



CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION

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March 16, 2026

Via Email Only

California Regional Water Quality Control Board
Central Valley Region
RB5S-NPDES-Comments@waterboards.ca.gov

Re: CVCWA Comment Letter – Tentative Waste Discharge Requirements
Order for City of Firebaugh, Firebaugh Wastewater Treatment Facility

To the Central Valley Regional Water Quality Control Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on Tentative Waste Discharge Requirements Order R5-2026-XXXX for City of Firebaugh (City), Firebaugh Wastewater Treatment Facility (“Tentative Order”). CVCWA is a nonprofit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters from the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we respectfully request revision of the Tentative Order.

A. Total Nitrogen Effluent Limitation

Paragraph 46 of the Tentative Order states that total nitrogen is expected to be reduced to less than 10 mg/L following proposed facility upgrades (Tentative Order, p. 12), and Table 18 sets an effluent limitation for Total Nitrogen following facility upgrades to 10 mg/L (*Id.* at p. 35). The applicable MCL is 10 mg/L for *nitrate* as nitrogen, and the proposed effluent limit in the Tentative Order should be revised throughout accordingly. Additionally, the Tentative Order should include a reopener provision or additional measure to enable a change in the nitrate as nitrogen limit effluent limit following facility upgrades to enable consideration of losses associated with root zone processes.

B. Hydraulic Conductivity

Paragraph 13 of the Tentative Order includes a requirement that all wastewater (except effluent sent to percolation ponds) and solids shall be contained in or stored on an engineered lined surface with a hydraulic conductivity standard of 1×10^{-6} cm/s. (Tentative Order, p. 38.) Consistent with its comments on prior permits, CVCWA remains concerned with the use of terminology regarding a hydraulic conductivity “standard” of 1×10^{-6} cm/s without additional justification that describes the source and basis of this value and provides an analysis of Water Code section 13241 factors. There is no information supporting the basis for the determination of appropriate hydraulic conductivity beneath each pond. Because the Tentative Order does not contain sufficient analysis and discussion justifying the calculation and determination of applicable hydraulic conductivity, CVCWA respectfully requests that the Board either remove the requirement of hydraulic conductivity as greater than 1×10^{-6} cm/s or provide justification consistent with Water Code section 13241 regarding why this standard is appropriate and should be included in the Tentative Order. At a minimum, the language describing estimated hydraulic conductivity should not be described as a “standard.”

C. Total Dissolved Solids and Electrical Conductivity

California Code of Regulations, title 22, section 64449 (Section 64449) contains the Maximum Contaminant Level (MCL) Ranges for Total Dissolved Solids (TDS) or Specific Conductance (*i.e.*, electrical conductivity (EC)). Table 16 of the Tentative Order does not mention the “upper” or “short term” ranges for TDS and EC. (Tentative Order, p. 26.) Nor does this table acknowledge that compliance with *either* the MCL for TDS or EC is sufficient. (*Ibid.*) The Tentative Order should be revised accordingly. Additionally, Table 16 and the notes following do not correctly address the applicable secondary MCL upper ranges of 1000 $\mu\text{mhos/cm}$ for TDS and 1600 $\mu\text{mhos/cm}$ for EC which apply when discharger, like the City, is a member in good standing of the Prioritization and Optimization (P&O) Study for the CV-SALTS Salt Control Program.

The Alternative Permitting Approach in the Salt Control Program requires the Discharger to continue implementing reasonable, feasible and practicable efforts to control salt; maintain current discharge concentrations for salt or mass loading levels; and meet performance-based limits or action levels deemed appropriate and necessary by the Central Valley Water Board. The Basin Plans indicate “Compliance with these requirements shall constitute compliance with the water quality control plan and shall be deemed adequately protective of beneficial uses and the water quality objectives reasonably required for that purpose consistent with this salt control program.”

For POTWs that are participating in the P&O Study, CVCWA requests that if Salinity Action Levels/Triggers are included, they be set at 120-125 percent of the maximum annual average salinity concentrations of EC, TDS, or fixed dissolved solids over the most recent three years to account for conservation and drought, salinity levels in the water supply source, and some appropriate increment of growth. Although Action Levels, Triggers, or Limits are not required, when used, they have tended to be included in permits as proposed. In the City's case, the most recent three years of EC data provided for 2023, 2024, and 2025 were 1,994, 1,744, and 1,853 $\mu\text{mhos/cm}$, respectively. (See Table 5 of the Tentative Order). The Tentative Order is, thus, overly restrictive as to the action level, which applied the *lowest* of the three years of data and is less than 15 percent above the *lowest* of the three years – all of which have been considered as normal or above normal levels. The applicable action level should be modified in the Tentative Order to be consistent in accordance with participation in the P&O Study and alternative permitting approach.

Moreover, the notes following Table 16 state that long-term effluent storage in a lined pond prior to reclamation "is expected to reduce the salt load relative to current conditions." This statement appears to be factually inaccurate and should either be removed or properly explained.

D. Dissolved Oxygen Monitoring

Discharge Specification G.5 requires compliance with dissolved oxygen (DO) content requirements and related DO monitoring. (Tentative Order, p. 37.) CVCWA is concerned with the increase in frequency immediately following a low DO level to daily monitoring as a blanket requirement, especially for small POTWs – as this becomes a personnel/resource issue. When the City's facility is upgraded, this may not be an issue for the City, however, CVCWA request flexibility for small POTWs such as the City, to respond at a different frequency (such as two additional days within the next 6 days following an exceedance. Additionally, the monitoring requirement should be revised to include additional language, as shown in bold, underlined text:

[I]f the DO concentrations in the ponds is below 1.0 mg/L for any single sampling event, the Discharger shall implement daily DO monitoring of that pond until the minimum DO concentration is achieved for at least three consecutive days. If the DO in any single pond is below 1.0 mg/L for three consecutive days, the Discharger shall report the findings to the Central Valley Water Board in accordance with Section B.1 of the SPRRs. The written notification shall include a specific plan **or the description of actions that have been taken** to resolve the low DO results within 30 days of the first date of violation.

E. CV-SALTS

Paragraph 99 of the Tentative Order should be consistent with the Salt and Nitrate Control Program Basin Plan Amendment and should be revised as follows:

During Phase 1 of the Salt Control Program, dischargers who receive a Notice to Comply are subject to stringent salinity limits (The Conservative Permitting Approach) unless they opt to participate in a basin-wide effort known as the Prioritization and Optimization Study (P&O Study) to develop a long-term salinity strategy for salt management in the Central Valley (The Alternative Permitting Approach). Besides participation in the P&O study, this approach requires the Discharger to continue implementing reasonable, feasible and practicable efforts to control salt; maintain current discharge concentrations for salt or mass loading levels; and meet performance-based limits or action levels deemed appropriate and necessary by the Central Valley Water Board.

The Discharger received a Notice to Comply and was issued an identification number for the Salt Control Program (CV-SALTS ID 2664). The Discharger has elected to comply under the Alternative Permitting Approach and participate in the P&O Study. The Discharger is currently in good standing with the program. To maintain existing salt discharges and minimize salinity impacts, this Order sets an annual average Salinity Action Level of ___ $\mu\text{mhos/cm}$ [see Section C of CVCWA's Comment Letter, *supra*] for EC on the discharge to the Use Areas. The limit is based on the maximum observed annual average effluent EC level of ___ $\mu\text{mhos/cm}$ [see Section C of CVCWA's Comment Letter, *supra*] and includes about a ___ percent [see Section C of CVCWA's Comment Letter, *supra*] contingency to account for drought conditions and water conservation efforts. If the discharge results in an exceedance of the Salinity Action Level, this Order includes Provision F.1 requires the Discharger to evaluate salinity sources and potential source control measures to decrease salinity in the discharge.

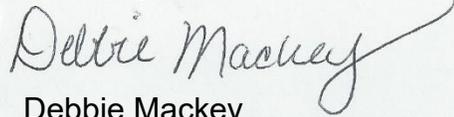
The Salinity Action Level Report requirement contained in the Tentative Order is overly burdensome, given the City's participation in the P&O Study. CVCWA respectfully requests that the Salinity Action Level Report requirement be removed, or at a minimum, that the information required be significantly reduced to avoid evaluation of significant resource expenditures to evaluate options for salinity reductions in the discharge.

F. Reporting Provisions

Section J of the Tentative Order requirements includes defined reporting deadlines within a short timeframe that are extremely burdensome, if not infeasible, for the City. The Tentative Order should include a reopener provision or be revised to ensure these reporting deadlines are feasible based on the date of adoption of the final order.

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

Sincerely,



Debbie Mackey
Executive Officer