

ITEM: 20

SUBJECT: City of Live Oak, Wastewater Treatment Plant, Sutter County

BOARD ACTION: Consideration of NPDES Permit Renewal and Order amending Cease and Desist Order (CDO) No. R5-2009-0012-01

BACKGROUND: The City of Live Oak (Discharger) is the owner and operator of the Wastewater Treatment Plant (Facility) that serves a population of approximately 8,000. The Facility has the capacity to discharge up to 1.4 million gallons per day of secondary-level treated effluent to Reclamation District 777 Lateral Drain No. 1, a tributary to Sutter Bypass via Wadsworth Canal. The Discharger has upgraded the facility to include tertiary filtration and activated sludge treatment systems, and an ultraviolet disinfection system. The 2011 monthly sewerage fee for a single family residence is currently \$59.65.

The tentative NPDES Permit and CDO were issued on 27 July 2010, and public comments were received from the Discharger, California Sportfishing Protection Alliance (CSPA), and Central Valley Clean Water Association (CVCWA). On 3 February 2011, the proposed NPDES Permit and amended CDO were presented to the Central Valley Water Board and oral testimonies from the Discharger, and CVCWA were provided to the Board. During the hearing, the Board discussed acceptance of the following late revisions and late-late revisions in the proposed Orders:

Late Revisions:

- Copper and cadmium effluent limitations in proposed permit modified based on use of different hardness value; as a result, the proposed amended CDO does not contain a time schedule for copper because the Discharger is able to comply with the final copper effluent limitations.
- Compliance schedules and interim effluent limitations for arsenic and total trihalomethanes (THMs) removed from the proposed CDO and placed in the proposed NPDES Permit. Other minor modifications were made to the proposed Orders for clarification.

Late-Late Revision.

- The maximum daily effluent limitation for total THMs in the NPDES Permit was removed. Other applicable components of the Permit were modified to reflect this change.

However, the Board tabled adoption of the proposed Orders and directed legal staff to explore all possibilities and alternatives to applying the municipal and domestic supply (MUN) beneficial use to the receiving waters, Reclamation District 777 Lateral Drain No. 1 or No. 2.

ISSUES: **MUN Issue.** Compliance with effluent limitations to protect the MUN beneficial use for a discharge into an agricultural ditch is very costly for small communities and may be over-protective for the actual use of constructed agricultural drains. However, the State Drinking Water Policy, Resolution 88-63, is incorporated into

our Basin Plan and applied as a blanket approach assigning the MUN as a designated use to all water bodies in the region unless the water body is specifically listed in the Basin Plan as *not* having the MUN use. The result is that small communities will be required to make very expensive upgrades to their wastewater treatment facilities that have been already recently upgraded in order to comply with effluent limitations required to meet the MUN beneficial use.

Several other small communities face the same economic burden as the City of Live Oak and share a common issue surrounding their treated discharge. These communities discharge into agricultural drains and ditches used and built for agriculture. These drains and ditches flow to the Colusa Basin Drain, the Sutter Bypass, or the Yolo Bypass which are specifically identified in our Basin Plan as not having the MUN use designation.

Resolution 88-63 does include exceptions and one exception is for waterways that have been constructed or modified for the primary purpose of conveying agricultural drainage water. However the exceptions are not implementable unless a BPA is performed. Central Valley Water Board staff will be providing further basin planning information and options related to this issue at the Board meeting for the Board to consider.

Mgmt. Review _____
Legal Review _____

9/10 June 2011
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