrative water quality objective, federal law mandates the setting of numeric effluent limitations to prevent the violation.[10] Where (as here) there is no existing state numeric criterion to implement the narrative water quality objective, federal law provides for the effluent limitation to be set on a "case-by-case basis" using United States Environmental Protection Agency (EPA) water quality criteria published under section 304(a) of the Clean Water Act, as supplemented by "other relevant information."[11]

Here, that approach leads to the Proposed Order's determination that a 10 mg/L nitrate limitation is currently achievable and will help protect beneficial uses of receiving waters by preventing the Treatment Plant discharge from causing or contributing to the violation of the narrative water quality objective prohibiting biostimulatory effects. The Proposed Order identifies EPA's numeric criteria of 0.31 mg/L for total nitrogen for this region (Aggregate Ecoregion 1) as an appropriate starting point for setting the numeric nitrate effluent limitation.[12] "Other relevant information" in the Record indicates that the 0.31 mg/L EPA criteria may not be reasonably achievable but that a 10 mg/L nitrate limit is achievable with current technology[13]

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[6] The additional cited Record information is exemplary and by no means provides an exhaustive list or summary of all additional supporting references from a Record that spans ten years.

[7] See PWA Comments at 15-22.

[8] Basin Plan, p. III-3.00 ("Water shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.").

[9] Proposed Order at 28-29.

[10] 40 C.F.R. § 122.44(d)(1)(vi).

[11] 40 C.F.R. § 122.44(d)(1)(vi)(B).

[12] Proposed Order at 36-37.

[13] *See Upper Blackstone Water Pollution Abatement Dist. v. U.S. Environmental Protection Agency*, 690 F.3d 9, 26-27 (1st Cir. 2012) (one "significant source" of other information EPA considered in setting nitrogen limit was

and will help to restore and maintain the aquatic life beneficial use of Delta receiving waters comprising this important ecosystem.[14]

Lastly, a final nitrate effluent limitation of not more than 10 mg/L also is consistent with the Best Practicable Treatment or Control (BPTC) mandated by the State Antidegradation Policy.[15] The Antidegradation Policy expressly prohibits the large increase in nitrate loading that would result from removing ammonia at the Treatment Plant (through nitrification) without also incorporating nitrate removal (through denitrification). A recent Third District Court of Appeal decision highlights the Discharger's need to comply with the Antidegradation Policy by implementing BPTC for an existing, ongoing waste discharge that already is causing degradation of high quality water.[16] The State Water Board's final order should hold that the Antidegradation Policy requires a nitrate limitation of 10 mg/L or less as BPTC to prevent degradation of Delta receiving waters by the surge of nitrate that would result from affirming the Permit's ammonia limit without also affirming the nitrate limit (*i.e.*, requiring nitrification without also requiring denitrification).[17]

4. The Proposed Order Properly Recognizes the Inherent Efficiencies in Upgrading the Treatment Plant to Address Both Ammonia and Nitrate

The Proposed Order properly acknowledges the inherent efficiencies for the Discharger and its customers to address both ammonia (nitrification) and nitrate (denitrification) as part of a single Treatment Plant upgrade.[18] Indeed, we note that even wastewater treatment facilities without denitrification requirements in their permits often will incorporate a denitrification step because it reduces the overall energy requirement and the need for alkalinity addition, hence reducing the operating costs.[19]

In sum, the Public Water Agencies appreciate the State Water Board staff's careful work to prepare a thoughtful, thorough order and respectfully request that the State Water Board adopt the Proposed Order, consistent with these comments and the additions suggested in Attachment A.

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nitrogen limits imposed on "similarly situated sewage treatment facilities"); PWA Comments at 21-22 (citing 10 mg/L nitrate limit in existing discharge permits for Manteca, Tracy, Lodi, Mountain House, Olivehurst, Linda, El Dorado Irrigation District, Grass Valley, Placerville, Placer County Sewer District, Auburn, Live Oak and Rio Vista as supporting determination that 10 mg/L nitrate limit represents BPTC).

[14] *See* Proposed Order at 36, 38; PWA Comments at 20.

[15] State Water Board Resolution No. 68-16.

[16] *See Asociacion de Gente Unida Agua v. Central Valley Regional Water Quality Control Board*, Case No. C066410, 2012 WL 5396200 (filed November 6, 2012).

[17] PWA Comments at 21-22.

[18] Proposed Order at 36.

[19] *See* Memo, R. S. Trussell, et al., Ammonia Removal Cost Alternatives for the Sacramento Regional Wastewater Treatment Plant at 8 (Dec. 2010) (submitted with PWA Comments on Regional Water Board Proposed Permit.) For example, the discharge permit (WDR Order 97-03) for the City of San Diego's North City Water Reclamation Plant (with a significant treatment capacity of 30 mgd) lacks a nitrate limitation, yet the plant is implementing denitrification (anoxic zone) because the resulting energy savings reduces operating costs.

Sincerely,

HANSON BRIDGETT LLP By Michael B. McNaughton Attorneys for ALAMEDA COUNTY WATER DISTRICT	BOLD, POLISNER, MADDOW, NELSON & JUDSON By Robert B. Maddow Attorneys for CONTRA COSTA WATER DISTRICT
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD A Professional Corporation By Eric N. Robinson Attorneys for ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, STATE WATER CONTRACTORS and KERN COUNTY WATER AGENCY	THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA By Adam C. Kear Attorneys for THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
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SANTA CLARA VALLEY WATER DISTRICT By Anthony T. Fulcher Attorney for SANTA CLARA VALLEY WATER DISTRICT	

CC: Daniel G. Nelson
Terry L. Erlewine

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Attachment A

Comments by Public Water Agencies on Proposed Order

Suggested Revisions and Additions and Selected Additional References[1] to Proposed Order

Page 7, item number 3: In support of the following statement, "The area around the point of discharge is a popular sport fishing area" insert the following footnote:

> Central Valley Water Board, NPDES Permit Renewal Issues Drinking Water Supply and Public Health Related Issues (Dec 14, 2009), p. 18 (CORR_0489); U.S. Fish and Wildlife Service Comment Letter regarding Central Valley Water Board, NPDES Permit Renewal Issues Aquatic Life and Wildlife Preservation (June 15, 2010), p. 3 (CORR_0570).

Page 7, item number 3: In support of the following statement, "In addition, there are approximately 30 agricultural diversions within one mile upstream and two miles downstream (i.e., within the mixing zone) of the point of discharge that can potentially draw in varying mixtures of river water and effluent at dilution ratios less than 20 to 1" insert the following footnote:

> Central Valley Water Board, NPDES Permit Renewal Issues Drinking Water Supply and Public Health Related Issues (Dec 14, 2009), p. 18 (CORR_0489); Brown and Caldwell 2008 (SRCSD_Other_197); Powerpoint: Water Agency Testimony, December 9, 2010 Central Valley Water Board Hearing, at slides 7 and 8 (BM_26).

Page 21, 1st full ¶: In support of the following sentence, "P. forbesi is an important prey item for both larval Delta smelt and Longfin smelt" insert the following footnote:

> *See* Baxter, R., R. Breuer, L. Brown, M. Chotkowski, F. Feyrer, M. Gingras, B. Herbold, A. Mueller-Solger, M. Nobriga, T. Sommer, and K. Souza. 2008. Pelagic Organism Decline progress report: 2007 Synthesis of Results. Interagency Ecological Program for the San Francisco Estuary report dated January 2008 (SRCSD_Other_196); and Rosenfield, J.A. and R.D. Baxter. 2007. Population dynamics and distribution patterns of longfin smelt in the San Francisco Estuary. *Transactions of the American Fisheries Society* 136:1577–1592 (SRCSD_Other_393).

Page 23 - At page 23 of the Proposed Order before the heading "Final Ammonia Effluent Limitation Calculation" insert the following underlined language:

> <u>In view of these documented impacts, including the toxic effects on copepods and the species that feed on them, the discharge of ammonia should be abated to the maximum extent achievable during the interim period before the ammonia final effluent limits apply. Such interim efforts are required to improve the protections for beneficial</u>

[1] Where readily available, we have included a specific reference to the identifying number from the Regional Board's Administrative Record index.

uses and endangered species, even though such interim efforts will not provide the level of protection needed and that will be afforded by the final effluent limitations.

Page 27, 1st ¶: Delete the word "full" from the following sentence, "The Central Valley Water Board concluded that, following ~~full~~ nitrification, the discharge will have reasonable potential to exceed the Primary MCL for nitrate and may necessitate denitrification."

Page 27, 1st ¶: In support of the following statement "Second, excessive nitrogen in the form of nitrates can contribute to excessive algal growth and change the ecology of a waterbody" insert the following footnote:

> *See* U.S. Environmental Protection Agency. 2001. Ambient water quality criteria recommendations: Information supporting the development of state and tribal nutrient criteria: Rivers and streams in nutrient Ecoregion I. EPA 822-B-01-012, December 2001 (see, infra, footnote __ [describing Ecoregion 1 nutrient criteria]); Cloern, J.E., 2001. Our evolving conceptual model of the coastal eutrophication problem. Mar. Ecol. Prog. Ser. 210:223-253 (CORR_0994 Att 27); and Wilkerson, F.P, R.C. Dugdale, V.E. Hogue and A. Marchi. 2006. Phytoplankton blooms and nitrogen productivity in San Francisco Bay. Estuaries and Coasts 29(3): 401–416 (CORR_0994 Att 147).

The preceding footnote's internal cross-reference is to the description of U.S. EPA's Ecoregion 1 nutrient criteria, which presently appears in footnote 134 of the Proposed Order. In the final order, the internally cross-referenced footnote should be identified based on its footnote number in the final order.

Page 30, 2nd ¶: In support of the following statement, "The San Francisco Bay and Delta ecosystem (Bay-Delta ecosystem) does not follow the typical paradigm for excess nutrients and cultural eutrophication" add the following to footnote 98:

> Cloern, J.E., 2001. Our evolving conceptual model of the coastal eutrophication problem. Mar. Ecol. Prog. Ser. 210:223-25 (CORR_0994 Att 27);

Page 30, bottom of 2nd full ¶: In support of the following statement, "However, the historical resilience of the Bay-Delta ecosystem to excess anthropogenic nutrient loading is weakening and may be nearing an irreversible tipping point" insert the following footnote:

> TetraTech Report for USEPA: Technical Approach to Develop Nutrient Numeric Endpoints for California Estuaries (March 2007) at 1-1. (SRCSD_Other_198).

Page 32, 1st ¶: To avoid confusion, as the Pseudodiaptomus is not a small-sized zooplankton, we suggest a revision to the following sentence: "~~This discharge~~ The increase of ammonium-nitrogen coincided with the Sacramento River and Suisun ~~Marsh~~ Bay shifting from a nitrate-based diatom phytoplankton system, to an ammonium-based small phytoplankton system with a corresponding shift in ~~and in shift into a small-sized~~ zooplankton community (from Eurytemora to Pseudodiaptomus and Limnoithona).

Page 32, footnote 107: Replace the cited reference (Lehman, et al. 2008) with the following footnote:

> Glibert, PM, 2010. Long-term changes in nutrient loading and stoichiometry and their relationships with changes in the food web and dominant pelagic fish species in the San Francisco Estuary, California. *Reviews in Fisheries Science. 18(2):211-232* (CORR_0994 Att 38)*;* Glibert, P., C.A. Heil, D. Hollander, M. Revilla, A. Hoare, J. Alexander, S. Murasko. 2004. Evidence for dissolved organic nitrogen and phosphorous uptake during a cyanobacterial bloom in Florida bay. Mar Ecol Prog Ser 280:73-83 (CORR_0994 Att 39); Berman, T and S. Chava, 1999. Algal growth on organic compounds as nitrogen sources. Journal of Plankton Research 21:1423-1437 (CORR_0994 Att 9); Meyer, J.S., P.J. Mulholland, H.W. Paerl, and A.K. Ward. 2009. A framework for research addressing the role of ammonia/ammonium in the Sacramento-San Joaquin Delta and the San Francisco Bay Estuary ecosystem. Report to CalFed Science Program. (CORR_0994 Att 78)

Page 32, top of 2nd ¶: In support of the following sentence "Cyanobacteria blooms have been detected in the Delta and Suisun Bay since 1999" insert the following footnote:

> Lehman, P. W., G. Boyer, C. Hall, S. Waller and K. Gehrts. 2005. Distribution and toxicity of a new colonial *Microcystis aeruginosa* bloom in the San Francisco Bay Estuary, California. *Hydrobiologia* 541:87-99 (CORR_0994 Att 66).

Page 32, 2nd ¶: In support of the following sentence "Microcystins have been shown to obstruct zooplankton feeding abilities, growth and fecundity" insert the following footnote:

> Ger, K.A., S.J. Teh, D.V. Baxa, S. Lesmeister, and C.R. Goldman. 2009. The effects of dietary *Microcystis aeruginosa* and microcystin on the copepods of the upper San Francisco Estuary. *Freshwater Biology* (SRCSD_Other_162 at 1126-1137).

Page 32, 2nd ¶: In support of the following sentence, "Additionally, microcystins can be biomagnified through the food web" insert the following footnote:

> Lehman, P.W., G. Boyer, M. Satchwell, and S. Waller. 2008. The influence of environmental conditions on the seasonal variation of *Microcystis* cell density and microcystins concentration in San Francisco Estuary. *Hydrobiologia* 600:187-204 (SRCSD_Other_163 at 225-242).

Page 32, 2nd ¶: In support of the following sentence, "Effects from microcystins can range from non-fatal neurological impairment to organ damage in humans" insert the following footnote:

> Creager, C., J. Butcher, E. Welch, G. Wortham, and S. Roy. "Technical Approach to Develop Nutrient Numeric Endpoints for California," prepared for U.S. EPA Region IX (2006) (SRCSD_Other_162 at 537-673); Lehman, P. W., G. Boyer, C. Hall, S. Waller and K. Gehrts. 2005. Distribution and toxicity of a new colonial *Microcystis aeruginosa* bloom in the San Francisco Bay Estuary, California. *Hydrobiologia* 541:87-99 (CORR_0994 Att 66); and Cloern, J.E., 2001. Our evolving conceptual model of the

coastal eutrophication problem. *Mar. Ecol. Prog. Ser.* 210:223-253 at page 236 (CORR_0994 Att 27).

Page 32, 3rd ¶: In support of the following sentence, "In addition to ecosystem impacts and microcystin production, cultural eutrophication impacts the taste and odor of drinking water supplies" insert the following footnote:

> *See, e.g.,* Exhibits 6-10 to Alameda County Water District et al., December 2007. Summary of drinking water quality issues and requested permit conditions for the Sacramento Regional Wastewater Treatment Plant NPDES Permit renewal (SRCSD_Other_085 at 213-232).

Page 32, 3rd ¶: In support of the following sentence, "Excess primary productivity can clog drains and pumps for water treatment facilities" insert the following footnote:

> Exhibit 7 to Alameda County Water District et al., December 2007. Summary of drinking water quality issues and requested permit conditions for the Sacramento Regional Wastewater Treatment Plant NPDES Permit renewal (SRCSD_Other_085 at 217-218); and Heidel, K., S. Roy, C. Creager, C. Chung, and T. Grieb. "Conceptual Model for Nutrients in the Central Valley and Sacramento-San Joaquin Delta" prepared for U.S. EPA Region IX (2006) (SRCSD_Other_071).

Page 32, 3rd ¶: In support of the following sentence, "Elevated primary productivity adds to the levels of dissolved and total organic carbon in the water" insert the following footnote:

> Heidel, K., S. Roy, C. Creager, C. Chung, and T. Grieb. "Conceptual Model for Nutrients in the Central Valley and Sacramento-San Joaquin Delta" prepared for U.S. EPA Region IX (2006) (SRCSD_Other_071); and Alameda County Water District et al., December 2007. Summary of drinking water quality issues and requested permit conditions for the Sacramento Regional Wastewater Treatment Plant NPDES Permit renewal (SRCSD_Other_085).

Page 32, 3rd ¶: In support of the following sentence, "High levels of organic carbon in source water for drinking water is a concern due to the formation of carcinogenic byproducts during disinfection at water treatment facilities" insert the following footnote:

> Alameda County Water District et al., December 2007. Summary of drinking water quality issues and requested permit conditions for the Sacramento Regional Wastewater Treatment Plant NPDES Permit renewal at 11 (SRCSD_Other_085); Heidel, K., S. Roy, C. Creager, C. Chung, and T. Grieb. "Conceptual Model for Nutrients in the Central Valley and Sacramento-San Joaquin Delta" prepared for U.S. EPA Region IX (2006) at 1-2 (SRCSD_Other_071); and Roy, S., K. Heidel, C. Creager, C. Chung, T. Grieb. "Conceptual Model for Organic Carbon in the Central Valley and Sacramento-San Joaquin Delta" prepared for U.S. EPA Region IX (2006) (SRCSD_Other_065).

Page 33: At the top of page 33 after current footnote 112 and before the heading "The Central Valley Board's Selection of the Nitrate Effluent Limitation" insert the following new footnote:

In addition to the citations included with the text, the preceding discussion regarding Cultural Eutrophication is also supported by extensive additional references in the Record. *See e.g.,* Heidel, K., S. Roy, C. Creager, C. Chung, and T. Grieb. TetraTech Report for USEPA: Conceptual Model for Nutrients in the Central Valley and Sacramento-San Joaquin Delta, Final Report (Sept. 20, 2006) (SRCSD_Other_071); TetraTech Report for USEPA: Technical Approach to Develop Nutrient Numeric Endpoints for California Estuaries (March 2007) (SRCSD_Other_198); USEPA: Ambient Water Quality Criteria Recommendations: Rivers and Streams in Nutrient Ecoregion III (December 2000) (SRCSD_Other_030); U.S. Environmental Protection Agency, Ambient water quality criteria recommendations: Information supporting the development of state and tribal nutrient criteria: Rivers and streams in nutrient Ecoregion I. EPA 822-B-01-012 (December 2001) (see, infra, footnote ___ [describing Ecoregion 1 criteria]); Creager, C., J. Butcher, E. Welch, G. Wortham, and S. Roy. "Technical Approach to Develop Nutrient Numeric Endpoints for California," prepared for U.S. EPA Region IX (2006) (SRCSD_Other_162 at 537-673); U.S. EPA, Water quality standards for the state of Florida's lakes and flowing waters; proposed rule. 40 C.F.R. Part 131 75(16):4174-4226 (SRCSD_Other_ 164 at 1212-1265).

The preceding footnote's internal cross-reference is to the description of U.S. EPA's Ecoregion 1 nutrient criteria, which presently appears in footnote 134 of the Proposed Order. In the final order, the internally cross-referenced footnote should be identified based on its footnote number in the final order.

Page 40 – Insert the underlined language:

> " … to be consistent with this Order, <u>and that the discharge of Ammonia should be abated to the maximum extent achievable during the interim period before the final effluent limitations for Ammonia Nitrogen (Total as N) are in effect</u>."

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PROOF OF SERVICE

I, Terri Whitman, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On November 13, 2012, I served a copy of the within document(s):

PUBLIC WATER AGENCIES' COMMENTS ON STATE WATER RESOURCES CONTROL BOARD'S PROPOSED ORDER RE: SRCSD PERMIT

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Sacramento, California addressed as set forth below.

☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

See attached Service List

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/////

Executed on November 13, 2012, at Sacramento, California.

Terri Whitman

Service List

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