Table F-5. Summary of Dilution Credits

Criterion	Effluent Flows (MGD)	Receiving Water Flows (MGD)	Dilution Credit (Completely Mixed)
Acute Aquatic Life	0.84	9.7[1]	12:1
Chronic Aquatic Life	0.84	32[2]	38:1
Human Health	0.84	136[3]	162:1

[1] Represents the 1Q10 flow.
[2] Represents the 7Q10 flow.
[3] Represents the harmonic mean river flow.

iv. **Evaluation of Available Dilution for Acute and Chronic Aquatic Life Criteria.** U.S. EPA Region VIII, in its "*EPA Region VIII Mixing Zones and Dilution Policy*", recommends no dilution for acute aquatic life criteria, stating the following, "*In incomplete mix situations, discharge limitations to implement acute chemical-specific aquatic life criteria and narrative (no acute toxicity) criteria shall be based on achieving such acute criteria at the end-of-pipe (i.e., without an allowance for dilution). This approach is intended to implement the narrative requirement prohibiting acutely toxic conditions in the mixing zone.*"

The Discharger has requested acute and chronic aquatic life mixing zones for compliance with acute and chronic water quality criteria. As described above, the Central Valley Water Board finds that the discharge is completely mixed within two stream widths of the discharge point.

The acute and chronic aquatic life mixing zones meet the requirements of the SIP as follows:

(a) *Shall not compromise the integrity of the entire water body* – The TSD states that, "*If the total area affected by elevated concentrations within all mixing zones combined is small compared to the total area of a water body (such as a river segment), then mixing zones are likely to have little effect on the integrity of the water body as a whole, provided that the mixing zone does not impinge on unique or critical habitats.*"[1] As discussed above, the discharge is completed mixed; thus, the mixing zones are small and do not compromise the integrity of the entire water body.

(b) *Shall not cause acutely toxic conditions to aquatic life passing through the mixing zone* – The SIP requires that the acute mixing zone be appropriately sized to prevent lethality to organisms passing through the mixing zone. U.S. EPA recommends that float times through a mixing zone less than 15 minutes ensure that there will not be lethality to passing organisms. On average, the Collierville Tunnel transports 250 cfs to the Collierville Powerhouse. Flows through the Collierville Tunnel drop 2,000 feet prior to entering the Collierville Powerhouse, flow through the Collierville Powerhouse, and are completely mixed at the point of discharge to the Collierville Powerhouse Effluent Channel. In addition, this Order includes an acute toxicity effluent limitation that requires compliance to be determined based on acute bioassays using 100 percent effluent. Compliance with these requirements ensures that acutely toxic conditions

[1] TSD, pg. 33

to aquatic life passing through the acute and chronic mixing zones do not occur.

(c) *Shall not restrict the passage of aquatic life* – There is an adequate zone of passage for aquatic life because water quality criteria are met prior to entering the Collierville Powerhouse Effluent Channel.

(d) *Shall not adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws* – The acute and chronic aquatic life mixing zones will not cause acutely toxic conditions, allow adequate zones of passage, and are sized appropriately to ensure that there will be no adverse impacts to biologically sensitive or critical habitats.

(e) *Shall not produce undesirable or nuisance aquatic life; result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits; cause nuisance* – The allowance of acute and chronic aquatic life mixing zones will not result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits; or cause nuisance. This Order requires the discharge to meet tertiary filtration requirements set forth in CCR, Title 22, division 4, chapter 15 (Title 22) (or equivalent), which will ensure continued compliance with these mixing zone requirements. Therefore, the allowance of acute and chronic aquatic life mixing zones will not produce undesirable or nuisance aquatic life, result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits, or cause nuisance.

(f) *Shall not dominate the receiving water body or overlap a mixing zone from different outfalls* – The acute and chronic aquatic life mixing zones are small relative to the water body, so they will not dominate the water body. Furthermore, the mixing zones do not overlap mixing zones from different outfalls as there are no other outfalls or mixing zones in the vicinity of the discharge.

(g) *Shall not be allowed at or near any drinking water intake* – The acute and chronic aquatic life mixing zones are not near a drinking water intake.

The acute and chronic aquatic life mixing zones, therefore, comply with the SIP. The mixing zones also comply with the Basin Plan, which requires that the mixing zones not adversely impact beneficial uses. Beneficial uses will not be adversely affected for the same reasons discussed above. In determining the size of the mixing zones, the Central Valley Water Board considered the procedures and guidelines in U.S. EPA's *Water Quality Standards Handbook, 2nd Edition* (updated July 2007), section 5.1, and section 2.2.2 of the TSD. The SIP incorporates the same guidelines.

v. **Evaluation of Available Dilution for Human Health Criteria.** Section 1.4.2.2 of the SIP provides that mixing zones should not be allowed at or near drinking water intakes. Furthermore, regarding the application of a mixing zone for the protection of human health, the TSD states that, "*…the presence of mixing zones should not result in significant health risks, when evaluated using reasonable assumptions about exposure pathways. Thus, where drinking water contaminants are a concern, mixing zones should not encroach on drinking water intakes.*" There are no drinking water intakes in the human health mixing

zone. As described above, the Central Valley Water Board finds that the discharge is completely mixed within two stream widths of the discharge point. The mixing zone for human health carcinogens meets the requirements of the SIP as follows:

(a) *Shall not compromise the integrity of the entire water body* – The TSD states that, "*If the total area affected by elevated concentrations within all mixing zones combined is small compared to the total area of a water body (such as a river segment), then mixing zones are likely to have little effect on the integrity of the water body as a whole, provided that the mixing zone does not impinge on unique or critical habitats*."[1] The human health mixing zone is not applicable to aquatic life criteria. The human health mixing zone does not compromise the integrity of the entire waterbody.

(b) *Shall not cause acutely toxic conditions to aquatic life passing through the mixing zone* – The human health mixing zone is not applicable to aquatic life criteria. Therefore, acutely toxic conditions will not occur in the mixing zone.

(c) *Shall not restrict the passage of aquatic life* – The human health mixing zone is not applicable to aquatic life criteria. Therefore, the mixing zone will not restrict the passage of aquatic life.

(d) *Shall not adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws* – The human health mixing zone is not applicable to aquatic life criteria. The mixing zone will not impact biologically sensitive or critical habitats.

(e) *Shall not produce undesirable or nuisance aquatic life; result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits; cause nuisance* – The allowance of a human health mixing zone will not produce undesirable or nuisance aquatic life, result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits; or cause nuisance. This Order requires the discharge to meet Title 22 (or equivalent) tertiary filtration requirements, which will ensure continued compliance with these mixing zone requirements. Therefore, the allowance of a human health mixing zone will not produce undesirable or nuisance aquatic life, result in floating debris, oil, or scum; produce objectionable color, odor, taste, or turbidity; cause objectionable bottom deposits, or cause nuisance.

(f) *Shall not dominate the receiving water body or overlap a mixing zone from different outfalls* – The human health mixing zone is small relative to the water body, so it will not dominate the water body. Furthermore, the mixing zone does not overlap mixing zones from other outfalls.

(g) *Shall not be allowed at or near any drinking water intake* – The human health mixing zone is not near a drinking water intake.

The human health mixing zone, therefore, complies with the SIP. The mixing zone also complies with the Basin Plan, which requires that the mixing zone

[1] TSD, pg. 33

not adversely impact beneficial uses. Beneficial uses will not be adversely affected for the same reasons discussed above. In determining the size of the mixing zone, the Central Valley Water Board considered the procedures and guidelines in U.S. EPA's *Water Quality Standards Handbook, 2nd Edition* (updated July 2007), section 5.1, and section 2.2.2 of the TSD. The SIP incorporates the same guidelines.

vi. **Evaluation of Available Dilution for Specific Constituents (Pollutant-by-Pollutant Evaluation).** As discussed in section IV.C.3 of this Fact Sheet, based on existing effluent data, it appears the Facility cannot meet the end-of-pipe (no dilution) WQBEL's for copper, zinc, ammonia, and nitrate plus nitrite.

The allowance of a mixing zone and dilution credits is a discretionary act by the Central Valley Water Board. When determining the appropriate dilution credits for a specific pollutant, several factors must be considered, such as available assimilative capacity, Facility performance, and best practicable treatment or control (BPTC). The Central Valley Water Board has determined the allowable dilution credits on a constituent-by-constituent basis.

The receiving water contains assimilative capacity for copper, zinc, ammonia, and nitrate plus nitrite. As discussed above, acute, chronic, and human health mixing zones with associated dilution credits of 12, 38, and 162, respectively, meet the mixing zone conditions specified in section 1.4.2.2.A of the SIP. However, an overarching mixing zone condition is that "*A mixing zone shall be as small as practicable,*" and section 1.4.2.2.B requires, "*The RWQCB shall deny or significantly limit a mixing zone and dilution credits as necessary to protect beneficial uses, meet the conditions of this Policy, or comply with other regulatory requirements.*"

The Central Valley Water Board considered Facility performance and the receiving water's assimilative capacity for each individual pollutant in determining the dilution needed. The consideration of these factors is necessary to avoid allocating an unnecessarily large portion of the receiving water's assimilative capacity for each pollutant and possibly violating the Antidegradation Policy. Based on Facility performance, the full dilution credits, as discussed above, are not needed for nitrate plus nitrite and have been reduced to ensure compliance with the mixing zone provisions of the SIP. There is no new information providing reason to modify effluent limits for ammonia. Therefore, this Order maintains the dilution credits allowed in Order R5-2014-0011, which includes the maximum acute aquatic life dilution credit of 12 and the maximum chronic aquatic life dilution credit of 38. Based on Facility performance for copper and zinc, this Order utilizes the maximum acute aquatic life dilution credit of 12 and the maximum chronic aquatic life dilution credit of 38.

Table F-6. Dilution Credits Associated with Performance-based Effluent Limitations

Pollutant	Units	ECA	Criterion	Background	Dilution Credit[1]
Copper, Total Recoverable	µg/L	18 (acute) 43 (chronic)	1.6 (acute) 1.3 (chronic)	0.20	12 (acute) 38 (chronic)
Zinc, Total Recoverable	µg/L	206 (acute) 616 (chronic)	17 (acute) 17 (chronic)	1.2	12 (acute) 38 (chronic)
Ammonia Nitrogen, Total (as N)	mg/L	27 (acute) 195 (chronic)	2.14 (acute)[2] 5.08 (chronic)[3]	0.090	12 (acute) 38 (chronic)
Nitrate Plus Nitrite	mg/L	40	10	0.0020	3 (HH)

1 The dilution credit is calculated using the steady-state mass balance equation rearranged to solve for the dilution credit, as follows:
D = (ECA – C) / (C – B)

2 U.S. EPA National Recommended Ambient Water Quality Criteria, Freshwater Aquatic Life Protection, 1-hour average.

3 U.S. EPA National Recommended Ambient Water Quality Criteria, Freshwater Aquatic Life Protection, 30-day average.

The revised mixing zones and dilution credits for copper and zinc will result in a minor increase in the discharge (i.e., use of less than 10 percent of the available assimilative capacity for these constituents in the receiving water). According to U.S. EPA's memorandum on Tier 2 Antidegradation Reviews and Significance Thresholds, any individual decision to lower water quality for non-bioaccumulative chemicals that is limited to 10 percent of the available assimilative capacity represents minimal risk to the receiving water and is fully consistent with the objectives and goals of the Clean Water Act. The mixing zones are as small as practicable for this Facility and the increased loading complies with the state and federal antidegradation requirements.

vii. **Regulatory Compliance for Dilution Credits and Mixing Zones.** To fully comply with all applicable laws, regulations and policies of the state, the Central Valley Water Board-approved mixing zones and the associated dilution credits are based on the following:

(a) Mixing zones are allowed under the SIP provided all elements contained in section 1.4.2.2 are met. The Central Valley Water Board has determined that these factors are met.

(b) Section 1.4.2.2 of the SIP requires mixing zones to be as small as practicable. The Central Valley Water Board has determined the mixing zones are as small as practicable.

(c) In accordance with section 1.4.2.2 of the SIP, the Central Valley Water Board has determined the mixing zones are as small as practicable and will not compromise the integrity of the entire water body, restrict the passage of aquatic life, dominate the water body, or overlap existing mixing zones from different outfalls. The mixing zones are small relative to the large size of the receiving water, are not at or near a drinking water intake, and do not overlap a mixing zone from a different outfall.

(d) The Central Valley Water Board is allowing mixing zones for acute aquatic life, chronic aquatic life, and human health constituents, and has determined allowing such mixing zones will not cause acutely toxic conditions to aquatic life passing through the mixing zone.

(e) The Central Valley Water Board has determined the discharge will not adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under the federal or state endangered species laws, because the mixing zones are relatively small and acutely toxic conditions will not occur in the mixing zones. The discharge will not produce undesirable or nuisance aquatic life, result in floating debris, oil, or scum, produce objectionable odor, taste, or turbidity, cause objectionable bottom deposits, or cause nuisance, because the Order establishes end-of-pipe effluent limitations (e.g., for BOD_5 and TSS) and discharge prohibitions to prevent these conditions from occurring.

(f) As required by the SIP, in determining the extent of or whether to allow mixing zones and dilution credits, the Central Valley Water Board has considered the presence of pollutants in the discharge that are carcinogenic, mutagenic, teratogenic, persistent, bioaccumulative, or attractive to aquatic organisms, and concluded that the allowance of the mixing zones and dilution credits are adequately protective of the beneficial uses of the receiving water.

(g) The Central Valley Water Board has determined the mixing zones comply with the SIP for priority pollutants.

(h) Section 1.4.2.2.B of the SIP, in part states, *"The RWQCB shall deny or significantly limit a mixing zone and dilution credits as necessary to protect beneficial uses, meet the conditions of this Policy, or comply with other regulatory requirements."* The Central Valley Water Board has determined full allowance of dilution is not needed or necessary for the Discharger to achieve compliance with this Order, except for effluent limitations for ammonia and cyanide and the numeric monitoring trigger for chronic toxicity, as described above.

(i) The Central Valley Water Board has determined the mixing zones comply with the Basin Plan for non-priority pollutants. The Basin Plan requires a mixing zone not adversely impact beneficial uses. Beneficial uses will not be adversely affected for the same reasons discussed above. In determining the size of the mixing zones, the Central Valley Water Board has considered the procedures and guidelines in section 5.1 of U.S. EPA's *Water Quality Standards Handbook*, 2nd Edition (updated July 2007) and section 2.2.2 of the TSD. The SIP incorporates the same guidelines.

(j) The Central Valley Water Board has determined that allowing dilution factors that exceed those proposed by this Order would not comply with the State Antidegradation Policy for receiving waters outside the allowable mixing zones for copper, zinc, ammonia, and nitrate plus nitrite. The State Antidegradation Policy incorporates the federal Antidegradation Policy and requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Item 2 of the State Antidegradation Policy states:

"*Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will*

not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

The Central Valley Water Board has determined the effluent limitations required by this Order will result in the Discharger implementing BPTC of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

Therefore, the Central Valley Water Board has determined the effluent limitations established in the Order for copper, zinc, ammonia, and nitrate plus nitrite, which have been adjusted for dilution credits, are appropriate and necessary to comply with the Basin Plan, SIP, federal antidegradation regulations, and the State Antidegradation Policy.

d. **Conversion Factors.** The CTR contains aquatic life criteria for arsenic, cadmium, chromium III, chromium VI, copper, lead, nickel, silver, and zinc, which are presented in dissolved concentrations. U.S. EPA recommends conversion factors to translate dissolved concentrations to total concentrations. The default U.S. EPA conversion factors contained in Appendix 3 of the SIP were used to convert the applicable dissolved criteria to total recoverable criteria.

e. **Hardness-Dependent CTR Metals Criteria.** The CTR and the NTR contain water quality criteria for seven metals that vary as a function of hardness. The lower the hardness, the lower the water quality criteria. The metals with hardness-dependent criteria include cadmium, copper, chromium III, lead, nickel, silver, and zinc.

This Order has established the criteria for hardness-dependent metals based on the hardness of the receiving water (actual ambient hardness) as required by the SIP[1] and the CTR.[2] The SIP and the CTR require the use of "receiving water" or "actual ambient" hardness, respectively, to determine effluent limitations for these metals. The CTR requires that the hardness values used shall be consistent with the design discharge conditions for design flows and mixing zones.[3] Design flows for aquatic life criteria include the 1Q10 and the 7Q10.[4] This section of the CTR also indicates that the design conditions should be established such that the appropriate criteria are not exceeded more than once in a 3-year period, on average.[5] The CTR requires that when mixing zones are allowed, the CTR criteria apply at the edge of the mixing zone, otherwise the criteria apply throughout the water body including at the point of discharge.[6] The CTR does not define the term "ambient," as applied in the regulations. Therefore, the Central Valley Water Board has considerable discretion to consider upstream and downstream ambient conditions when establishing the appropriate water quality criteria that fully comply with the CTR and SIP.

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[1] The SIP does not address how to determine the hardness for application to the equations for the protection of aquatic life when using hardness-dependent metals criteria. It simply states, in section 1.2, that the criteria shall be properly adjusted for hardness using the hardness of the receiving water.

[2] The CTR requires that, for waters with a hardness of 400 mg/L (as $CaCO_3$), or less, the actual ambient hardness of the surface water must be used (40 C.F.R. § 131.38(c)(4)).

[3] 40 C.F.R. §131.3(c)(4)(ii)

[4] 40 C.F.R. §131.38(c)(2)(iii) Table 4

[5] 40 C.F.R. §131.38(c)(2)(iii) Table 4, notes 1 and 2

[6] 40 C.F.R. §131.38(c)(2)(i)

i. **Summary Findings**

The ambient hardness within the Collierville Tunnel is represented by the data in Figure F-1, below, which shows ambient hardness ranging from 8.4 mg/L to 10 mg/L based on samples collected from April 2004 through 15 May 2005. The ambient hardness within the North Fork Stanislaus River, at the diversion point from McKays Point Reservoir to the Collierville Tunnel, is represented by the data in Figure F-2, below, which shows ambient hardness ranging from 8.2 mg/L to 9.0 mg/L based on samples collected from December 2017 through February 2018. Due to the limited availability of ambient hardness data, all samples collected within the Collierville Tunnel and the North Fork Stanislaus River were considered in the calculations of hardness-dependent CTR metals criteria. Given the high variability in ambient hardness values, there is no single hardness value that describes the ambient receiving water for all possible scenarios (e.g., minimum, maximum). Because of this variability, staff has determined that based on the ambient hardness concentrations measured in the receiving water, the Central Valley Water Board has discretion to select ambient hardness values within the range of 8.2 mg/L (minimum) up to 10 mg/L (maximum). Staff recommends that the Central Valley Water Board use the ambient hardness values shown in Table F-7 for the following reasons.

(a) Using the ambient receiving water hardness values shown in Table F-7 will result in criteria and effluent limitations that ensure protection of beneficial uses under all ambient receiving water conditions.

(b) The Water Code mandates that the Central Valley Water Board establish permit terms that will ensure the reasonable protection of beneficial uses. In this case, using the lowest measured ambient hardness to calculate effluent limitations is not required to protect beneficial uses. Calculating effluent limitations based on the lowest measured ambient hardness is not required by the CTR or SIP, and is not reasonable as it would result in overly conservative limits that will impart substantial costs to the Discharger and ratepayers without providing any additional protection of beneficial uses. In compliance with applicable state and federal regulatory requirements, after considering the entire range of ambient hardness values, Central Valley Water Board staff has used the ambient hardness values shown in Table F-7 to calculate the proposed effluent limitations for hardness-dependent metals. The proposed effluent limitations are protective of beneficial uses under all flow conditions.

(c) Using an ambient hardness that is higher than the minimum of 8.2 mg/L will result in limits that may allow increased metals to be discharged to the receiving water, but such discharge is allowed under the State Antidegradation Policy (State Water Board Resolution 68-16). The Central Valley Water Board finds that this degradation is consistent with the Antidegradation Policy (see antidegradation findings in section IV.D.4 of the Fact Sheet). The Antidegradation Policy requires the Discharger to meet WDR's that will result in the BPTC of the discharge necessary to assure that: a) a pollution or nuisance will not occur, and b) the highest water quality consistent with maximum benefit to the people of the state will be maintained.

(d) Using the ambient hardness values shown in Table F-7 is consistent with the CTR and SIP's requirements for developing metals criteria.

Table F-7. Summary of CTR Criteria for Hardness-dependent Metals

CTR Metals	Ambient Hardness (mg/L)[2]	CTR Criteria (µg/L, total recoverable)[1]	
		Acute	Chronic
Copper	10	1.6	1.3
Chromium III	10	260	31
Cadmium	10 (acute) 10 (chronic)	0.34	0.40
Lead	10	4.4	0.17
Nickel	10	67	7.4
Silver	10	0.077	--
Zinc	10	17	17

[1] Metal criteria rounded to two significant figures in accordance with the CTR (40 C.F.R. section 131.38(b)(2)).

[2] The ambient hardness values in this table represent actual observed receiving water hardness measurements from the data set shown in Figure F-1.

ii. **Background**

The State Water Board provided direction regarding the selection of hardness in two precedential water quality orders; WQO 2008-0008 for the City of Davis Wastewater Treatment Plant (Davis Order) and WQO 2004-0013 for the Yuba City Wastewater Treatment Plant (Yuba City Order). The State Water Board recognized that the SIP and the CTR do not discuss the manner in which hardness is to be ascertained, thus regional water boards have considerable discretion in determining ambient hardness so long as the selected value is protective of water quality criteria under the given flow conditions. (Davis Order, p.10). The State Water Board explained that it is necessary that, "*The [hardness] value selected should provide protection for all times of discharge under varying hardness conditions.*" (Yuba City Order, p. 8). The Davis Order also provides that, "*Regardless of the hardness used, the resulting limits must always be protective of water quality criteria under all flow conditions.*" (Davis Order, p. 11)

The equation describing the total recoverable regulatory criterion, as established in the CTR, is as follows:

CTR Criterion = WER x ($e^{m[\ln(H)]+b}$) (Equation 1)

Where:

H = ambient hardness (as $CaCO_3$) [1]

WER = water-effect ratio

m, b = metal- and criterion-specific constants

The direction in the CTR regarding hardness selection is that it must be based on ambient hardness and consistent with design discharge conditions for design flows and mixing zones. Consistent with design discharge conditions and design flows means that the selected "design" hardness must result in effluent limitations under design discharge conditions that do not result in more

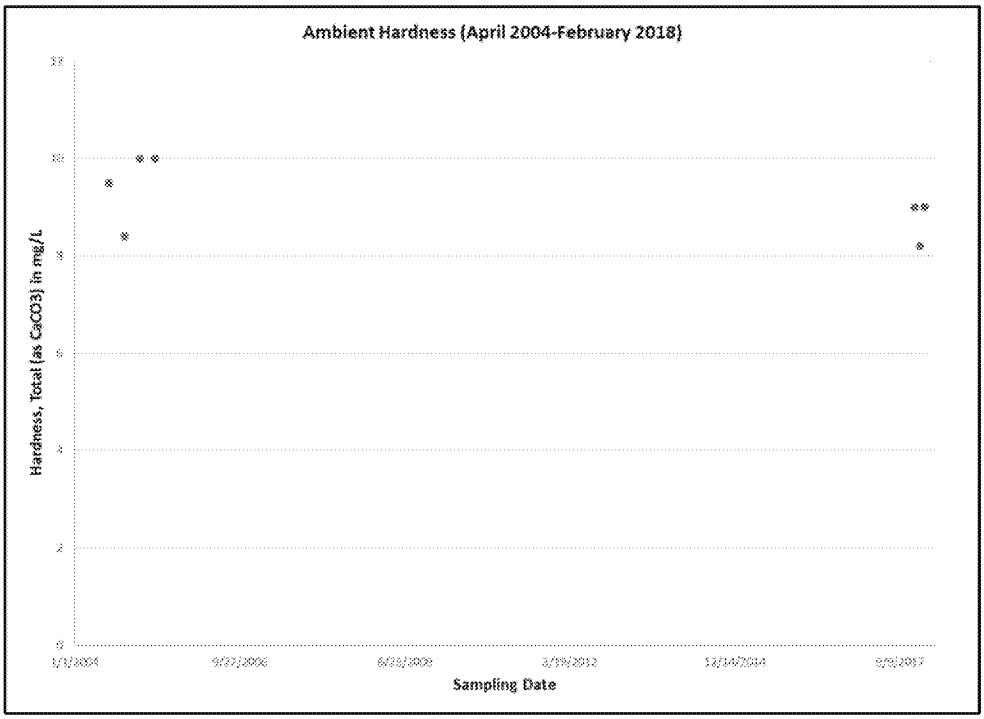
[1] For this discussion, all hardness values are expressed in mg/L as $CaCO_3$.

than one exceedance of the applicable criteria in a 3-year period.[1] Design flows for aquatic life criteria include the 1Q10 and the 7Q10. The 1Q10 and 7Q10 Collierville Tunnel flows are 15 cfs and 49.5 cfs, respectively.

iii. **Ambient Conditions**

The ambient receiving water hardness varied from 8.2 mg/L to 10 mg/L based on four samples collected within the Collierville Tunnel from April 2004 through 15 May 2005 and three samples collected within the North Fork Stanislaus River, at the diversion point from McKays Point Reservoir to the Collierville Tunnel, from December 2017 through February 2018 (see Figure F-1).

Figure F-1. Observed Ambient Hardness Concentrations 8.2 mg/L – 10 mg/L (April 2004 – February 2018)



In this analysis, the entire range of ambient hardness concentrations shown in Figure F-1 was considered to determine the appropriate ambient hardness to calculate the CTR criteria and effluent limitations that are protective under all discharge conditions.

iv. **Approach to Derivation of Criteria**

As shown above, ambient hardness is variable. Because of the variation, there is no single hardness value that describes the ambient receiving water for all possible scenarios (e.g., minimum, maximum, mid-point). While the hardness selected must be hardness of the ambient receiving water, selection of an ambient receiving water hardness that is too high would result in effluent limitations that do not protect beneficial uses. Also, the use of minimum ambient hardness would result in criteria that may not be representative considering the wide range of ambient conditions.

[1] 40 C.F.R. §131.38(c)(2)(iii) Table 4, notes 1 and 2

Reasonable worst-case ambient conditions. To determine whether a selected ambient hardness value results in effluent limitations that are fully protective while complying with federal regulations and state policy, staff have conducted an analysis considering varying ambient hardness and flow conditions. To do this, the Central Valley Water Board has ensured that the receiving water hardness and criteria selected for effluent limitations are protective under "reasonable-worst case ambient conditions." These conditions represent the receiving water conditions under which derived effluent limitations would ensure protection of beneficial uses under all ambient flow and hardness conditions.

Reasonable worst-case ambient conditions:

(a) "Low receiving water flow." CTR design discharge conditions (1Q10 and 7Q10) have been selected to represent reasonable worst-case receiving water flow conditions.

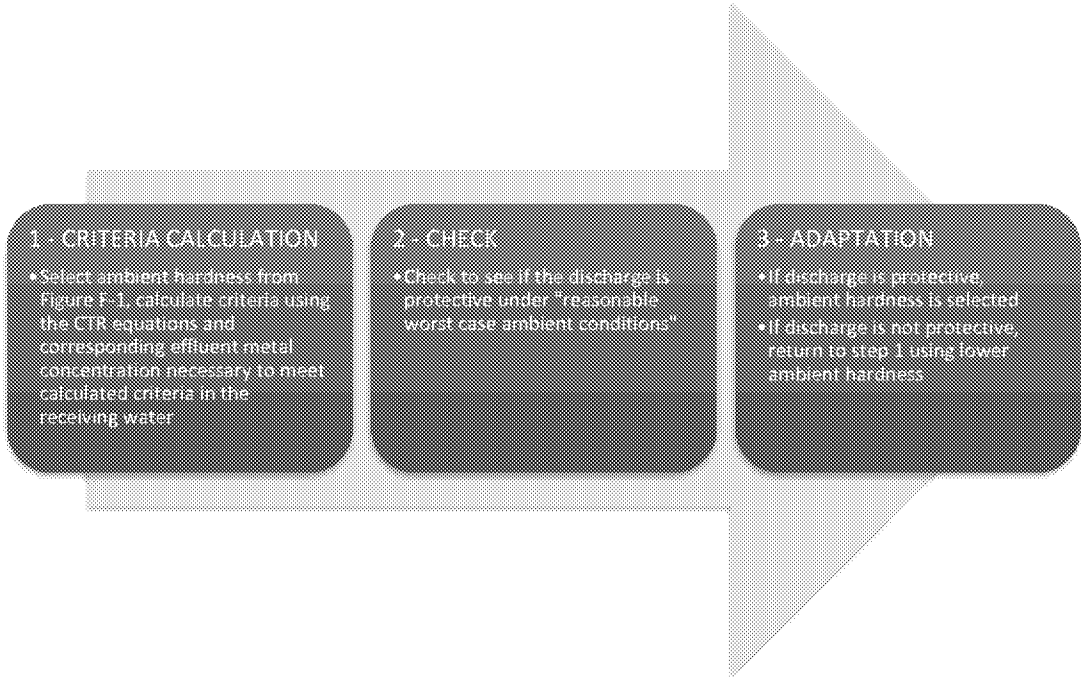
(b) "High receiving water flow (maximum receiving water flow)." This additional flow condition has been selected consistent with the Davis Order, which required that the hardness selected be protective of water quality criteria under all flow conditions.

(c) "Low receiving water hardness." The minimum receiving water hardness condition of 8.2 mg/L was selected to represent the reasonable worst-case receiving water hardness.

(d) "Background ambient metal concentration at criteria." This condition assumes that the metal concentration in the background receiving water is equal to CTR criteria (upstream of the Facility's discharge). Based on data in the record, this is a design condition that does not regularly occur in the receiving water and is used in this analysis to ensure that limits are protective of beneficial uses even in the situation where there is no assimilative capacity.

Iterative approach. An iterative analysis has been used to select the ambient hardness to calculate the criteria that will result in effluent limitations that protect beneficial uses under all flow conditions.

The iterative approach is summarized in the following algorithm and described below in more detail.



(a) CRITERIA CALCULATION. CTR criteria are calculated using the CTR equations based on actual measured ambient hardness sample results, starting with the maximum observed ambient hardness of 10 mg/L. Effluent metal concentrations necessary to meet the above calculated CTR criteria in the receiving water are calculated in accordance with the SIP.[1] This should not be confused with an effluent limit. Rather, it is the Effluent Concentration Allowance (ECA), which is synonymous with the WLA defined by U.S. EPA as "*a definition of effluent water quality that is necessary to meet the water quality standards in the receiving water.*"[2] If effluent limits are found to be needed, the limits are calculated to enforce the ECA considering effluent variability and the probability basis of the limit.

(b) CHECK. U.S. EPA's simple mass balance equation[3] is used to evaluate if discharge at the computed ECA is protective. Resultant downstream metal concentrations are compared with downstream calculated CTR criteria under reasonable worst-case ambient conditions.

(c) ADAPT. If step b results in:

(1) Receiving water metal concentration that complies with CTR criteria under reasonable worst-case ambient conditions, then the hardness value is selected.

(2) Receiving water metal concentration greater than CTR criteria, then return to step a, selecting a lower ambient hardness value.

[1] SIP section 1.4.B, Step 2, provides direction for calculating the Effluent Concentration Allowance.
[2] U.S. EPA Technical Support Document for Water Quality-based Toxics Control (TSD), pg. 96.
[3] U.S. EPA NPDES Permit Writers' Handbook (EPA 833-K-10-001 September 2010, pg. 6-24)

The CTR's hardness dependent metals criteria equations contain metal-specific constants, so the criteria vary depending on the metal. Therefore, steps a through c must be repeated separately for each metal until ambient hardness values are determined that will result in criteria and effluent limitations that comply with the CTR and protect beneficial uses for all metals.

v. **Results of Iterative Analysis**

The above iterative analysis for each CTR hardness-dependent metal results in the selected ambient hardness values shown in Table F-7, above. Using these hardness values to calculate criteria, which are actual sample results collected in the receiving water, will result in effluent limitations that are protective under all ambient flow conditions. Copper and silver are used as examples below to illustrate the results of the analysis. Tables F-8 and F-9 below summarize the numeric results of the three-step iterative approach for copper and silver. As shown in the example tables, an ambient hardness value of 10 mg/L is used in the CTR equations to derive criteria and effluent limitations for copper and silver. Then, under the "check" step, worst-case ambient receiving water conditions are used to test whether discharge results in compliance with CTR criteria and protection of beneficial uses.

The results of the above analysis, summarized in the tables below, show that the ambient hardness values selected using the three-step iterative process results in protective effluent limitations that achieve CTR criteria under all flow conditions. Tables F-8 and F-9 below, summarize the critical flow conditions. However, the analysis evaluated all flow conditions to ensure compliance with the CTR criteria at all times.

Table F-8. Verification of CTR Compliance for Copper

Receiving water hardness used to compute effluent limitations				**10 mg/L**
	Effluent Concentration Allowance (ECA) for Copper[1]			**1.3 µg/L**
	Downstream Ambient Concentrations Under Worst-Case Ambient Receiving Water Conditions			**Complies with CTR Criteria?**
	Hardness	**CTR Criteria (µg/L)**	**Ambient Copper Concentration[2] (µg/L)**	
1Q10	10	1.3	1.1	**Yes**
7Q10	8.9	1.2	1.1	**Yes**
Max receiving water flow	8.2	1.1	1.1	**Yes**

1 The ECA defines effluent quality necessary to meet the CTR criteria in the receiving water.

2 This concentration is derived using worst-case ambient conditions. These conservative assumptions will ensure that the receiving water always complies with CTR criteria.

Table F-9. Verification of CTR Compliance for Silver

Receiving water hardness used to compute effluent limitations				10 mg/L
Effluent Concentration Allowance (ECA) for Silver[1]				0.077 µg/L
	Downstream Ambient Concentrations Under Worst-Case Ambient Receiving Water Conditions			Complies with CTR Criteria?
	Hardness	CTR Criteria (µg/L)	Ambient Silver Concentration[2] (µg/L)	
1Q10	10	0.081	0.057	**Yes**
7Q10	8.9	0.063	0.056	**Yes**
Max receiving water flow	8.2	0.055	0.055	**Yes**

1 The ECA defines effluent quality necessary to meet the CTR criteria in the receiving water. There is no effluent limitation for silver as it demonstrates no reasonable potential.

2 This concentration is derived using worst-case ambient conditions. These conservative assumptions will ensure that the receiving water always complies with CTR criteria.

3. Determining the Need for WQBEL's

Clean Water Act section 301(b)(1)(C) requires effluent limitations necessary to meet water quality standards, and 40 C.F.R. section 122.44(d) requires NPDES permits to include conditions that are necessary to achieve water quality standards established under section 303 of the CWA, including state narrative criteria for water quality. Federal regulations at 40 C.F.R. section 122.44(d)(1)(i) state, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.*" Additionally, 40 C.F.R. section 122(d)(1)(vii) requires effluent limits to be developed consistent with any available WLA's developed and approved for the discharge. The process to determine whether a WQBEL is required as described in 40 C.F.R. section 122.44(d)(1)(i) is referred to as an RPA. Central Valley Water Board staff conducted RPA's for nearly 200 constituents, including the 126 U.S. EPA priority toxic pollutants. This section includes details of the RPA's for constituents of concern for the Facility. The entire RPA is included in the administrative record and a summary of the constituents of concern is provided in Attachment G. For priority pollutants, the SIP dictates the procedures for conducting the RPA. For non-priority pollutants the Central Valley Water Board is not restricted to one particular RPA method; therefore, the RPA's have been conducted based on U.S. EPA guidance considering multiple lines of evidence and the site-specific conditions of the discharge.

a. **Constituents with No Reasonable Potential.** WQBEL's are not included in this Order for constituents that do not demonstrate reasonable potential to cause or contribute to an in-stream excursion of an applicable water quality objective; however, monitoring for those pollutants is established in this Order as required by the SIP. If the results of effluent monitoring demonstrate reasonable potential, this Order may be reopened and modified by adding an appropriate effluent limitation.

   Most constituents with no reasonable potential are not discussed in this Order. This section only provides the rationale for the RPA's for the following constituents of concern that were found to have no reasonable potential after assessment of the data:

i. **Cyanide**

(a) **WQO.** The CTR includes a chronic criterion of 5.2 µg/L for cyanide for the protection of freshwater aquatic life. Order R5-2014-0011 included effluent limitations for cyanide based on the CTR chronic criterion for the protection of freshwater aquatic life.

(b) **RPA Results.** Cyanide was not detected in the effluent based on three samples collected between December 2017 and February 2018. Cyanide was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018. Therefore, cyanide in the discharge does not exhibit reasonable potential to cause or contribute to an in-stream excursion above the CTR criterion for the protection of aquatic life and effluent limitations for cyanide have not been retained in this Order. Removal of these effluent limitations is in accordance with federal anti-backsliding regulations (see section IV.D.3 of this Fact Sheet).

ii. **Lead**

(a) **WQO.** The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for lead. These criteria for lead are presented in dissolved concentrations, as 1-hour acute criteria and 4-day chronic criteria. U.S. EPA recommends conversion factors to translate dissolved concentrations to total concentrations. Default U.S. EPA translators were used for the effluent and receiving water. As described in section IV.C.2.e of this Fact Sheet, the applicable acute and chronic criteria for lead in the effluent are 4.4 µg/L and 0.17 µg/L, respectively, as total recoverable. Order R5-2014-0011 included effluent limitations for lead based on the CTR criteria.

(b) **RPA Results.** Lead was not detected in the effluent based on three samples collected between December 2017 and February 2018. Lead was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018. Therefore, lead in the discharge does not exhibit reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for the protection of freshwater aquatic life and the effluent limitations for lead have not been retained in this Order. Removal of these effluent limitations is in accordance with federal anti-backsliding regulations (see section IV.D.3 of the Fact Sheet).

iii. **Salinity**

(a) **WQO.** The Basin Plan contains a chemical constituent objective that incorporates state MCL's, contains a narrative objective, and contains numeric water quality objectives for certain specified water bodies for electrical conductivity, total dissolved solids, sulfate, and chloride. The U.S. EPA NAWQC for Chloride recommends acute and chronic criteria for the protection of aquatic life. There are no U.S. EPA water quality criteria for the protection of aquatic life for electrical conductivity, total dissolved solids, and sulfate. Additionally, there are no U.S. EPA numeric water quality criteria for the protection of agricultural, livestock, and industrial uses. Numeric values for the protection of these uses are typically based on site-specific conditions and evaluations to determine the appropriate

constituent threshold necessary to interpret the narrative chemical constituent Basin Plan objective. The Central Valley Water Board must determine the applicable numeric limit to implement the narrative objective for the protection of agricultural supply. The Central Valley Water Board is currently implementing the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative to develop a Basin Plan Amendment that will establish a salt and nitrate Management Plan for the Central Valley. Through this effort, the Basin Plan will be amended to define how the narrative water quality objective is to be interpreted for the protection of agricultural use. All studies conducted through this Order to establish an agricultural limit to implement the narrative objective will be reviewed by and consistent with the efforts currently underway by CV-SALTS.

Table F-10. Salinity Water Quality Criteria/Objectives

Parameter	Agricultural WQ Objective[1]	Secondary MCL[2]	U.S. EPA NAWQC	Effluent	
				Average[3]	Max
Chloride (mg/L)	Varies	250, 500, 600	860 1-hr 230 4-day	31	32
Electrical Conductivity (µmhos/cm) or Total Dissolved Solids (mg/L)	Varies	900, 1,600, 2,200 or 500, 1,000, 1,500	N/A	325 or 200	330 or 220
Sulfate (mg/L)	Varies	250, 500, 600	N/A	17	17

1 Narrative chemical constituent objective of the Basin Plan. Procedures for establishing the applicable numeric limitation to implement the narrative objective can be found in the Policy for Application of Water Quality, chapter IV, section 8 of the Basin Plan. However, the Basin Plan does not require improvement over naturally occurring background concentrations. In cases where the 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.

2 The Secondary MCL's are for protection of public welfare and are stated as a recommended level, upper level, and a short-term maximum level.

3 Maximum calendar annual average.

(1) **Chloride.** The Secondary MCL for chloride is 250 mg/L as a recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum. The NAWQC acute criterion for the protection of freshwater aquatic life for chloride is 860 mg/L and the chronic criterion is 230 mg/L.

(2) **Electrical Conductivity or Total Dissolved Solids.** The Secondary MCL for electrical conductivity is 900 µmhos/cm as a recommended level, 1,600 µmhos/cm as an upper level, and 2,200 µmhos/cm as a short-term maximum, or when expressed as total dissolved solids is 500 mg/L as a recommended level, 1,000 mg/L as an upper level, and 1,500 mg/L as a short-term maximum.

(3) **Sulfate.** The Secondary MCL for sulfate is 250 mg/L as a recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum.

(b) **RPA Results**

(1) **Chloride.** Chloride concentrations in the effluent ranged from 29 mg/L to 32 mg/L, with a maximum annual average of 31 mg/L, based on three samples collected between December 2017 and February 2018. The maximum annual average does not exceed the Secondary MCL recommended level and the maximum effluent chloride concentration of 32 mg/L does not exceed the NAWQC criteria for the protection of freshwater aquatic life. Chloride was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018.

(2) **Electrical Conductivity or Total Dissolved Solids.** A review of the Discharger's monitoring reports shows a maximum observed annual average electrical conductivity of 325 µmhos/cm, with a range from 310 µmhos/cm to 330 µmhos/cm. These levels do not exceed the Secondary MCL recommended level. The maximum observed receiving water electrical conductivity was 26 µmhos/cm based on three samples collected between December 2017 and February 2018.

Total dissolved solids concentrations in the effluent ranged from 180 mg/L to 220 mg/L, with a maximum annual average of 200 mg/L, based on three samples collected between December 2017 and February 2018. These levels do not exceed the Secondary MCL recommended level. The maximum observed receiving water total dissolved solids concentration was 32 mg/L based on three samples collected between December 2017 and February 2018.

(3) **Sulfate.** Sulfate concentrations in the effluent ranged from 14 mg/L to 17 mg/L, with a maximum annual average of 17 mg/L, based on three samples collected between December 2017 and February 2018. These levels do not exceed the Secondary MCL recommended level. Sulfate was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018.

Based on the relatively low levels of salinity, the discharge does not have reasonable potential to cause or contribute to an in-stream excursion above applicable water quality objectives. However, since the Discharger discharges to the Stanislaus River, a tributary of the Sacramento-San Joaquin Delta, of additional concern is the salt contribution to Delta waters. Allowing the Discharger to increase its current salt loading may be contrary to the Region-wide effort to address salinity in the Central Valley. Therefore, in order to ensure the Discharger will continue to control the discharge of salinity, this Order requires the Discharger to continue to implement a salinity evaluation and minimization plan.

b. **Constituents with No Data or Insufficient Data.** Reasonable potential cannot be determined for the following constituents because effluent data are limited or ambient background concentrations are not available. The Discharger is required to

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continue to monitor for these constituents in the effluent using analytical methods that provide the best feasible detection limits. When additional data become available, further analysis will be conducted to determine whether to add numeric effluent limitations or to continue monitoring.

i. **N-Nitrosodimethylamine**

(a) **WQO.** The CTR includes a criterion of 0.00069 µg/L for n-nitrosodimethylamine for the protection of human health for waters from which water and organisms are consumed.

(b) **RPA Results.** As shown in the table below, based on data collected between December 2017 and February 2018, the MEC for n-nitrosodimethylamine exceeds the applicable CTR criterion. n-nitrosodimethylamine was not detected in the upstream receiving water based on three samples collected from December 2017 through February 2018.

Table F-11. Data Summary for N-Nitrosodimethylamine

Effluent				Background (µg/L)	Lowest MDL (µg/L)	Lowest RL (µg/L)	SIP ML (µg/L)
MEC (µg/L)	No. of Samples	No. of ND	No. of DNQ				
0.012	3	0	0	<0.000962	0.000962	0.0020	5.0

Section 2.4.2 of the SIP states that the minimum level (ML) is the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interferences.

(1) Required ML's are listed in Appendix 4 of the SIP. Where more than one ML is listed in Appendix 4, the discharger may select any one of the cited analytical methods for compliance determination. The selected ML used for compliance determination is referred to as the Reporting Level (RL).

(2) An RL can be lower than the ML in Appendix 4 only when the Discharger agrees to use a RL that is lower than the ML listed in Appendix 4. The Central Valley Water Board and the Discharger have no agreement to use a RL lower than the listed ML.

(3) SIP section 1.2 requires that the Regional Board use all available, valid, relevant, representative data and information, as determined by the Regional Board, to implement the SIP. SIP section 1.2 further states that the Regional Board has the discretion to consider if any data are inappropriate or insufficient for use in implementing the SIP.

(4) In implementing its discretion, the Central Valley Water Board is not finding that reasonable potential does not exist; rather the Central Valley Water Board cannot make such a determination given the invalid data. Therefore, the Central Valley Water Board will require additional monitoring for such constituents until such time a determination can be made in accordance with the SIP policy.

The lowest applicable ML cited in SIP Appendix 4 for n-nitrosodimethylamine is 5 µg/L. In 2013, the Sacramento Regional County Sanitation District submitted a technical memorandum on analytical

methods for monitoring of wastewater effluent for n-nitrosodimethylamine, which concluded that results for n-nitrosodimethylamine cannot be validated with acceptable confidence when ultra-low RL's are used, and that results can be highly variable due to possible matrix interferences. Therefore, the Central Valley Water Board has determined that the effluent data for n-nitrosodimethylamine is inappropriate and insufficient to determine reasonable potential under the SIP.

Section 1.3, step 8 of the SIP allows the Central Valley Water Board to require additional monitoring for a pollutant in place of an effluent limitation if data are unavailable or insufficient. Instead of effluent limitations, monitoring for n-nitrosodimethylamine will be required in January, March, and May 2020 as part of the effluent and receiving water characterization. Should monitoring results indicate that the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality standard, this Order may be reopened and modified by adding an appropriate effluent limitation.

c. **Constituents with Reasonable Potential.** The Central Valley Water Board finds that the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for ammonia, BOD_5, copper, nitrate plus nitrite, pH, total coliform organisms, TSS, and zinc. WQBEL's for these constituents are included in this Order. A summary of the RPA is provided in Attachment G and a detailed discussion of the RPA for each constituent is provided below.

i. **Ammonia**

(a) **WQO.** The 1999 U.S. EPA NAWQC for the protection of freshwater aquatic life for total ammonia (the "1999 Criteria"), recommends acute (1-hour average; criteria maximum concentration or CMC) standards based on pH and chronic (30-day average; criteria continuous concentration or CCC) standards based on pH and temperature. U.S. EPA also recommends that no 4-day average concentration should exceed 2.5 times the 30-day CCC.

U.S. EPA recently published national recommended water quality criteria for the protection of aquatic life from the toxic effects of ammonia in freshwater (the "2013 Criteria").[1] The 2013 Criteria is an update to U.S. EPA's 1999 Criteria and varies based on pH and temperature. Although the 2013 Criteria reflects the latest scientific knowledge on the toxicity of ammonia to certain freshwater aquatic life, including new toxicity data on sensitive freshwater mussels in the Family Unionidae, the species tested for development of the 2013 Criteria may not be present in some Central Valley waterways. The 2013 Criteria document therefore states that, "*unionid mussel species are not prevalent in some waters, such as the arid west …*" and provides that, "*In the case of ammonia, where a state demonstrates that mussels are not present on a site-specific basis, the recalculation procedure may be used to remove the mussel species from the national criteria data set to better represent the species present at the site.*"

[1] Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater, published August 2013 [EPA 822-R-13-001]

The Central Valley Water Board issued a 3 April 2014 *California Water Code section 13267 Order for Information: 2013 Final Ammonia Criteria for Protection of Freshwater Aquatic Life* (13267 Order) requiring the Discharger to either participate in an individual or group study to determine the presence of mussels or submit a method of compliance for complying with effluent limitations calculated assuming mussels present using the 2013 Criteria. The Discharger submitted a letter to the Central Valley Water Board indicating their participation in the Central Valley Clean Water Association (CVCWA) Freshwater Collaborative Mussel Study. Studies are currently underway to determine how the latest scientific knowledge on the toxicity of ammonia reflected in the 2013 Criteria can be implemented in the Central Valley Region as part of a Basin Planning effort to adopt nutrient and ammonia objectives. Until the Basin Planning process is completed, the Central Valley Water Board will continue to implement the 1999 Criteria to interpret the Basin Plan's narrative toxicity objective. The 1999 Criteria recommends acute (1-hour average; criteria maximum concentration or CMC) standards based on pH and chronic (30-day average; criteria continuous concentration or CCC) standards based on pH and temperature. U.S. EPA also recommends that no 4-day average concentration should exceed 2.5 times the 30-day CCC. U.S. EPA found that as pH increased, both the acute and chronic toxicity of ammonia increased. Salmonids were more sensitive to acute toxicity effects than other species. However, while the acute toxicity of ammonia was not influenced by temperature, it was found that invertebrates and young fish experienced increasing chronic toxicity effects with increasing temperature. Because the Collierville Powerhouse Effluent Channel has a beneficial use of cold freshwater habitat and the presence of salmonids and early fish life stages is well-documented, the recommended criteria for waters where salmonids and early life stages are present were used.

The maximum permitted effluent pH is 8.5, as the Basin Plan objective for pH in the receiving stream is the range of 6.5 to 8.5. In order to protect against the worst-case short-term exposure of an organism, a pH value of 8.5 was used to derive the acute criterion. The resulting acute criterion is 2.14 mg/L.

A chronic criterion was calculated for each day when paired pH and temperature data were measured using downstream receiving water data for pH and temperature. Rolling 30-day average criteria were calculated from downstream receiving water data using the criteria calculated for each day and the minimum observed 30-day average criterion was established as the applicable 30-day average chronic criterion, or 30-day CCC. The most stringent 30-day CCC was 5.08 mg/L (as N) based on downstream receiving water pH and temperature data collected from April 2004 through 15 May 2005. The 4-day average concentration is derived in accordance with the U.S. EPA criterion as 2.5 times the 30-day CCC. Based on the 30-day CCC of 5.08 mg/L (as N), the 4-day average concentration that should not be exceeded is 12.7 mg/L (as N).

(b) **RPA Results.** The Facility is a POTW that treats domestic wastewater. Untreated domestic wastewater contains ammonia in concentrations that are harmful to aquatic life and exceed the Basin Plan narrative toxicity

objective. Federal regulations at 40 C.F.R. section 122.44(d)(1)(i) require that, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.*" For priority pollutants, the SIP dictates the procedures for conducting the RPA. Ammonia is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

U.S. EPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available…A permitting authority might also determine that WQBEL's are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBEL's for pathogens in all permits for POTW's discharging to contact recreational waters).*" U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001) (TSD) also recommends that factors other than effluent data should be considered in the RPA, "*When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors also should be considered with available effluent monitoring data.*" With regard to POTW's, U.S. EPA recommends that, "*POTW's should also be characterized for the possibility of chlorine and ammonia problems.*" (TSD, p. 50)

Nitrification is a biological process that converts ammonia to nitrite and nitrite to nitrate. Denitrification is a process that converts nitrate to nitrite or nitric oxide and then to nitrous oxide or nitrogen gas, which is then released to the atmosphere. Inadequate or incomplete nitrification may result in the discharge of ammonia to the receiving stream. Ammonia is known to cause toxicity to aquatic organisms in surface waters. Discharges of ammonia in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life would violate the Basin Plan's narrative toxicity objective. Inadequate or incomplete nitrification creates the potential for ammonia to be discharged and provides the basis for the discharge to have a reasonable potential to cause or contribute to an in-stream excursion above the NAWQC. Therefore, the Central Valley Water Board finds the discharge has reasonable potential for ammonia and WQBEL's are required.

(c) **WQBEL's.** The Central Valley Water Board calculates WQBEL's in accordance with SIP procedures for non-CTR constituents, and ammonia is a non-CTR constituent. The SIP procedure assumes a 4-day averaging

period for calculating the long-term average discharge condition (LTA). However, U.S. EPA recommends modifying the procedure for calculating permit limits for ammonia using a 30-day averaging period for the calculation of the LTA corresponding to the 30-day CCC and specifies that "*...the value of "n" (assumed monitoring frequency) used in the AML calculation should not be less than the averaging period upon which the criterion value is based*". [1] Therefore, while the LTA's corresponding to the acute and 4-day chronic criteria were calculated according to SIP procedures, the LTA and AMEL multiplier corresponding to the 30-day CCC was calculated assuming a 30-day averaging period and a monthly sampling frequency (n) of 30. The lowest LTA representing the acute, 4-day CCC, and 30-day CCC is then selected for deriving the average monthly effluent limitation (AMEL) and the average weekly effluent limitation (AWEL). The remainder of the WQBEL calculation for ammonia was performed according to the SIP procedures.

The receiving water contains assimilative capacity for ammonia; therefore, as discussed in section IV.C.2.c, an acute aquatic life dilution credit of 12:1 and a chronic aquatic life dilution credit of 38:1 were allowed in the development of WQBEL's for ammonia. Based on the allowable dilution credits, this Order contains an AMEL of 13 mg/L and an AWEL of 23 mg/L based on the NAWQC.

(d) **Plant Performance and Attainability.** Analysis of the effluent data shows that the MEC of 6.9 mg/L is less than the applicable WQBEL's. The Central Valley Water Board concludes, therefore, that immediate compliance with these effluent limitations is feasible.

ii. **Copper**

(a) **WQO.** The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for copper. These criteria for copper are presented in dissolved concentrations, as 1-hour acute criteria and 4-day chronic criteria. U.S. EPA recommends conversion factors to translate dissolved concentrations to total concentrations. Default U.S. EPA translators were used for the effluent and receiving water. As described in section IV.C.2.e of this Fact Sheet, the applicable acute and chronic criteria for copper in the effluent are 1.6 µg/L and 1.3 µg/L, respectively, as total recoverable. Order R5-2014-0011 included effluent limitations for copper based on the CTR criteria.

(b) **RPA Results.** The MEC for copper in the effluent was 4.3 µg/L based on three samples collected between December 2017 and February 2018. Copper was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018. Therefore, copper in the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for the protection of freshwater aquatic life.

(c) **WQBEL's.** The receiving water contains assimilative capacity for copper; therefore, as discussed in section IV.C.2.c, an acute aquatic life dilution credit of 12:1 and a chronic aquatic life dilution credit of 38:1 were allowed in the development of WQBEL's for copper. Based on the allowable

[1] 64 FR 71974

dilution credits, this Order contains an AMEL of 9.2 µg/L and an MDEL of 18 µg/L based on the CTR criteria for the protection of freshwater aquatic life.

(d) **Plant Performance and Attainability.** Analysis of the effluent data shows that the MEC of 4.3 µg/L is less than the applicable WQBEL's. The Central Valley Water Board concludes, therefore, that immediate compliance with these effluent limitations is feasible.

iii. **Nitrate and Nitrite**

(a) **WQO.** The State Water Board, Division of Drinking Water (DDW) has adopted Primary MCL's for the protection of human health for nitrite and nitrate that are equal to 1 mg/L and 10 mg/L (as N), respectively. DDW has also adopted a Primary MCL of 10 mg/L for the sum of nitrate and nitrite (as N).

U.S. EPA has developed a Primary MCL and an MCL goal of 1 mg/L for nitrite (as nitrogen). For nitrate, U.S. EPA has developed Drinking Water Standards (10 mg/L as a Primary MCL) and NAWQC for protection of human health (10 mg/L for non-cancer health effects).

(b) **RPA Results.** The Facility is a POTW that treats domestic wastewater. Untreated domestic wastewater contains ammonia in concentrations that are harmful to aquatic life and exceed the Basin Plan's narrative toxicity objective. This Order, therefore, requires removal of ammonia (i.e., nitrification). Nitrification is a biological process that converts ammonia to nitrate and nitrite, and will result in effluent nitrate concentrations above the Primary MCL for nitrate plus nitrite. Nitrate concentrations in a drinking water supply above the Primary MCL threaten the health of human fetuses and newborn babies by reducing the oxygen-carrying capacity of the blood (methemoglobinemia).

Federal regulations at 40 C.F.R. section 122.44(d)(1)(i) require that, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.*" For priority pollutants, the SIP dictates the procedures for conducting the RPA. Nitrate and nitrite are not priority pollutants. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

U.S. EPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available…A permitting authority might also determine that WQBEL's are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBEL's for pathogens in all permits for POTW's*

discharging to contact recreational waters)." U.S. EPA's TSD also recommends that factors other than effluent data should be considered in the RPA, "*When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors also should be considered with available effluent monitoring data.*" With regard to POTW'S, U.S. EPA recommends that, "*POTW's should also be characterized for the possibility of chlorine and ammonia problems.*" (TSD, p. 50)

The concentration of nitrogen in raw domestic wastewater is sufficiently high that the resultant treated wastewater has a reasonable potential to exceed or threaten to exceed the Primary MCL for nitrate plus nitrite unless the wastewater is treated for nitrogen removal, and therefore an effluent limit for nitrate plus nitrite is required. Denitrification is a process that converts nitrate to nitrite or nitric oxide and then to nitrous oxide or nitrogen gas, which is then released to the atmosphere. Inadequate or incomplete denitrification may result in the discharge of nitrate and/or nitrite to the receiving stream. Discharges of nitrate plus nitrite in concentrations that exceed the Primary MCL would violate the Basin Plan's narrative chemical constituents objective. Inadequate or incomplete denitrification creates the potential for nitrate and nitrite to be discharged and provides the basis for the discharge to have a reasonable potential to cause or contribute to an in-stream excursion above the Primary MCL. Therefore, the Central Valley Water Board finds the discharge has reasonable potential for nitrate plus nitrite and WQBEL's are required.

(c) **WQBEL's.** The receiving water contains assimilative capacity for nitrate plus nitrite, therefore, as discussed further in section IV.C.2.c of this Fact Sheet, a dilution credit of 3:1 was allowed in the development of the WQBEL's for nitrate plus nitrite. Based on the allowable dilution credit, this Order contains an AMEL and AWEL for nitrate plus nitrite of 40 mg/L and 69 mg/L, respectively, based on the Basin Plan's narrative chemical constituents objective for protection of the MUN beneficial use. These effluent limitations are included in this Order to assure the treatment process adequately protects the MUN beneficial use.

(d) **Plant Performance and Attainability.** Analysis of the effluent data shows that the maximum observed concentration for nitrate plus nitrite in the effluent of 18 mg/L is less than the applicable WQBEL's. The Central Valley Water Board concludes, therefore, that immediate compliance with these effluent limitations is feasible.

iv. **Pathogens**

(a) **WQO.** DDW has developed reclamation criteria, Title 22, for the reuse of wastewater. Title 22 requires that for spray irrigation of food crops, parks, playgrounds, schoolyards, and other areas of similar public access, wastewater be adequately disinfected, oxidized, coagulated, clarified, and filtered, and that the effluent total coliform levels not exceed

2.2 MPN/100 mL as a 7-day median; 23 MPN/100 mL, not to be exceeded more than once in a 30-day period; and 240 MPN/100 mL, at any time.

Title 22 also requires that recycled water used as a source of water supply for non-restricted recreational impoundments be disinfected tertiary recycled water that has been subjected to conventional treatment. A non-restricted recreational impoundment is defined as *"…an impoundment of recycled water, in which no limitations are imposed on body-contact water recreational activities."* Title 22 is not directly applicable to surface waters; however, the Central Valley Water Board finds that it is appropriate to apply an equivalent level of treatment to that required by DDW's reclamation criteria because the receiving water is used for irrigation of agricultural land and for contact recreation purposes. The stringent disinfection criteria of Title 22 are appropriate since the undiluted effluent may be used for the irrigation of food crops and/or for body-contact water recreation. Coliform organisms are intended as an indicator of the effectiveness of the entire treatment train and the effectiveness of removing other pathogens.

(b) **RPA Results.** Raw domestic wastewater inherently contains human pathogens that threaten human health and life and constitute a threatened pollution and nuisance under California Water Code section 13050 if discharged untreated to the receiving water. Reasonable potential for pathogens therefore exists and WQBEL's are required.

Federal regulations at 40 C.F.R. section 122.44(d)(1)(i) require that, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.*" For priority pollutants, the SIP dictates the procedures for conducting the RPA. Pathogens are not priority pollutants. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA for these non-priority pollutant constituents.

U.S. EPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available…A permitting authority might also determine that WQBEL's are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBEL's for pathogens in all permits for POTW's discharging to contact recreational waters).*" U.S. EPA's TSD also recommends that factors other than effluent data should be considered in the RPA, "*When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors*

also should be considered with available effluent monitoring data." (TSD, p. 50)

The beneficial uses of Collierville Powerhouse Effluent Channel include MUN, water contact recreation, and agricultural irrigation supply. To protect these beneficial uses, the Central Valley Water Board finds that the wastewater must be disinfected and adequately treated to prevent disease. Although the Discharger provides disinfection, inadequate or incomplete disinfection creates the potential for pathogens to be discharged and provides the basis for the discharge to have a reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective. Therefore, the Central Valley Water Board finds the discharge has reasonable potential for pathogens and WQBEL's are required.

(c) **WQBEL's.** In accordance with the requirements of Title 22, this Order includes effluent limitations for total coliform organisms of 2.2 MPN/100 mL as a 7-day median; 23 MPN/100 mL, not to be exceeded more than once in a 30-day period; and 240 MPN/100 mL as an instantaneous maximum.

The tertiary treatment process, or equivalent, is capable of reliably treating wastewater to a turbidity level of 2 nephelometric turbidity units (NTU) as a daily average. Failure of the filtration system such that virus removal is impaired would normally result in increased particles in the effluent, which result in higher effluent turbidity. Turbidity has a major advantage for monitoring filter performance. Coliform testing, by comparison, is not conducted continuously and requires several hours, to days, to identify high coliform concentrations. Therefore, to ensure compliance with the DDW recommended Title 22 disinfection criteria, weekly average specifications are impracticable for turbidity. This Order includes operational specifications for turbidity of 2 NTU as a daily average; 5 NTU, not to be exceeded more than 5 percent of the time within a 24-hour period; and 10 NTU as an instantaneous maximum.

This Order contains effluent limitations for BOD_5, total coliform organisms, and TSS and requires a tertiary level of treatment, or equivalent, necessary to protect the beneficial uses of the receiving water. The Central Valley Water Board has previously considered the factors in Water Code section 13241 in establishing these requirements.

Final WQBEL's for BOD_5 and TSS are based on the technical capability of the tertiary process, which is necessary to protect the beneficial uses of the receiving water. BOD_5 is a measure of the amount of oxygen used in the biochemical oxidation of organic matter. The tertiary treatment standards for BOD_5 and TSS are indicators of the effectiveness of the tertiary treatment process. The principal design parameter for wastewater treatment plants is the daily BOD_5 and TSS loading rates and the corresponding removal rate of the system. The application of tertiary treatment processes results in the ability to achieve lower levels for BOD_5 and TSS than the secondary standards currently prescribed. Therefore, this Order requires AMEL's and AWEL's for BOD_5 and TSS of 10 mg/L and 15 mg/L, respectively, which are technically based on the capability of a tertiary system.

(d) **Plant Performance and Attainability.** The Facility is designed to provide tertiary treatment, including UV disinfection. The Central Valley Water Board concludes, therefore, that immediate compliance with these effluent limitations is feasible.

v. **pH**

(a) **WQO.** The Basin Plan includes a water quality objective for surface waters (except for Goose Lake) that the *"...pH shall not be depressed below 6.5 nor raised above 8.5."*

(b) **RPA Results.** Raw domestic wastewater inherently has variable pH. Additionally, some wastewater treatment processes can increase or decrease wastewater pH, which if not properly controlled, would violate the Basin Plan's numeric objective for pH in the receiving water. Therefore, reasonable potential exists for pH and WQBEL's are required.

Federal regulations at 40 C.F.R. section 122.44(d)(1)(i) requires that, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.*" For priority pollutants, the SIP dictates the procedures for conducting the RPA. pH is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

U.S. EPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available...A permitting authority might also determine that WQBEL's are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBEL's for pathogens in all permits for POTW's discharging to contact recreational waters).*" U.S. EPA's TSD also recommends that factors other than effluent data should be considered in the RPA, "*When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors also should be considered with available effluent monitoring data.*" (TSD, p. 50)

The Facility is a POTW that treats domestic wastewater. Although the Discharger has proper pH controls in place, the pH for the Facility's influent varies due to the nature of municipal sewage, which provides the basis for the discharge to have a reasonable potential to cause or contribute to an in-stream excursion above the Basin Plan's numeric objective for pH in the receiving water. Therefore, WQBEL's for pH are required in this Order.

(c) **WQBEL's.** Effluent limitations for pH of 6.5 as an instantaneous minimum and 8.5 as an instantaneous maximum are included in this Order based on protection of the Basin Plan objectives for pH.

(d) **Plant Performance and Attainability.** Analysis of effluent pH data shows that immediate compliance with the WQBEL's is feasible.

vi. **Zinc**

(a) **WQO.** The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for zinc. These criteria for zinc are presented in dissolved concentrations, as 1-hour acute criteria and 4-day chronic criteria. U.S. EPA recommends conversion factors to translate dissolved concentrations to total concentrations. Default U.S. EPA translators were used for the effluent and receiving water. As described in section IV.C.2.e of this Fact Sheet, the applicable acute and chronic criteria for zinc in the effluent are 17 µg/L, as total recoverable. Order R5-2014-0011 included effluent limitations for zinc based on the CTR criteria.

(b) **RPA Results.** The MEC for zinc in the effluent was 43 µg/L based on three samples collected between December 2017 and February 2018. Zinc was not detected in the upstream receiving water based on three samples collected between December 2017 and February 2018. Therefore, zinc in the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for the protection of freshwater aquatic life.

(c) **WQBEL's.** The receiving water contains assimilative capacity for zinc; therefore, as discussed in section IV.C.2.c, an acute aquatic life dilution credit of 12:1 and a chronic aquatic life dilution credit of 38:1 were allowed in the development of WQBEL's for copper. Based on the allowable dilution credits, this Order contains an AMEL of 100 µg/L and an MDEL of 210 µg/L based on the CTR criteria for the protection of freshwater aquatic life.

(d) **Plant Performance and Attainability.** Based on the analysis of existing effluent data, the Central Valley Water Board concludes that immediate compliance with the effluent limitations for zinc is feasible.

4. WQBEL Calculations

a. This Order includes WQBEL's for ammonia, BOD_5, copper, nitrate plus nitrite, pH, total coliform organisms, TSS, and zinc. The general methodology for calculating WQBEL's based on the different criteria/objectives is described in subsections IV.C.4.b through e, below. See Attachment H for the WQBEL calculations.

b. **Effluent Concentration Allowance (ECA).** For each water quality criterion/objective, the ECA is calculated using the following steady-state mass balance equation from section 1.4 of the SIP:

$$ECA = C + D(C - B) \quad \text{where } C>B, \text{ and}$$
$$ECA = C \quad \text{where } C \leq B$$

where:

ECA = effluent concentration allowance
D = dilution credit
C = the priority pollutant criterion/objective
B = the ambient background concentration.

According to the SIP, the ambient background concentration (B) in the equation above shall be the observed maximum, with the exception that an ECA calculated from a priority pollutant criterion/objective that is intended to protect human health from carcinogenic effects shall use the arithmetic mean concentration of the ambient background samples.

c. **Primary and Secondary MCL's.** For non-priority pollutants with Primary MCL's to protect human health (e.g., nitrate plus nitrite), the AMEL is set equal to the Primary MCL and the AWEL is calculated using an AWEL/AMEL multiplier, where the AWEL multiplier is based on a 98th percentile occurrence probability and the AMEL multiplier is from Table 2 of the SIP.

For non-priority pollutants with Secondary MCL's that protect public welfare (e.g., taste, odor, and staining), WQBEL's were calculated by setting the LTA equal to the Secondary MCL and using the AMEL multiplier to set the AMEL. The AWEL was calculated using the MDEL multiplier from Table 2 of the SIP.

d. **Aquatic Toxicity Criteria.** For priority pollutants with acute and chronic aquatic toxicity criteria, the WQBEL's are calculated in accordance with section 1.4 of the SIP. The ECA's are converted to equivalent LTA's (i.e., LTA_{acute} and $LTA_{chronic}$) using statistical multipliers and the lowest LTA is used to calculate the AMEL and MDEL using additional statistical multipliers. For non-priority pollutants, WQBEL's are calculated using similar procedures, except that an AWEL is determined utilizing multipliers based on a 98th percentile occurrence probability.

e. **Human Health Criteria.** For priority pollutants with human health criteria, the WQBEL's are calculated in accordance with section 1.4 of the SIP. The AMEL is set equal to the ECA and the MDEL is calculated using the MDEL/AMEL multiplier from Table 2 of the SIP. For non-priority pollutants with human health criteria, WQBEL's are calculated using similar procedures, except that an AWEL is established using the MDEL/AMEL multiplier from Table 2 of the SIP.

$$AMEL = mult_{AMEL}\left[\min\left(\overbrace{M_A ECA_{acute}}^{LTA_{acute}}, M_C ECA_{chronic}\right)\right]$$

$$MDEL = mult_{MDEL}\left[\min\left(M_A ECA_{acute}, \underbrace{M_C ECA_{chronic}}_{LTA_{chronic}}\right)\right]$$

$$MDEL_{HH} = \left(\frac{mult_{MDEL}}{mult_{AMEL}}\right) AMEL_{HH}$$

where:
$mult_{AMEL}$ = statistical multiplier converting minimum LTA to AMEL
$mult_{MDEL}$ = statistical multiplier converting minimum LTA to MDEL
M_A = statistical multiplier converting acute ECA to LTA_{acute}
M_C = statistical multiplier converting chronic ECA to $LTA_{chronic}$

Summary of Water Quality-Based Effluent Limitations
Discharge Point 001

Table F-12. Summary of Water Quality-Based Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Conventional Pollutants						
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	15	--	--	--
pH	standard units	--	--	--	6.5	8.5
Total Suspended Solids	mg/L	10	15	--	--	--
Priority Pollutants						
Copper, Total Recoverable	µg/L	9.2	--	18	--	--
Zinc, Total Recoverable	µg/L	100	--	210	--	--
Non-Conventional Pollutants						
Ammonia Nitrogen, Total (as N)	mg/L	13	23	--	--	--
	lbs/day[1]	91	160	--	--	--
Nitrate Plus Nitrite	mg/L	40	69	--	--	--
Total Coliform Organisms	MPN/100 mL	--	2.2[2]	23[3]	--	500

1 Based on an average daily discharge flow of 0.84 MGD.
2 Applied as a 7-day median effluent limitation.
3 Not to be exceeded more than once in any 30-day period.

5. Whole Effluent Toxicity (WET)

For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Discharger to conduct WET testing for acute and chronic toxicity, as specified in the Monitoring and Reporting Program (MRP) (Attachment E, section V). This Order also contains effluent limitations for acute toxicity and requires the Discharger to implement best management practices to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity.

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a. **Acute Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.*" (Basin Plan at page III-8.00) The Basin Plan also states that, "*...effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate...*"

For priority pollutants, the SIP dictates the procedures for conducting the RPA. Acute WET is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA. U.S. EPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available...A permitting authority might also determine that WQBEL's are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBEL's for pathogens in all permits for POTW's discharging to contact recreational waters).*" Although the discharge has been consistently in compliance with the acute effluent limitations, the Facility is a POTW that treats domestic wastewater containing ammonia and other acutely toxic pollutants. Therefore, acute toxicity effluent limits are required to ensure compliance with the Basin Plan's narrative toxicity objective.

U.S. EPA Region 9 provided guidance for the development of acute toxicity effluent limitations in the absence of numeric water quality objectives for toxicity in its document titled "*Guidance for NPDES Permit Issuance,*" dated February 1994. In section B.2. "Toxicity Requirements" (pgs. 14-15) it states that, "*In the absence of specific numeric water quality objectives for acute and chronic toxicity, the narrative criterion 'no toxics in toxic amounts' applies. Achievement of the narrative criterion, as applied herein, means that ambient waters shall not demonstrate for acute toxicity: 1) less than 90% survival, 50% of the time, based on the monthly median, or 2) less than 70% survival, 10% of the time, based on any monthly median. For chronic toxicity, ambient waters shall not demonstrate a test result of greater than 1 TUc.*" Consistent with Order R5-2014-0011, effluent limitations for acute toxicity have been included in this Order as follows:

Acute Toxicity. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay ---------- 70%
Median for any three consecutive bioassays ---------- 90%

b. **Chronic Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.*" (Basin Plan at page III-8.00) Adequate chronic WET data is not available to determine if the discharge has reasonable potential to cause or contribute to an in-stream excursion above the Basin Plan's narrative toxicity objective.

A dilution ratio of 25:1 is retained from Order R5- 2014-0011 for chronic WET. Chronic toxicity testing results exceeding 25 chronic toxicity units (TUc) (as 100/NOEC) and a percent effect at 100 percent effluent exceeding 25 percent

demonstrates the discharge has a reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective.

D. Final Effluent Limitation Considerations

1. Mass-based Effluent Limitations

40 C.F.R section 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 C.F.R. section 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CF.R. section 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of concentration (e.g., CTR criteria and MCL's) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

Mass-based effluent limitations have been established in this Order for ammonia because it is an oxygen-demanding substance. Except for ammonia, mass-based effluent limitations are not included in this Order for pollutant parameters for which effluent limitations are based on water quality objectives and criteria that are concentration-based.

40 C.F.R. section 122.45(f)(1) requires that mass-based effluent limitations for POTW's be calculated based on the design flow. Although the Facility has a design average dry weather flow of 0.19 MGD, this Order includes an average daily discharge limit of 0.84 MGD based on the design capacity of the proposed outfall, as discharges will only occur as necessary to prevent uncontrolled discharges from the storage pond. Therefore, mass-based effluent limitations were calculated based on the permitted average daily discharge flow of 0.84 MGD in this Order.

2. Averaging Periods for Effluent Limitations

40 C.F.R. section 122.45 (d) requires AMEL's and AWEL's for POTW's unless impracticable. For copper and zinc, AWEL's have been replaced with MDEL's in accordance with section 1.4 of the SIP. Furthermore, for pH and total coliform organisms, AWEL's have been replaced or supplemented with effluent limitations utilizing shorter averaging periods. The rationale for using shorter averaging periods for these constituents is discussed in section IV.C.3 of this Fact Sheet.

3. Satisfaction of Anti-Backsliding Requirements

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less-stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA sections 402(o) or 303(d)(4), or, where applicable, 40 C.F.R. section 122.44(l).

The effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order, with the exception of effluent limitations for BOD_5, TSS, copper, cyanide, lead, and zinc. The effluent limitations for these pollutants are less stringent than those in Order R5-2014-0011. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

a. **CWA section 402(o)(1) and 303(d)(4).** CWA section 402(o)(1) prohibits the establishment of less stringent WQBEL's "*except in compliance with section 303(d)(4).*" CWA section 303(d)(4) has two parts: paragraph (A) which

applies to nonattainment waters and paragraph (B) which applies to attainment waters.

i. For waters where standards are not attained, CWA section 304(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDL's or WLA's will assure the attainment of such water quality standards.

ii. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy.

The Stanislaus River is considered an attainment water for BOD_5, TSS, copper, cyanide, lead, and zinc because the receiving water is not listed as impaired on the 303(d) list for these constituents.[1] As discussed in section IV.D.4, below, removal and relaxation of the effluent limits complies with federal and state antidegradation requirements. Thus, removal of the effluent limitations for cyanide and lead, removal of the maximum daily and mass-based effluent limitations for BOD_5 and TSS, and the relaxation of effluent limitations for copper and zinc from Order R5-2014-0011 meet the exception in CWA section 303(d)(4)(B).

b. **CWA section 402(o)(2).** CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA section 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less-stringent effluent limitation for a pollutant if information is available that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and that would have justified the application of a less-stringent effluent limitation at the time of permit issuance.

As described further in section IV.C.3.a of this Fact Sheet, updated information that was not available at the time Order R5-2014-0011 was issued indicates that cyanide and lead do not exhibit reasonable potential to cause or contribute to an exceedance of water quality objectives in the receiving water. Additionally, updated information that was not available at the time Order R5-2014-0011 was issued indicates that less-stringent effluent limitations for copper and zinc, based on Facility performance and available dilution credits, satisfies the requirements in CWA section 402(o)(2). The updated information that supports the relaxation of effluent limitations for these constituents includes the following:

i. **Copper.** Updated effluent data indicates that the Facility cannot consistently comply with the existing performance-based effluent limitations, and the Collierville Powerhouse Effluent Channel has sufficient dilution and assimilative capacity available for copper. Therefore, this Order includes less stringent effluent limitations for copper based on updated Facility performance and available dilution.

ii. **Cyanide.** Effluent and receiving water monitoring data collected between December 2017 and February 2018 indicates that cyanide in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the CTR criteria for the protection of aquatic life.

[1] "The exceptions in section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list." State Water Board Order WQ 2008-0006, Berry Petroleum Company, Poso Creek/McVan Facility.

iii. **Lead.** Effluent and receiving water monitoring data collected between December 2017 and February 2018 indicates that lead in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the CTR criteria for the protection of aquatic life.

iv. **Zinc.** Updated effluent data indicates that the Facility cannot consistently comply with the existing performance-based effluent limitations, and the Collierville Powerhouse Effluent Channel has sufficient dilution and assimilative capacity available for zinc. Therefore, this Order includes less stringent effluent limitations for zinc based on updated Facility performance and available dilution.

c. **Flow.** Order R5-2014-0011 included flow as an effluent limit based on the design capacity of the proposed outfall. In accordance with Order R5-2014-0011, compliance with the flow limit was calculated using the mean of all daily flow values obtained within a calendar day. Flow is not a pollutant and therefore has been changed from an effluent limit to a discharge prohibition in this Order, which is an equivalent level of regulation. This Order is not less stringent because compliance with flow as a discharge prohibition will be calculated the same way as the previous Order. Flow as a discharge prohibition adequately regulates the Facility, does not allow for an increase in the discharge of pollutants, and does not constitute backsliding.

4. Antidegradation Policies

The permitted surface water discharge is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and the State Antidegradation Policy. This Order provides for an increase in the volume and mass of pollutants discharged for copper and zinc. The increase will not have a significant impact on beneficial uses and will not cause a violation of water quality objectives. Compliance with these requirements will result in the use of BPTC of the discharge. The impact on existing water quality will be insignificant.

This Order relaxes the effluent limitations for copper and zinc based on the allowance of mixing zones in accordance with the Basin Plan, the SIP, U.S. EPA's *Water Quality Standards Handbook, 2nd Edition* (updated July 2007), and the TSD. As discussed in section IV.C.2.c of this Fact Sheet, the mixing zones comply with all applicable requirements and will not be adverse to the purpose of the state and federal antidegradation policies. Furthermore, the allowance of mixing zones for these pollutants will result in a minor increase in the discharge, resulting in less than 10 percent of the available assimilative capacity in the receiving water. According to U.S. EPA's memorandum on Tier 2 Antidegradation Reviews and Significance Thresholds, any individual decision to lower water quality for non-bioaccumulative chemicals that is limited to 10 percent of the available assimilative capacity represents minimal risk to the receiving water and is fully consistent with the objectives and goals of the Clean Water Act. The Central Valley Water Board finds that any lowering of water quality outside the mixing zone will be de minimus. Further, any change to water quality will not unreasonably affect present and anticipated beneficial uses and will not result in water quality less than prescribed in State Water Board policies or the Basin Plan. The measures implemented required by this Order result in the implementation of BPTC. Thus, the relaxation of the effluent limitations for copper and zinc is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and the State Antidegradation Policy.

This Order removes effluent limitations for cyanide and lead based on updated information, as described further in sections IV.C.3 and IV.D.3 of this Fact Sheet. The