

ITEM: 9

SUBJECT: City of Grass Valley, Wastewater Treatment Plant, Nevada County

BOARD ACTION: Consideration of NPDES Permit Renewal and Cease and Desist Order

BACKGROUND: The City of Grass Valley owns and operates the Grass Valley Wastewater Treatment Plant (hereinafter Facility), a publicly owned treatment works and provides sewerage service for the City of Grass Valley and serves a population of approximately 12,100. Tertiary effluent is discharged to Bear River. The proposed NPDES permit authorizes a major discharge of up to 2.78 million gallons per day (mgd) to the receiving water.

The proposed Order includes new or more stringent effluent limitations, some of which the Discharger cannot immediately comply. Therefore, a Cease and Desist Order (CDO) is proposed to allow time schedules for meeting the effluent limitations for ammonia, copper, cyanide, chlorodibromomethane, dichlorobromomethane, manganese, zinc, and nitrate plus nitrite.

The Discharger submitted a Water Effect Ratio (WER) study for copper and zinc and a translator study for copper, lead, and zinc. In the proposed permit, the results of the studies were not incorporated due to several outstanding issues. However, the Discharger recently supplied data and information to address the outstanding issues and the study results for copper and zinc should be used for permit development (lead is not in question since there was no reasonable potential for that parameter and thus no effluent limitation was required). Based on the new information provided, the proposed effluent limitations for copper and zinc should be removed. However, this is a significant change to the noticed tentative Order, and would require another 30-day comment period prior to adoption by the Regional Water Board. The item will be presented to the Board to address all other issues, but the permit could not be adopted.

The Discharger, the California Sportfishing Protection Alliance (CSPA), the State Water Contractors (SWC), Newmont USA Limited, and Mr. Ken Berry (California Citizens for Environmental Justice) submitted comments on the tentative NPDES Permit issued for public review on 24 September 2008.

ISSUES: The major issues discussed in the public comments are summarized below. Further detail on all comments is included in Regional Water Quality Control Board (Regional Water Board) staff Responses to Comments:

Ammonia Effluent Limit – The tentative permit has an instantaneous maximum effluent pH limitation of 8.5, which is the basis for the ammonia effluent limitations. The City's effluent pH is consistently less than 8.0. Therefore, the City requests the instantaneous maximum pH limit be

lowered to 8.0 and the ammonia effluent limitations, which are pH and temperature dependant, be adjusted accordingly.

A review of the data indicates the Discharger can comply with a lower pH maximum limit. Therefore, the permit has been adjusted with an instantaneous maximum pH limit of 8.0 standard units. The ammonia effluent limitation has also been adjusted based on the new effluent limit for pH. Therefore the revised ammonia effluent limitations are an average monthly effluent limit of 1.6 mg/L and a maximum daily effluent limit of 5.5 mg/L. The ammonia limits in the tentative permit were an average monthly effluent limit of 0.6 mg/L and a maximum daily effluent limit of 2.1 mg/L.

Drew Tunnel Discharge – Both the Discharger and Newmont USA Limited commented on this issue. They are currently involved in litigation over mine discharges from Drew Tunnel to the Facility. Both commenters suggested language changes to the proposed permit.

The issues are with regard to the ownership and responsibility for flows from Drew Tunnel. The Regional Water Board is aware of this matter of dispute and litigation. Therefore, references to Newmont as “owner” of Drew Tunnel have been removed. Regarding the City’s contention that the ability to comply with final effluent limitations for manganese, the Order has been modified to clarify that it is the City’s contention, and not a technical finding by the Regional Water Board.

Cease and Desist Order - Mr. Ken Berry commented on the proposed Cease and Desist Order and felt portions of it may be illegal, especially with respect to the requirements in the California Environmental Quality Act (CEQA). Regional Water Board counsel disagrees, for the reasons stated in the response to comments.

Mgmt. Review _____
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