

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

TIME SCHEDULE ORDER NO. R4-2014-YYYY

**REQUIRING THE CITY OF THOUSAND OAKS
(HILL CANYON WWTP WASTEWATER TREATMENT PLANT)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2014-XXXX
(NPDES PERMIT NO. CA0056294)**

The California Regional Water Quality Control Board, Los Angeles Region (hereafter Regional Water Board), finds:

1. The City of Thousand Oaks (hereinafter referred interchangeably as The City, Permittee, or Discharger) owns and operates the Hill Canyon WWTP Wastewater Treatment Plant (hereafter Hill Canyon WWTP), a publicly owned treatment works (POTW) located at 9600 Santa Rosa Road, Camarillo, California, within the Calleguas Watershed.
2. The Hill Canyon WWTP discharges tertiary-treated wastewater under waste discharge requirements contained in Order No. R4-2003-0083, adopted by this Regional Water Board on June 5, 2003. Order No. R4-2003-0083 serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0056294) and regulates the discharge of treated wastewater to North Fork Arroyo Conejo, a water of the United States and the State of California, within the Calleguas Creek Watershed. Order No. R4-2003-0083 expired on June 5, 2008, but was administratively extended.
3. On May 8, 2014, the Regional Water Board adopted Order No. R4-2014-XXXX, which renewed the waste discharge requirements and NPDES permit for the Hill Canyon WWTP. Order No. R4-2014-XXXX becomes effective on July 1, 2014.
4. The treatment system at the Hill Canyon WWTP consists of primary sedimentation, activated sludge biological treatment with nitrification and denitrification, secondary sedimentation, dual media filtration, chlorination, and dechlorination. Primary sludge is anaerobically digested and waste activated sludge is thickened and aerobically digested. Sewage solids separated from the wastewater are dried using a belt press and transported off site to a landfill facility.
5. Several reaches of Calleguas Creek, including Reach 10 (which was referred to as North Fork Arroyo Conejo in the 1998 303(d) List) have been identified on the 2010 303(d) List as impaired for not meeting water quality standards. Calleguas Creek Reach 2 was on the 2010 303(d) List for dissolved copper.
6. On June 8, 2006, the Regional Water Board adopted Resolution No. R4-2006-012, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Calleguas Creek, its Tributaries, and Mugu Lagoon (Metals TMDL)*, which established final WLAs for copper, nickel, and mercury; provides an implementation schedule for up to ten years; and, sets interim limits for the

**T
E
N
T
A
T
I
V
E**

aforementioned constituents for the duration of the implementation schedule. The *Metals TMDL* became effective on March 26, 2007.

7. Order No. R4-2003-0079 prescribed the following final effluent limitations for copper:

| Parameter | Units | Effluent Limitations | |
|-----------|---------|----------------------|---------------|
| | | Average Monthly | Maximum Daily |
| Copper | µg/L | 17 | 52 |
| | lbs/day | 1.7 | 5.2 |

8. Order No. R4-2014-XXXX prescribes new and more stringent final effluent daily maximum limitations for copper, which are based upon the *Metals TMDL*. Order No. R4-2014-XXX requires the Permittee to comply with the following final water quality based effluent limitations for copper as of the effective date of the permit:

| Parameter | Units | Effluent Limitations | | |
|-----------|---------|----------------------|----------------|---------------|
| | | Average Monthly | Average Weekly | Maximum Daily |
| Copper | µg/L | 28 | -- | 42 |
| | lbs/day | -- | -- | 0.4 |

9. Although the Discharger is able to meet the concentration-based final effluent limitations for copper, it will not be able to consistently meet the mass-based copper final daily maximum effluent limitation.
10. On February 11, 2014, Larry Walker Associates (LWA) submitted an email, on behalf of the Discharger, requesting a compliance schedule for copper within the NPDES permit and included the following documentation:

- a. Since the TMDL development, LWA asserts that a number of changes have occurred in the watershed that may have modified the numeric values that were used to calculate the numbers shown in the allocation table. LWA states this is indicated by the fact that water quality monitoring at the Calleguas Creek Reach 2/3 boundary and in Mugu Lagoon is meeting the water quality objectives at the current discharge concentrations from the Hill Canyon WWTP. As a result, LWA asserts that the following equation and updated technical information should be the basis for calculating effluent limitations: $(CCC * Q * WER - BL) * \%Load\ source$,

Where CCC = chronic saltwater copper criterion,
 Q = the flow rate for the flow category,
 WER = equals the Water Effects Ratio
 BL = background load for each flow category; and,
 %Loadsource = is the percentage of the current load attributable to the source.

- b. Alternatively, LWA asserts that using the saltwater criteria as the effluent limitations is an alternative that would be consistent with one of the options discussed in the Metals TMDL Technical Report.

T
E
N
T
A
T
I
V
E

- c. The City of Thousand Oaks proposes to continue its source control efforts to identify potential sources of copper and regulate them under their pretreatment program, such as performing influent monitoring for copper to more accurately quantify the levels of copper entering their Hill Canyon WWTP; and, issuing industrial permits to its industrial users, such as metal finishers, who may introduce metals to the Hill Canyon WWTP influent stream.
- d. Under a water rights petition, *Decision No. 1638, for Water Rights Application 29408 and Wastewater Change Petition WW-6 of the City of Thousand Oaks (September 1997)*, Camrosa Water District has been diverting and reclaiming flow from the Arroyo Conejo, which is principally treated effluent from the Hill Canyon WWTP. This diversion prevents a portion of the copper load from reaching the Mugu Lagoon, the location at which the final WLA applies. An average of 12.74 cubic feet per second (cfs) of water was diverted between January 2013 and January 2014.
- e. Milestones and completion dates for studies, which will take longer than thirty days to complete and evaluate, have been provided by the City of Thousand Oaks. These studies and proposed actions will help the Hill Canyon WWTP achieve compliance with the mass-based final effluent limitations for copper by March 26, 2017.

11. California Water Code (CWC) section 13300 states:

"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

12. Based on effluent monitoring data, the Permittee is not able to consistently comply with the final mass-based effluent limitations for copper in Order No. R4-2014-XXXX. Accordingly, pursuant to CWC section 13300, a discharge of waste is taking place and/or threatens to take place that violates requirements prescribed by the Regional Water Board.

13. California Water Code section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, *if all of the [specified] requirements are met.*" (emphasis added).

14. The City has a strategy for complying with the copper limits. The City has also made efforts to upgrade its wastewater treatment plant and to participate with other stakeholders to develop a plan for addressing copper impairments in the watershed. The Regional Water Board issues this Time Schedule Order (TSO) in recognition that the City needs time to complete necessary studies, update the Metals TMDL model, work with the stakeholders, and take other actions. Through this TSO, the Discharger will be required to submit updates

T
E
N
T
A
T
I
V
E

associated with the existing work plan specifying the actions the City will take in order to prevent the violations of the applicable effluent limitations for copper. Upon submittal, the Regional Water Board will evaluate the updated information associated with the previously submitted work plan.

15. In accordance with California Water Code section 13385(j)(3), the Regional Water Board finds that: (a) the final mass-based daily maximum effluent limitations for copper are new limitations in Order No. R4-2014-XXX, (b) the City needs to implement new or modified control measures in order to comply with the copper mass-based effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
16. Since the time schedule for completion of the actions necessary to bring the waste discharge into compliance exceeds one year from the effective date of this TSO, this TSO includes interim requirements and the dates for their achievement. The interim requirements include both interim mass-based effluent limitations for copper and actions and milestones leading to compliance with the final mass-based effluent limitation for copper. This TSO does not exceed five years.
17. This TSO establishes interim mass-based effluent limitations for copper and requires the Permittee to undertake specific actions to put the Permittee on the path towards compliance with the final mass-based effluent limitation for copper in Order No. R4-2014-XXXX. The established time schedule is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the final mass-based effluent limitation for copper.
18. The interim mass-based daily maximum effluent limitation for copper is calculated using conversion factors and the concentration-based interim waste load allocation as set forth in the *Metals TMDL*, established by the Regional Water Board on June 8, 2006. The *Metals TMDL* interim WLA was derived using the 95th percentile of available discharge concentration data at the time of TMDL development.
19. CWC section 13385(j)(3)(D) requires the Permittee to prepare and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3. Therefore, a PPP will be necessary for copper.
20. A TSO is appropriate in these circumstances to allow time for the Permittee to complete necessary studies that will bring the Hill Canyon WWTP into compliance with the final mass-based effluent limitation for copper. These necessary studies cannot be completed within 30 calendar days. The temporary copper exceedances allowed by this TSO are in the public interest given the significant environmental benefits associated with promptly achieving compliance with the final mass-based effluent limitation for this pollutant.
21. Pursuant to CWC section 13385(j)(3), full compliance with the requirements of this TSO exempts the Permittee from mandatory minimum penalties only for violations of the mass-based final effluent limitations for copper in Order No. R4-2014-XXXX that occur after the effective date of this TSO.

T
E
N
T
A
T
I
V
E

22. This TSO concerns an existing facility and does not significantly alter the status with respect to the facility. This TSO is also being taken for the protection of the environment. Therefore, issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et.seq.) in accordance with sections 15301 and 15321(a)(2) of Title 14 of the California Code of Regulations (CCR).
23. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board, in a public hearing, heard and considered all testimony pertinent to this matter.
24. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and CCR, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300, the City of Thousand Oaks, as owner and operator of the Hill Canyon WWTP, shall comply with the requirements listed below to ensure its discharges comply with the final mass-based effluent limitations in Order No. R4-2014-XXXX:

1. From May 8, 2014 to March 26, 2017, the Permittee shall comply with the following interim mass-based effluent limitation for copper:

| Parameter | Units | Effluent Limitations | | |
|-----------|---------|----------------------|----------------|---------------|
| | | Average Monthly | Average Weekly | Maximum Daily |
| Copper | lbs/day | -- | -- | 2.3 |

2. The Permittee shall implement and complete the following studies, actions, and milestones according to the schedule proposed by the Discharger in its email dated February 11, 2014, as follows:

| Task No. | Description | Deadline |
|----------|---|--------------|
| 1 | Evaluate copper loadings to Reach 2 based on current conditions | January 2015 |
| 2 | Conduct Source evaluation study and identify feasible source control strategies | June 2015 |
| 3 | Implement identified feasible source control strategies | March 2016 |
| 4 | Reevaluate final WLAs based on evaluation of loadings | June 2015 |

T
E
N
T
A
T
I
V
E

| Task No. | Description | Deadline |
|----------|--|----------------|
| 5 | Modify WLAs in TMDL if necessary | March 2016 |
| 6 | Reduce loadings by 50% of the difference between 2007 load and WLA | March 26, 2015 |
| 7 | Achieve full compliance with final mass-based effluent limitation for copper in Order No. R4-2014-XXXX | March 26, 2017 |

3. The Permittee shall achieve full compliance with the final mass-based effluent limitation for copper as soon as possible, but no later than March 26, 2017.
4. The Permittee shall submit a Pollution Prevention Plan (PPP) work plan, with the time schedule for implementation, for approval of the Executive Officer no later than August 8, 2014, pursuant to CWC section 13263.3.
5. The Permittee shall submit quarterly progress reports of efforts taken by the Permittee towards achieving compliance with the final mass-based effluent limitation for copper. The reports shall summarize the progress to date, activities conducted during that quarter, and the activities planned for the upcoming quarters. The reports shall also state whether or not the Facility was in compliance with the interim mass-based effluent limitation for copper during the reporting period; report the daily maximum mass of copper discharged (expressed in lbs/day) for each month within the reporting quarter; and, show how each of the daily maximum mass of copper discharged was calculated, by specifying the copper concentration for the given month and flow used for the given date of sample collection. Each quarterly report shall be received by the Regional Water Board by the 15th day of the first month following the reporting period (January 15, April 15, July 15, and October 15). The first progress report shall be received by the Regional Water Board by October 15, 2014, and will cover the months of July 2014 through September 2014. The final report shall be received by the Regional Water Board by April 15, 2017.
6. All technical and monitoring reports required under this TSO are required pursuant to CWC sections 13267 and 13383. The Regional Water Board needs the required information in order to determine compliance with this TSO and Order No. R4-2014-XXXX. The Regional Water Board believes that the burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained from the reports.
7. Any person signing a document submitted under this TSO shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

T
E
N
T
A
T
I
V
E

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

8. If the Permittee fails to comply with any provision of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate enforcement action pursuant, but not limited to, CWC sections 13350 and 13385. The Regional Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
9. All other provisions of Order No. R4-2014-XXX not in conflict with this TSO are in full force and effect.
10. The Regional Water Board may reopen this TSO at its discretion or at the request of the Permittee, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
11. If the Discharger will not be able to complete the necessary tasks in accordance with the above schedule to bring the facility into compliance with the final mass-based effluent limitation for copper by the expiration date of this TSO, the Discharger may request additional time to complete the remaining tasks.
12. This TSO becomes effective immediately upon adoption by the Regional Water Board. This TSO expires on March 27, 2017.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 8, 2014.

Samuel Unger, P.E., Executive Officer

**T
E
N
T
A
T
I
V
E**