

**Response to Written Comments
and
Staff Initiated Changes**

**Proposed Order No. R1-2017-0046
Waste Discharge Requirements for the Willits Environmental Remediation Trust,
Page Property, WDID No. 1B06008NMEN, NPDES No. CA0025143
Mendocino County**

December 13, 2017

Comment Letter Received

The deadline for submittal of public comments regarding Proposed Order No. R1-2017-0046, Waste Discharge Requirements for the Willits Environmental Remediation Trust, Page Property, WDID No. 1B06008NMEN, NPDES No. CA0025143 was October 5, 2017. Timely comments were submitted by Jacobson James & Associates, Inc., on behalf of the Discharger, Willits Environmental Remediation Trust.

Each comment is followed by the Staff response. When the Discharger's comment is quoted exactly, the text is included in italics. Where appropriate, revisions were made to the draft Order in response to the Discharger's comments and are described by section number. Added text is identified by underline, and deleted text is identified by strike through in this Response to Comments document.

Use of the term "Draft Order" refers to the public review draft. Use of the term "Proposed Order" refers to the post-public review version of the Order that will be presented to the North Coast Regional Water Quality Control Board (Regional Water Board).

A. Comments and Responses

1. Request to remove directive to submit a new Toxicity Reduction Evaluation Work.

Page E-10, Sect C. 1., requests a TRE WP by March 1, 2018. We understand that you will delete this as we submitted the TRE WP back in 2007.

Response: Acknowledged. A toxicity reduction evaluation work plan, dated May 1, 2007, was submitted in 2007, and was not referenced in the Draft Order. A new toxicity reduction evaluation work plan is not needed.

Attachment E section V.C.1 of the Proposed Order has been modified as shown below:

- 1. TRE Work Plan.** The Permittee shall ~~submit~~submitted a TRE Work Plan ~~on by March~~May 1, 2018~~2007~~. The Permittee's TRE Work Plan shall be reviewed and updated as necessary in order to remain current and applicable to the discharge and discharge facilities.

2. Request to remove DMR reporting requirement if there is no discharge to Darby Creek under the permit.

E-15, Sect D1...requests DMR (EPA requirement), not applicable to this project without discharge to Darby Creek.

Response: Acknowledged. It is correct that the EPA requirement for a DMR does not apply if the discharge is solely to land and there is no discharge to surface water.

Attachment E section XI.D.1 of the Proposed Order has been modified as shown below:

1. DMRs are U.S. EPA reporting requirements. ~~The~~If a discharge to surface water under this permit occurred during the reporting timeframe, the Permittee shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version...

3. Request to change language to clarify that there is no need for the Discharger to seek coverage under the general industrial storm water permit.

F-20, 6A, there is not industrial stormwater permit for this property (i.e., this isn't an industrial facility); we don't capture stormwater.

Response: Acknowledged. Attachment F section VII.C.6.a of the Draft Order incorrectly stated the reason why the groundwater treatment facility (Facility) is not required to seek coverage under the general industrial storm water permit.

Attachment F section VII.C.6.a of the Proposed Order has been modified as shown below:

- a. Stormwater. This provision requires the Discharger, if applicable, to comply with the State's requirements relating to industrial storm water activities. Currently, the ~~Discharge~~Facility is exempted from these requirements because this Facility does not have storm water is captured, treated, and disposed of within the Facility's NPDES permitted process wastewater discharges.

4. Nonsubstantive typographical errors were noted, and updated contact information was provided.

Response: Regional Water Board staff agree with these comments, and corrected typographical errors and updated the contact information in the Proposed Order. Some additional nonsubstantive typographical errors were noted and corrected by Regional Water Board staff.