

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

BOARD ORDER R7-2013-0007

**WASTE DISCHARGE REQUIREMENTS
FOR
HEBER PUBLIC UTILITIES DISTRICT, OWNER/OPERATOR
WASTEWATER TREATMENT FACILITY EMERGENCY STANDBY BASIN
Heber – Imperial County**

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) finds that:

1. Heber Public Utilities District (hereafter referred to as Discharger) owns and operates a publicly owned wastewater treatment plant (POTW) that provides sewage services to approximately 4,300 residents and businesses in the unincorporated community of Heber, Imperial County.
2. The POTW consists of: a headworks with two in-channel comminutors and one ultrasonic flow meter; an influent pump station consisting of four non-clog centrifugal pumps; two oxidation ditches with a design capacity of 0.405 million gallons per day (mgd) each; flow splitter boxes after each oxidation ditch, which split flow between two sets of clarifiers; two pump stations, which direct sludge to the sludge drying beds; and a chlorine contact basin consisting of a chlorine disinfection system and de-chlorination system. The POTW also includes an unlined standby basin that is used to divert untreated and partially treated wastewater during emergencies and/or routine maintenance of the treatment units. Attachment A, incorporated herein and made part of this Order by reference, shows the location of the POTW.
3. The current total design capacity of the wastewater treatment plant is 0.810 mgd. The Discharger plans to expand the treatment facility design capacity within the next 5 years from 0.810 mgd to 1.2 mgd.
4. The Discharger discharges treated wastewater from its plant into the Central Drain 3-D, which is a tributary to the New River, pursuant to Regional Water Board Order R7-2011-0019 (National Pollutant Discharge Elimination System Permit CA0104370). The Central Drain 3-D and the New River are waters of the United States.

Wastewater Discharge Covered by this Order

5. The discharge to the standby basins is currently governed by Regional Water Board Order 95-057, which is not consistent with current state policies and regulations and does not reflect the actual emergency storage the Discharger has.
6. The Discharger reports that it may have to use the standby basin three (3) times per year to perform routine maintenance. When this occurs, maintenance work is accomplished within one or two days, and immediately then the wastewater in the standby basin is pumped back to the plant for proper treatment and disposal pursuant to Order R7-2011-

0019. However, during the last ten (10) years the Discharger has used the basin only on six (6) different occasions mainly due to pump failure.

7. Order 95-057 states that the Discharger can discharge a maximum of 400,000 gallons to the standby basin. Order 95-057 does not accurately reflect the current actual capacity of the standby basin. The actual capacity of the standby basin is approximately 535,000 gallons.
8. Based on Order 95-057 and prior to October 2011, the purported original capacity of the standby basin was 400,000 gallons. The Discharger submitted a letter, dated November 2, 2012, informing the Regional Water Board that due to POTW construction improvements, only one-third of the full original capacity of the standby basin was available for routine maintenance and/or emergencies. In early October 2012, the Discharger built a temporary additional emergency basin with a capacity of 40,000 gallons to make up for the capacity lost due to the construction improvements. The temporary emergency basin is adjacent to the POTW on property owned and controlled by the Discharger, but not covered by Order 95-057.
9. The maximum monthly average flow reported for the POTW during the last five years is 0.662 mgd. In the second week of November 2012, the Discharger completed construction work in the area of the standby basin. In its November 2, 2012 letter, the Discharger proposed to backfill the temporary emergency basin and reported that the storage capacity of its standby basin was now approximately 715,000 gallons. This storage capacity should provide for at least one day of emergency storage based on current average monthly flows.
10. As part of the part of the POTW improvements, soils beneath the standby basin were compacted to a relative density of 90% to minimize percolation of wastewater.

Hydrogeologic Conditions and Beneficial Uses to be Protected

11. The POTW is on a site that is relatively flat at an average elevation of 100 feet above sea level, and is not within a FEMA designated 100-year flood plain.
12. Annual precipitation averages approximately 2.5 inches.
13. The Regional Water Board adopted a Water Quality Control Plan for the Colorado River Basin (hereinafter Basin Plan) on November 17, 1993, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan (including amendments adopted by the Regional Water Board to date).
14. The discharge is within the Imperial Hydrologic Unit. The Basin Plan designates the following beneficial uses for groundwater in the Imperial Hydrologic Unit:
 - a. Municipal supply (MUN)
 - b. Industrial supply (IND)
15. Most of the first-encountered groundwater in the Imperial Hydrologic Unit is either irrigation water that passes the root zone of crops and flushes salts accumulated in the

soil profile. This groundwater is typically too saline (total dissolved solids > 5,000 mg/L) to serve for municipal purposes.

16. There are no supply groundwater wells within one mile of the WWTFs. The water supply for the community is water from the Colorado River delivered to Heber by the Imperial Irrigation District's canal system.

Other Regulatory Considerations

17. Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leachfields, are exempt from the solid waste management requirements of Title 27, CCRs, Section 2005 et seq. (hereinafter Title 27), pursuant to Section 20090(b) of Title 27, so long as the following conditions are met: (1) the discharge is regulated by Regional Water Board waste discharge requirements or a waiver; (2) the discharge is in compliance with the Basin Plan water quality standards; and (3) the wastewater does not need to be managed as a hazardous waste. Here, the discharge to the standby basin is temporary (two days maximum) and will be returned to the influent stream in compliance with Board Order R7-2011-0019 for proper treatment and disposal. The discharge is also in compliance with the Basin Plan's water quality standards since it satisfies the antidegradation provisions of State Water Resources Control Board (State Water Board) Resolution 68-16 ("Policy with Respect to Maintaining High Quality Waters of the State") (hereinafter Resolution 68-16), as further explained in the Finding below. Finally, the discharge is a domestic strength wastewater. As such, it does not need to be managed as a hazardous waste.
18. Resolution 68-16 requires a Regional Water Board in regulating the discharge of waste to maintain high quality waters of the state (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in applicable plans and policies (e.g., violation of any water quality objective).
19. Some degradation of groundwater from the discharge to standby storage basin is consistent with Resolution 68-16, provided that this degradation:
 - a. Is confined to a reasonable area and will provide social and economic benefit to the people of the State;
 - b. Is minimized by means of full implementation, regular maintenance, and optimal operation of BPTC measures;
 - c. Is limited to waste constituents typically encountered in domestic wastewater; and
 - d. Does not result in the loss of any beneficial use as prescribed in the applicable basin plan, or violation of any water quality objective.
20. The discharge permitted herein is intermittent and is to a standby basin whose soils have been compacted to minimize percolation of wastewater into the upper-most encountered groundwater. Wastewater from the basin is pumped back into the WWTF for treatment and disposal pursuant to NPDES Order R7-2011-0019. Therefore, the amount of wastewater that may percolate into the water table is insignificant. Notwithstanding this fact, to the extent that any wastewater from the basin percolates

during this time period, it does have a slight potential to degrade groundwater whose quality is already poor. However, compliance with the terms of this Order will keep degradation confined to the groundwater in the immediate area beneath and around the basin. The Discharger provides sewage services which are in themselves a benefit to the people of the State and also allow for economic prosperity of people in the area. Therefore, the permitted discharge is consistent with the anti-degradation provisions of Resolution 68-16.

21. Pursuant to California Water Code Section 13263(g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

CEQA and Public Participation

22. In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and the implementing CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the action to adopt revised waste discharge requirements for this existing facility is exempt from the provisions of CEQA, pursuant to CEQA Guidelines Section 15301.
23. The Board has notified the Discharger and all known interested agencies and persons of its intent to draft WDRs for this discharge, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
24. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Order 95-057 is rescinded and that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the Discharger shall comply with the following:

A. Discharge Prohibitions

1. Discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as 'hazardous,' as defined in Title 23, CCR, Section 2521(a), or 'designated,' as defined in California Water Code Section 13173, is prohibited.
3. Emergency and/or routine maintenance discharge of untreated or partially treated wastewater other than to the standby basin for temporary storage is prohibited.
4. The discharge of wastes from the POTW to surface waters is prohibited except as allowed by Order R7-2011-0019 (NPDES Permit CA0104370).
5. Surfacing or overflowing of wastewater from the standby basin is prohibited.
6. Discharge to the standby basin other than for POTW maintenance and during

emergencies is prohibited.

B. Discharge Specifications

1. The total volume of wastewater discharged to the standby basin during any two-day period shall not exceed 535,000 gallons.
2. Wastewater in the standby basin shall be pumped back into the POTW for proper treatment and disposal within three (3) days from the date the discharge to the standby basin took place.
3. The standby basin shall have a minimum of two (2) feet of freeboard at all times.
4. The discharge to the standby basin shall not cause pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code.
5. Public contact with wastewater shall be precluded or controlled through fences, signs, or other acceptable alternatives.
6. The discharge shall not cause degradation of any water supply.
7. The standby basin shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
8. Disposal of oil and grease, biosolids, screenings, and other solids from the standby basin shall be pursuant to Title 27, and the review and approval of the Regional Water Board Executive Officer.
9. Objectionable odors originating at this facility shall not be perceivable beyond the limits of POTW.
10. The standby basin shall be managed to ensure its structural integrity. In this regard an erosion control program shall be implemented to assure that small coves and irregularities are not created in the basin.
11. The standby basin shall have sufficient capacity to accommodate the allowable volume of wastewater that can be discharged during any two-day period and design seasonal precipitation based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.

C. Provisions

1. The Discharger shall comply with Monitoring and Reporting Program (MRP) R7-2013-0007, and future revisions thereto, as specified by the Regional Water Board Executive Officer.
2. Prior to implementing a modification that results in a material change in the quality or quantity of the discharge, or a material change in the location of discharge, the Discharger

shall report all pertinent information in writing to the Regional Water Board, and obtain revised requirements.

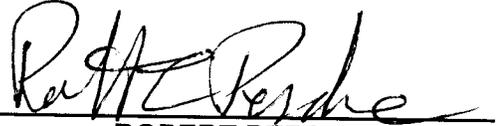
3. Prior to a change in ownership or management of POTW, the Discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Water Board.
4. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
5. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
6. The Discharger shall comply with all of the conditions of this Board Order. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (Cal. Water Code, § 13000 et seq.), and is grounds for enforcement action.
7. The Discharger shall report orally any noncompliance that may endanger human health or the environment. The noncompliance shall be reported immediately to the Regional Water Board Executive Officer and the Office of Emergency Services as soon as:
 - a. The Discharger has knowledge of the discharge,
 - b. Notification is possible, and
 - c. Notification will not substantially impede cleanup or other emergency measures.

During non-business hours, the Discharger shall leave a message on the Regional Water Board office voice recorder. A written report shall be provided within five (5) business days the Discharger is aware of the incident. The written report shall include a description of the noncompliance, the cause, period of noncompliance, anticipated time to achieve full compliance, and steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance. The Discharger shall report all intentional or unintentional spills occurring within the facility or collection system to the Regional Water Board office in accordance with the above time limits.

8. The Discharger shall allow the Regional Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter the premises regulated by this Board Order, or the place where records are kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, records kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with

- this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
9. The Discharger is the responsible party for the WDRs and the Monitoring and Reporting Program (MRP) for the facility. The Discharger shall comply with all conditions of these WDRs. Violations may result in enforcement action, including Regional Water Board orders or court orders that require corrective action or impose civil monetary liability, or modification or revocation of these WDRs by the Regional Water Board.
 10. The Discharger shall provide adequate notice to the Regional Water Board Executive Officer of the following:
 - a. The introduction of pollutants into any treatment facility described in the Findings of this Board Order from an indirect Discharger which would be subject to Section 301 or 306 of the Clean Water Act, if the pollutants were discharged directly.
 - b. Any substantial change in the volume or character of pollutants introduced into any treatment facility described in the Findings of this Board Order, by an existing or new source; and
 - c. Any planned physical alteration or addition to the facilities described in this Board Order, or change planned in the Discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.
 11. The Discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the Discharger's next scheduled self-monitoring report or earlier if requested by the Regional Water Board Executive Officer, or if required by an applicable standard for sludge use and disposal.
 12. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
 13. This Board Order does not convey property rights of any sort, or exclusive privileges, nor does it authorize injury to private property or invasion of personal rights, or infringement of federal, state, or local laws or regulations.
 14. This Board Order may be modified, rescinded, or reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission or reissuance, or notification of planned changes or anticipated noncompliance, does not stay any Board Order condition. Causes for modification include a change in land application plans, or sludge use or disposal practices, and adoption of new regulations by the State or Regional Water Board (including revisions to the Basin Plan), or federal government.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 17, 2013.

Ordered by: 
ROBERT PERDUE
Executive Officer