

CITY of YUBA CITY

UTILITIES DEPARTMENT

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November 12, 2004

Ms. Dena McCann
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Subject: SIP/CEQA Scoping Comments

Dear Ms. McCann:

The City of Yuba City submits the following comments in response to the State Water Resources Control Boards (SWRCB) workshop notice regarding proposed amendments to the state's policy for Implementation for Toxic Pollutants (SIP). First, the City must express its disappointment towards the limited nature of the amendments being proposed. However, with that said, the City does appreciate the Board's efforts to address some issues of concern contained in the SIP. More specifically, the City of Yuba City is directly impacted by at least one of the proposed amendments. As such, the City supports these amendments with the comments below as a good first step towards addressing deficiencies in the SIP that have been ferreted out through the SIP's implementation over the past several years.

The first proposed amendment is necessary to avoid a finding of reasonable potential based only on ambient water quality. Reasonable potential should be based on the discharges effluent, not the quality of the receiving water. Unless the discharge will cause or contribute to a violation of a water quality objective, it is not appropriate to trigger reasonable potential exclusively from ambient conditions. This situation was applied to a permit issued in June 2003 to our facility for molybdenum. Reasonable potential was determined based on two non-detect ambient data results, and effluent limits established.


The second amendment will allow the City to pursue development of a water effects ratio (WER) for constituents such as aluminum or copper without contemplating the added procedure of amending the Basin Plan after completing the WER. For example Yuba City received an aluminum effluent limit in its most recent NPDES permit because the level of total aluminum in the receiving water exceeded the water quality criteria used by the Regional Board. By conducting an aluminum WER, the City will have the

opportunity to determine if the total aluminum contained in the receiving water is actually toxic, or consists mostly of aluminum silicate- the non-toxic form of aluminum. With a WER, the City can determine what a more appropriate water quality criterion should be for the City's discharge to this receiving water. Furthermore, since the water quality criteria used by the Regional Board is not a numeric standard contained in the basin plan but the interpretation of a narrative standard, the City should not be required to amend the Basin Plan to change a non-existent numeric criteria. Consequently, the City supports this proposed amendment to the SIP.

The clean-up to non-regulatory language includes changes to reporting protocols, however; is silent on a new term that is being utilized by Regional Boards – “j-flag”. The SIP currently only allows estimated values to be utilized for determining ambient background concentrations. The SIP does not authorize use of estimated values below the reporting limit in determining maximum effluent concentrations, SIP section 1.3. Thus, it would be inconsistent with the SIP to use a “j-flag” value to determine the need for an effluent limit. A specific example of this is an ethion limit applied to the Yuba City permit. Ethion was detected in only one effluent sample at a “j-flagged” value. This “detection” was then utilized as the basis of for imposing an effluent limit for ethion. Step 3 of Section 1.3 should be modified to the following: “If the pollutant was not detected *above the reporting limit* in any of the effluent samples and”

As expressed above, the City supports amendments as proposed and encourages the SWRCB to move forward accordingly to prepare and adopt the documents necessary. Thank you for the opportunity to comment. Please call me at (530) 822-4319 if you have any questions regarding our comments.

Sincerely,


William P. Lewis
Utilities Director