



# CVCWA

## Central Valley Clean Water Association

*Representing Over Fifty Wastewater Agencies*

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**MICHAEL RIDDELL** – Chair, City of Riverbank  
**CASEY WICHERT** – Secretary, City of Brentwood

**TERRIE MITCHELL** – Vice Chair, Sacramento Regional CSD  
**MARGARET ORR** – Treasurer, City of Stockton

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October 27, 2014

***Via Electronic Mail Only***

Ms. Lani Andam  
Water Resources Control Engineer  
Regional Water Quality Control Board,  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
[landam@waterboards.ca.gov](mailto:landam@waterboards.ca.gov)

RE: Comments on the Tentative Waste Discharge Requirements for Rancho Murieta  
Community Services District, Wastewater Treatment and Reclamation Plant, Sacramento  
County

Dear Ms. Andam:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements for the Rancho Murieta Community Services District (District) Wastewater Treatment and Reclamation Plant (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding the performance-based effluent limit for total dissolved solids, Discharge Specification D.1, and the priority pollutant monitoring requirement, and request revisions as indicated herein.

## I. Performance-Based Limit for Total Dissolved Solids

The Tentative Order includes a performance-based, flow-weighted annual average effluent limit for total dissolved solids (TDS) of 350 mg/L because the limit “will not cause groundwater to get any worse.”<sup>1</sup> This performance-based limit is not consistent with the implementation provisions of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) related to establishing limits when natural occurring background water quality already exceeds the applicable water objectives. CVCWA is also concerned that imposing a performance-based limit for a community that is endeavoring to conserve water in extreme drought conditions and working to expand its recycled water uses will set up the District for a permit violation.

The Tentative Order accurately explains that the source water for the District is high quality with a TDS concentration of 50 mg/L; the average effluent TDS concentration is very low at 300 mg/L; yet the background groundwater has naturally occurring high TDS concentrations.<sup>2</sup> In such a situation, the Tentative Order states that the Basin Plan’s Controllable Factors Policy applies. Under that Policy, controllable factors are not allowed to cause further degradation of water quality in instances where uncontrollable factors have already resulted in water quality objectives being exceeded.<sup>3</sup> However, in this case, the discharge (i.e., the controllable factor) is actually improving water quality: “Concentrations for salinity constituents, nitrates, sulfates, and iron observed in OW01 and OW02 is of better quality than those observed in upgradient well MW01; indicating that the discharge is likely improving groundwater quality.”<sup>4</sup> The Controllable Factors Policy is not a basis for imposing a performance-based limit in this circumstance where the discharge is improving groundwater quality.

Another implementation provision of the Basin Plan provides:

. . . water quality objectives do not require improvement over naturally occurring background concentrations. In cases where natural background concentration of a particular constituent exceeds an applicable water quality objective, the natural background concentration will be considered to comply with the objective . . . Maintenance of the existing high quality of water means maintenance of “background” water quality conditions, i.e., the water quality found upstream or upgradient of the discharge, unaffected by other discharges.

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<sup>1</sup> Tentative Order, p. 14.

<sup>2</sup> Tentative Order, pp. 11, 14.

<sup>3</sup> Basin Plan, pp. III-1.00, IV-15.00.

<sup>4</sup> Tentative Order, p. 10.

Therefore . . . background defines the most stringent limits which will be imposed on ambient water quality.<sup>5</sup>

According to the Tentative Order, MW01 is background well, uninfluenced by the discharge, and monitoring data for MW01 show an average TDS concentration of 1027 mg/L, which exceeds the recommended and upper secondary maximum contaminant level for TDS. Under the implementation section of the Basin Plan, the groundwater is considered to comply with the objective for TDS. In addition, the background “defines the most stringent limits which will be imposed on ambient water quality.”<sup>6</sup> The Central Valley Regional Water Quality Control Board (Regional Board) cannot then set a performance-based limit that is well below the background concentration levels and that affords little room for error. CVCWA respectfully requests that the Regional Board remove the performance-based limit for TDS, or at least set the limit at a level consistent with the applicable objective, which is equal to background water quality conditions, of 1000 mg/L. The latter option gives the District some flexibility in the event that influent flows decrease due to water conservation, and concentrations of constituents correspondingly increase. It is also consistent with the antidegradation policy and the Basin Plan implementation provisions.

## II. Discharge Specification D.1

Discharge Specification D.1 requires compliance with the groundwater limitations contained in the Tentative Order.<sup>7</sup> This discharge specification is duplicative and creates unnecessary liability. The groundwater limitations are an independent requirement and are extensive, incorporating the Maximum Contaminant Levels for all the constituents identified in Title 22.<sup>8</sup> It is unnecessary to include a separate discharge specification requiring compliance with the other, independent provisions of the Tentative Order.

Finally, the current language does not specify the subject of the discharge specification. That is, the language may be interpreted to impose liability on the District for acts of others, which are beyond its control. Thus, if the Regional Board does not eliminate the specification as requested, it is appropriate to amend the requirement to apply specifically to the District.

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<sup>5</sup> Basin Plan, p. IV-17.00.

<sup>6</sup> *Ibid.*

<sup>7</sup> Tentative Order, p. 25.

<sup>8</sup> *Id.*, p. 27.

### III. Monitoring for Priority Pollutants

The proposed Monitoring and Reporting Program requires the District to monitor priority pollutants annually, and lists the minimum number of constituents from the priority pollutant list that must be analyzed.<sup>9</sup> The list provided in Table 1 includes several dozen constituents.<sup>10</sup> This monitoring requirement is extensive and onerous for a relatively small land discharger. Furthermore, the Information Sheet for the Tentative Order does not explain why priority pollutant monitoring is necessary for this waste discharge requirements (WDRs) and reclamation permit versus the more typical requirement found in WDRs to monitor standard minerals annually.<sup>11</sup> The new General Waste Discharge Requirements for Recycled Water Use adopted by the State Water Resources Control Board (State Board) requires priority pollutant monitoring if the recycled water is used for irrigation of landscape areas.<sup>12</sup> Even then, the frequency of monitoring is once every 5 years for treatment systems with a flow rate of less than 1 mgd. Here, the District is using recycled water for uses other than landscaping irrigation. Also, the District's average dry weather flow rate will not exceed 1 mgd for many years after completion of the different phases of development.

Based on these factors, CVCWA respectfully requests that the requirement to monitor priority pollutants annually be revised to annual monitoring of standard/general minerals (boron, calcium, chloride, iron, magnesium, manganese, nitrogen, potassium, sodium, sulfate, total alkalinity, and hardness). At a minimum, the frequency for monitoring priority pollutants should be reduced to once every five years, consistent with the terms of the General Order for Recycled Water Use.

### IV. Recycled Water Use Specifications

As a master recycling permit, the Tentative Order includes recycled water specifications. A number of the specifications track the water recycling criteria in Title 22 or the general orders issued by the State Water Resources Control Board (State Board) for recycled water use or for landscape irrigation uses of municipal recycled water. However, some other specifications are not based on the criteria in Title 22, are more stringent than those criteria, or do not provide the necessary caveat that the District may proceed in a manner different that what is required in Title 22 with approval from the Division of Drinking Water (DDW) at the State Board. For example, Provision F.15<sup>13</sup> lists setback requirements, but does not include the qualification

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<sup>9</sup> Monitoring and Reporting Program R5-\_\_\_\_\_, p. 2.

<sup>10</sup> *Id.*, p. 8.

<sup>11</sup> See, e.g., Order R5-2014-0098, Monitoring and Reporting Program, p. 5 (City of Dixon).

<sup>12</sup> State Board Order WQ 2014-0090-DWQ, p. B-2.

<sup>13</sup> Tentative Order, p. 28.

“except as approved by DDW.”<sup>14</sup> Similarly, Provision F.28<sup>15</sup> requires a certain amount of horizontal and vertical separation between pipelines transporting recycled water and pipelines transporting domestic supply, with no qualification.<sup>16</sup>

Most importantly, the District has prepared and submitted a Title 22 Engineering Report to DDW in December 2013. The Tentative Order requires that the production, distribution, and use of recycled water must conform to a Title 22 Engineering Report.<sup>17</sup> Some of these specifications in the WDRs may be inconsistent with the design specifications the District has pursued in its Title 22 Engineering Report. The Regional Board should refer back to the requirements in the District’s Title 22 Report as the enforceable specifications in the WDRs, rather than pick and choose various criteria from different documents to include in the WDRs.

CVCWA respectfully requests that specifications that are not part of Title 22 be deleted from this Tentative Order. Further, the specifications that are based on Title 22 must follow the requirements Title 22, and where the Regional Board deviates from Title 22, the Regional Board must explain its deviations.

As to specific provisions, the Regional Board should delete Provision F.28, or at least add the qualification “except as approved by DDW.” In addition, the Regional Board should delete Provision F.15. If the Regional Board does not delete Provision F.15 entirely, then CVCWA requests that the Regional Board delete the setback requirement of 25 feet for the “Use Area to manmade or natural surface water drainage course,” and add the above qualification to the remaining requirements. This setback requirement is not in the Title 22 regulations. Further, one of the “Use Areas” here is a golf course, which may include a manmade surface water drainage course. This setback requirement could make it impossible to apply recycled water to the golf course, as intended by the District and otherwise permitted in the Tentative Order.

The Tentative Order also limits the uses of recycled water to those set forth in section 60304(a) of Title 22. Although this subsection generally lists uses for tertiary treated recycled water, the regulatory language refers only to “irrigation uses.”<sup>18</sup> CVCWA is concerned that this limitation could foreclose other opportunities for recycled water applications that are not strictly “irrigation uses.” Accordingly, CVCWA requests that Specification F.5 be revised as follows:

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<sup>14</sup> Compare State Board WQO 2009-0006-DWQ, p. 10 [prohibits “the application of recycled water within fifty (50) feet of a domestic well . . . unless approved by CDPH . . .”].

<sup>15</sup> Tentative Order, p. 29.

<sup>16</sup> Compare State Board WQO-2009-0006-DWQ, p. 12. [“Domestic water pipelines shall be configured above recycled water pipelines, unless approved by CDPH.”].

<sup>17</sup> Tentative Order, p. 27 (Provision F.3).

<sup>18</sup> Cal. Cod. Regs., tit. 22, § 60304(a).

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Recycled water for irrigation shall be used in compliance with Title 22, section 60304. ~~Specifically, uses of recycled water shall be limited to those set forth in Title 22, section 60304(a).~~

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or [eofficer@cvcwa.org](mailto:eofficer@cvcwa.org).

Sincerely,



Debbie Webster,  
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board  
([pcreedon@waterboards.ca.gov](mailto:pcreedon@waterboards.ca.gov))