

**LATE REVISIONS**  
**TOWN OF DISCOVERY BAY CSD**  
**DISCOVERY BAY WASTEWATER TREATMENT PLANT**  
**CONTRA COSTA COUNTY**  
**Proposed Tentative Waste Discharge Requirements**  
**Regional Water Quality Control Board, Central Valley Region**  
**Board Meeting – 4 December 2008**  
**ITEM # 11**

1. In the NPDES permit, remove subsection “d” of Section IV.A.1. (page 11), as shown below, and renumber the remaining items in the section:

~~d. **Chronic Whole Effluent Toxicity.** There shall be no chronic toxicity in the effluent discharge.~~

2. In the Fact Sheet, modify the first paragraph of Section IV.C.5.b. (page F-29), and remove the second to last paragraph (page F-30), as shown below:

**b. Chronic Aquatic Toxicity.** Based on quarterly whole effluent chronic toxicity testing performed by the Discharger from January 2004 through July 2007, the discharge does not have ~~has~~ reasonable potential to cause or contribute to an ~~to~~ an in-stream excursion above of the Basin Plan’s narrative toxicity objective.

Second to last paragraph:

~~Numeric chronic WET effluent limitations have not been included in this order. The SIP contains implementation gaps regarding the appropriate form and implementation of chronic toxicity limits. This has resulted in the petitioning of a NPDES permit in the Los Angeles Region that contained numeric chronic toxicity effluent limitations. To address the petition, the State Water Board adopted WQO 2003-012 directing its staff to revise the toxicity control provisions in the SIP. The State Water Board states the following in WQO 2003-012, “In reviewing this petition and receiving comments from numerous interested persons on the propriety of including numeric effluent limitations for chronic toxicity in NPDES permits for publicly-owned treatment works that discharge to inland waters, we have determined that this issue should be considered in a regulatory setting, in order to allow for full public discussion and deliberation. We intend to modify the SIP to specifically address the issue. We anticipate that review will occur within the next year. We therefore decline to make a determination here regarding the propriety of the final numeric effluent limitations for chronic toxicity contained in these permits.” The process to revise the SIP is currently underway. Proposed changes include clarifying the appropriate form of effluent toxicity limits in NPDES permits and general expansion and standardization of toxicity control implementation related to the NPDES permitting process. Since the toxicity control provisions in the SIP are under revision it is infeasible to develop numeric effluent limitations for chronic toxicity. Therefore, this Order requires that the Discharger meet best management practices for compliance with the Basin Plan’s narrative toxicity objective, as allowed under 40 CFR 122.44(k).~~

3. In the Fact Sheet, modify Section IV.C.3.I. (page F-22), as shown below:

- I. **Pathogens.** The beneficial uses of Old River include municipal and domestic supply, water contact recreation, and agricultural irrigation supply. Coliform limits are imposed to protect the beneficial uses of the receiving water, including public health through contact recreation and drinking water pathways. In a letter to the Regional Water Board dated 8 April 1999, the California Department of Health Services (now Department of Public Health) indicated that DHS would consider wastewater discharged to water bodies with identified beneficial uses of irrigation or contact recreation and where the wastewater receives dilution of more than 20:1 to be adequately disinfected if the effluent coliform concentration does not exceed 23 MPN/100 mL as a 7-day median and if the effluent coliform concentration does not exceed 240 MPN/100 mL more than once in any 30 day period. Furthermore, the DHS provided a letter dated 1 July 2003 that included clarification of the recommendations. The letter states, "A filtered and disinfected effluent should be required in situations where critical beneficial uses (i.e. food crop irrigation or body contact recreation) are made of the receiving waters unless a 20:1 dilution ration (DR) is available. In these circumstances, a secondary, 23 MPN discharge is acceptable." This Order is consistent with these recommendations, considering site-specific factors. Therefore, the 23 MPN/100 mL limitation is found to be appropriate, and is retained from the previous permit. The coliform effluent limitations are adequately protective of the water contact recreation and agricultural irrigation supply beneficial uses of the receiving water in the vicinity of the discharge. In addition, for MUN-designated water bodies, DPH has not recommended treatment beyond secondary with 20:1 dilution, or tertiary without 20:1 dilution, where there were no known users of untreated water near a treatment plant outfall. Based on a review of the State Water Boards eWRIMS water rights database, there is no evidence of the untreated domestic use of the raw water in the vicinity of the discharge. Therefore, the coliform effluent limitations are also adequately protective of the MUN use.