

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESPONSE TO WRITTEN COMMENTS

ON THE REISSUANCE OF WASTE DISCHARGE REQUIREMENTS FOR:

Sanitary District No. 5 of Marin County, Paradise Cove Treatment Plant
Tiburon, Marin County
NPDES Permit No. CA0037427

I. Sanitary District No. 5 of Marin County, Paradise Cove Treatment Plant – May 16, 2006

II. United States Environmental Protection Agency – May 16, 2006

Note: The format of this staff response begins with a brief introduction of the party's comments, followed with staff's response. Interested persons should refer to the original letters to ascertain the full substance and context of each comment.

I. Sanitary District No. 5 of Marin County, Paradise Cove Treatment (District)

District Comment 1

The District requests that their Pollutant Minimization Program (PMP) follow the same guidelines as other minor dischargers, such as the Town of Yountville and the City of St. Helena. Some of the requirements for the PMP as detailed in the April 14, 2006 Tentative Order appear to be onerous for a 0.020 mgd facility.

Response 1

We are denying this request. We cannot prescribe PMP provisions similar to the Town of Yountville's or the City of St. Helena's PMP provisions in this revised Tentative Order as their circumstances greatly differ from the District's. This permit contains alternate copper effluent limits that take effect upon adoption of copper site specific objectives. The alternate copper effluent limits are more stringent than the copper limits currently taking effect upon permit adoption, and this permit's limits are less stringent than the previous permit's limits. Therefore, PMP measures are required to ensure copper discharge concentrations do not increase to comply with antidegradation, and to ensure compliance with future alternate limits. As far as the District's comments on the PMP requirements being onerous, we are only requiring the PMP measures that the District committed to implement in a letter dated March 20, 2006.

District Comment 2

The District requests that alternative limitations for copper be included in a similar fashion as for cyanide, to represent the proposed site-specific objective (SSO) for copper in the northern region of the San Francisco Bay. With the proposed water-effect ratio of 2.4, the dissolved chronic copper water quality objective will become 6.0 ug/L. Using the SSO of 6.0 ug/L coupled with the studies chronic translator of 0.74, the lowest total recoverable chronic value to be used in the effluent limit calculation is 8.1 ug/L. Using similar calculations for the acute SSOs, the total recoverable acute value becomes 10.6 ug/L

Response 2

We modified the revised Tentative Order's effluent limitations for copper in receipt of the District's request. This discharge is a very minor source of copper to the Bay. An additional change was made to the limits to allow for the use of a Water Effects Ratio (WER) of 2.4. This value is derived from the technical data presented in "North of Dumbarton Bridge Copper and Nickel Site-Specific Objective Derivation Report" Clean Estuary Partnership, December 2004. This resulted in higher final WQBELs (using the CTR WQO, translator, and WER), with which the District can now comply; as such Board staff removed the interim limits and compliance schedules specified in the original Tentative Order. Furthermore, alternate copper effluent limits (using the SSO, translator, and WER) were calculated resulting in more stringent copper effluent limitations. These alternate copper effluent limits take effect when the proposed copper SSO takes effect. Because eventually more stringent copper effluent limits will be imposed, pollution prevention for copper is required. The Fact Sheet (pages F-18-19, 24-27, and 30) has been amended to reflect the basis for these changes.

District Comment 3

The suggested editorial changes are submitted for your consideration.

Response 3

We modified the revised Tentative Order to make these editorial changes. The District's minor edits provided further clarification or consistency with other recently adopted NPDES permits.

District Comment 4

The District requests that any changes made due to comments made by the District or others be reflected in the Fact Sheet so that there are not conflicting bases or explanations for the Permit's requirements.

Response 4

We modified the revised Tentative Order accordingly.

II. United States Environmental Protection Agency – May 16, 2006

EPA Comment 1

The permit contains limits for total coliform bacteria of 240 MPN/ 100 ml and 10,000 MPN/100 ml. However the fact sheet does not explain the basis for these limitations. Please add a section in the fact sheet explaining how these limits protect designated beneficial uses and how the limits implement the water quality objectives contained in Tables 3-1 and 3-2 of the Basin Plan. The fact sheet should also describe how the discharger complies with Table 4-2 of the Basin Plan.

Response 1

We modified the revised Tentative Order (Fact Sheet, page F-13) to further justify the total coliform limitations. The total coliform limits for this permit are taken directly from Table 4-2 of the Basin Plan. In establishing these limits, the Water Board determined that they would "... help [to] achieve the water quality objectives identified in Chapter 3" (p. 4-2, 1982 Basin

Plan). We continue to believe Table 4-2 requirements for this discharger would meet applicable water quality objectives and protect beneficial uses in Chapter 3, due to natural die off of pathogenic organisms, and dilution achieved by deepwater diffusers. That said, the 2004 triennial review recognized as a high priority the need to review and update Basin Plan requirements for bacteriological indicator organisms. Water Board staff hope to begin work on this item in the near future.

EPA Comment 2

- (a) *Water Board staff should explain the basis pursuant to the SIP for allowing the less stringent performance-based criteria, and should provide an explanation of how the interim limits meet Federal anti-backsliding requirements.*
- (b) *If Water Board staff believes the SIP and Federal regulations allow the relaxation of a water quality-based limit from the previous permit to a performance-based interim limit based on infeasibility, Water Board staff should provide an independent evaluation of infeasibility, rather than relying on the discharger's "assertion".*

Response 2

- (a) The explanation for setting less stringent copper limits is provided in the Fact Sheet, Page F-25, 11(a)(v) *Antibacksliding/Antidegradation*.
- (b) The revised Tentative Order no longer contains copper interim limits and a compliance schedule. Water Board staff recalculated copper effluent limits; see Response to District's Comment 2.

EPA Comment 3

The SIP requires chronic toxicity monitoring to determine compliance with basin plan objectives. To comply with the SIP, the permit should either require chronic toxicity monitoring, or explain why Water Board staff have concluded there is no reasonable potential for chronic toxicity. If chronic toxicity data was collected in the past, this data should be summarized in the fact sheet.

Response 3

We modified the revised Tentative Order to include this addition. On page F-27 of the Fact Sheet the following language was added:

Chronic Toxicity. Due to the characteristics of the influent, the Regional Water Board has determined there is no RPA for chronic toxicity; therefore, there are no chronic toxicity monitoring requirements in this permit. This discharge is considered minor (0.02 mgd), and there are no industrial type discharges into the WWTP. The influent consists of domestic wastewater from about 65 homes.

EPA Comment 4

Please check Section IV. A. 6 footnote 4, which describes alternate cyanide effluent limitations to ensure that the wording is consistent with other recently-issued permits.

Response 4

We modified the revised Tentative Order to include this addition.