



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 11, 2013

Lonnie Wass
Supervising Engineer
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706

Re: Tentative Order/Draft NPDES Permit for the Vendo Company Groundwater Remediation System (NPDES Permit No. CA0083046)

Dear Mr. Wass:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0083046) for the discharge from the Vendo Company Groundwater Remediation System to the Fresno Irrigation District's Bullard Canal, which was public noticed on February 8, 2013. We have concerns about the draft permit that need to be addressed to ensure the permit effectively protects water quality and complies with NPDES requirements. Our comments focus on the removal of technology-based effluent limits and censoring of outliers.

A. Removal of Technology-Based Effluent Limits

It does not appear that there is sufficient basis for removal of the technology-based effluent limits (TBELs) for methylene chloride and total volatile organic compounds (VOCs) (including chloromethane) in the proposed permit. The facility treats groundwater to remove VOCs. The existing permit imposed effluent limits for methylene chloride and total VOCs. These TBELs were included to ensure the facility provides adequate treatment for these and other VOCs. The permit fact sheet explains that the effluent limits are being removed based on new information that was not available at the time the previous permit was issued. This new information consists of the fact that these pollutants were not consistently detected in the effluent. This is not new information, since the pollutants were not detected prior to issuance of the previous permit. Recent data shows some detections of these pollutants. Under federal regulations and applicable state policies, it is not necessary or appropriate to expect pollutants to be consistently detected in effluent in order to support the inclusion of effluent limitations. In order to ensure proper operation and maintenance of the facility and in order to meet federal antibacksliding requirements under 40 CFR 122.44(l), the permit should include TBELs

for VOCs. A TBEL for total VOCs may be sufficient to ensure proper operation of this facility, which is designed to remove VOCs.

B. Chromium (VI) and Outliers

The 19 µg/l maximum effluent concentration of chromium (VI) should not be discarded as an unrepresentative outlier until a full analysis is performed according to the methodology described in section 4.4.1 of EPA's *Data Quality Assessment: Statistical Methods for Practitioners*, EPA QA/G-9S (EPA/240/B-06-003), which can be found at <http://www.epa.gov/QUALITY/qs-docs/g9s-final.pdf>. It is common for chromium (VI) to be found in groundwater. Although a high value, this data point is likely representative since no laboratory error was reported with the result and no other basis for concluding that the data point should be censored has been provided. In accordance with federal regulatory requirements and associated federal guidance and state policy, inclusion of this data point in the data set would result in a finding of reasonable potential and inclusion of an effluent limit in the permit.

As stated in the document referenced above, "Discarding an outlier from a data set should be done with extreme caution, particularly for environmental data sets, which often contain legitimate extreme values." EPA's Technical Support Document states, "From the vast amount of data that EPA has examined, it is reasonable to assume that treated effluent data follow a lognormal distribution. This is because effluent values are non-negative and treatment efficiency at the low end of the concentration scale is limited, while effluent concentrations may vary widely at the high end of the scale, reflecting various degrees of treatment system performance and loadings. These factors combine to produce the characteristically positively skewed appearance of the lognormal curve..." (Section 5.2.2 of the TSD). Based on this information, what may appear to be an outlier may actually be characteristic of the lognormal distribution of the environmental data and should not be discarded for the purposes of a reasonable potential analysis.

We appreciate the opportunity to provide input on the proposed permit. If you would like to discuss these comments, please contact Elizabeth Sablad of my staff at (415) 972-3044.

Sincerely,



David Smith, Manager
NPDES Permits Office (WTR-5)