

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2012-0015
Modifying Order No. R1-2008-0109

Requiring the Graton Community Services District
Wastewater Treatment, Reclamation, and Disposal Facility
To Cease and Desist from Discharging or Threatening to Discharge Effluent in Violation
of Waste Discharge Requirements
Regional Water Board Order No's. R1-2004-0038 and R1-2012-0016
WDID No. 1B84060OSON

Sonoma County

The Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Graton Community Services District (hereinafter Discharger) owns and operates the Graton Wastewater Treatment, Reclamation, and Disposal Facility (Facility), a publicly owned treatment works (POTW) located in Graton, California adjacent to Atascadero Creek, a tributary of Green Valley Creek, which is a tributary to the Russian River. The POTW provides secondary wastewater treatment of municipal wastewater and consists of a collection system, headworks, two aerated ponds, a settling pond, a chlorine disinfection basin, and two effluent storage ponds. The current wastewater treatment facilities are designed for an average daily dry weather flow of 0.14 million gallons per day (mgd) and an average daily wet weather flow of 0.85 mgd.
2. The POTW has been regulated by Waste Discharge Requirements (WDRs), Regional Water Board Order No. R1-2004-0038, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023639, WDID No. 1B84060OSON, adopted by the Regional Water Board on October 6, 2004. Order No. R1-2004-0038 expired on October 6, 2009, and was administratively extended because the Discharger submitted a Report of Waste Discharge for renewal of its NPDES permit in a timely manner. Order No. R1-2004-0038 will remain effective until April 30, 2012, and includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions.
3. Regional Water Board Order No. R1-2012-0016, WDRs and NPDES Permit No. CA0023639, WDID No. 1B84060OSON is scheduled to be adopted by the Regional Water Board either concurrently with this modified Cease and Desist Order (CDO) or shortly thereafter. Upon adoption, Order No. R1-2012-0016 will supersede Order No. R1-2004-0038. Order No. R1-2012-0016 will become effective on May 1, 2012, and includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions.

4. During the term of this Order, the Discharger will be subject to the terms of two separate WDRs (Order No. R1-2004-0038 through April 30, 2012, and Order No. R1-2012-0016 beginning on May 1, 2012). This Order uses the term “the Permit” when referring to both WDR orders and the order number when referring specifically to a particular WDR order.
5. Section 13301 of the California Water Code (Water Code) states “When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action.”
6. The Permit, as identified in Findings 2 and 3 above, implements provisions of the *Water Quality Control Plan for the North Coast Region* (Basin Plan). The Basin Plan requires that discharges of municipal waste to the Russian River and its tributaries during the period of October 1 through May 14 receive disinfected advanced wastewater treatment (AWT). Pursuant to this Basin Plan requirement, Order No. R1-2004-0038 prohibits, after October 6, 2007, the discharge of effluent that has not been treated to the requirements of disinfected tertiary recycled water¹ and filtered wastewater specified in Title 22, § 60301.230 and 60301.320(b) as further defined in Finding 6 and Effluent Limitation B.2 and B.3 of Order No. R1-2004-0038. (See **DISCHARGE PROHIBITION** 10, at page 15 of Order No. R1-2004-0038.) Order No. R1-2012-0016 continues this prohibition by requiring compliance with Title 22 requirements for filtration and final effluent limitations for BOD₅ and TSS. (See **EFFLUENT LIMITATION** IV.A.1, at page 14 of Order No. R1-2012-0016).
7. The Discharger is violating or threatening to violate the following terms in the Order No. R1-2004-0038:

A. DISCHARGE PROHIBITIONS

10. After October 6, 2007, the discharge to surface waters of effluent that has not been treated to the requirements of disinfected tertiary recycled water and filtered wastewater specified in Title 22, § 60301.230 and 60301.320(b) respectively, is prohibited. AWT requirements for discharges to surface waters are defined in Finding 6 of this Order.

¹ The terms disinfected tertiary recycled water and advanced treated wastewater (AWT) are used interchangeably in Order No. R1-2004-0038, thus are used interchangeably in this Order. The term disinfected tertiary recycled water comes from Title 22, section 60301.230 and the term advanced treated wastewater comes from the Basin Plan, Chapter 4.

B. EFFLUENT LIMITATIONS FOR DISCHARGES TO ATASCADERO CREEK

2. On or after October 6, 2007, advanced treated wastewater discharged to Atascadero Creek shall be adequately oxidized, filtered, and disinfected and shall not contain constituents in excess of the following limitations, as measured at Discharge Serial No. 001:

Constituent	Units	Monthly Average ₂	Weekly Average ₃
BOD ₅ (20°, 5-day)	mg/l	10	15
	lb/day (dry-weather) ^{4, 5}	12	18
	lb/day (maximum wet-weather)	71	106
Suspended Solids	mg/l	10	15
	lb/day (dry-weather) ^{4, 5}	12	18
	lb/day (maximum wet-weather)	71	106

² The arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

³ The arithmetic mean of all daily determinations made during a calendar week, Sunday to Saturday. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

⁴ The mass discharge (lbs/day) is obtained from the following calculation of any calendar week or month:

$$\frac{8.34}{N} \sum_i^N Q_i C_i$$

in which N is the number of samples analyzed in any calendar week or month. Q_i and C_i are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples which may be taken in any calendar day, week or month. If a composite sample is taken, C_i is the concentration measured in the composite sample; and Q_i is the average flow rate occurring during the period over which samples are composited.

⁵ Mass based effluent limitations are based on the Facility average dry-weather design flow of 0.14 mgd. During wet-weather periods when the flow rate into the WWTF exceeds the dry weather design flow, the mass emission limitations shall be calculated using the concentration-based effluent limitations and the actual daily average flow rates (not to exceed the average daily wet-weather design flow of 0.85 mgd.)

J. GENERAL PROVISIONS

31. Schedule for Compliance with Basin Plan Advanced Treatment Requirements (*Note: Discharger is in violation of the last two tasks in the compliance schedule – in bold type below*)

The Discharger shall comply with the following time schedule to ensure compliance with the Basin Plan advanced treatment requirement and Effluent Limitation B.2 of this Order by October 6, 2007.

Task	Date	Compliance?
Submit a written capital improvement plan describing specific tasks and a time schedule to achieve compliance with all Basin Plan AWT standards	March 15, 2005	Y
Submit written semi-annual progress report detailing the status of the capital improvement project and compliance with Basin Plan AWT standards	April 1 and October 1 of each year through October 2007	Y
Complete studies and environmental review for compliance with Basin Plan AWT standards	April 1, 2006	Y
Submit capital improvement project plans and specifications	October 1, 2006	Y
Complete construction of capital improvement project	August 1, 2007	N
Demonstrate compliance with Basin Plan AWT standards	October 6, 2007	N

8. Since October 6, 2007, wastewater discharged from the Discharger’s POTW to Atascadero Creek during the discharge season has been disinfected secondary treated wastewater. Due to the absence of filtration, the Discharger’s effluent does not meet the requirements for disinfected tertiary wastewater, and thus is in violation of Order No. R1-2004-0038 and will continue to be in violation of its Permit until the Discharger’s capital improvement project is completed.
9. The Discharger’s capital improvement project includes improvements to the existing headworks and secondary treatment plant (e.g., sludge removal from treatment ponds), an upgrade of the POTW from secondary to tertiary through the addition of suspended air flotation and a media filter (fuzzy filter), replacement of transfer pumps, construction of a pasteurization disinfection process and new composting facilities for treatment of biosolids.

The Discharger did not complete construction of its capital improvement project in accordance with the compliance schedule identified in the Provision J.31 compliance schedule identified in Finding 7, above.

The Discharger has completed the first four tasks identified in the General Provision J.31 compliance schedule table in Finding 7, above, including development of 100 percent design and specifications for the capital improvement project. In addition, the Discharger has completed several other projects to improve the performance of its existing Facility, including removal of solids from its treatment ponds, chlorine contact chamber improvements, implementation of algae control projects, nutrient testing, and replacement of transfer pumps. The Discharger completed the sludge removal project in November 2007. This project re-established treatment capacity in the treatment ponds through the removal of sediment that entered the ponds during a flood event in January 2006 and biosolids that had accumulated over many years of operation. In addition, between 2010 and 2011 the Discharger completed construction of a flood wall to protect the POTW from winter flood events.

10. On December 11, 2008, the Regional Water Board adopted CDO No. R1-2008-0109 in response to the Discharger's June 13, 2008, and August 26, 2008, written requests for additional time to complete compliance schedule tasks and achieve compliance with AWT requirements in Order No. R1-2004-0038. Order No. R1-2008-0109 established dual compliance schedules for the Discharger to complete its capital improvement project and comply with AWT effluent limitations contained in Order No. R1-2004-0038 by October 6, 2010, with provision to provide two additional years if financing could not be obtained in time to meet the earlier time schedule.
11. The Discharger has completed several tasks pursuant to the compliance schedules in CDO No. R1-2008-0109, including submittal of semi-annual progress reports and a pollution prevention plan and completion of an interim compliance project. The interim compliance project involved completion of repairs to the control structure in the primary treatment pond, the addition of biological enhancement through the addition of beneficial bacteria, and recirculation of effluent from the settling pond to the primary treatment pond as a means to reduce BOD₅ and enhance aerobic and anaerobic denitrification in the treatment process. Effluent monitoring demonstrates that the Discharger has improved effluent quality through this interim compliance project. The Discharger is able to achieve AWT effluent limitations for BOD₅ and TSS approximately 50 percent of the time but cannot meet the AWT effluent limitations consistently and reliably without completing its capital improvement project.

12. The schedule originally proposed by the Discharger, and included in Order Nos. R1-2004-0038 and R1-2008-0109, including the timing for acquisition of financing, proved to be too ambitious for the Discharger to accomplish. The flood wall project needed to be completed prior to starting the capital improvement project in order to provide flood protection prior to initiating construction of the capital improvement project. The flood wall project took more time to complete than originally planned due to the need to coordinate financing and administrative tasks through the Federal Emergency Management Agency (FEMA) that provided funding for the flood wall project. As the flood wall project neared completion, the Discharger sought to acquire State grant and loan funds through the State Revolving Fund (SRF) and the Proposition 50 Integrated Regional Water Management Program (IRWMP).

According to staff at the State Water Board Division of Financial Assistance, funding is expected to be released to the Discharger sometime by spring 2012. Although the Discharger will be able to begin construction of its capital improvement project by spring 2012, it will not be able to complete the project prior to October 6, 2012, as required by CDO No. R1-2008-0109.

13. On November 17, 2011, the Discharger submitted an Infeasibility Report that includes a request for interim effluent limitations and compliance schedules for completing its capital improvement project, and for complying with final effluent limitations for BOD₅, TSS, chlorine residual, and ammonia. The Discharger has requested an additional 20 months to complete its capital improvement project.

The compliance schedules for compliance with final effluent limitations for BOD₅, TSS, and chlorine residual are included in this CDO because they are directly related to completion of the Discharger's capital improvement project. The compliance schedule for ammonia is included in Order No. R1-2012-0016.

14. Regional Water Board staff reviewed the Infeasibility Report and found that the Discharger's proposed time schedules are designed to bring the waste discharge into compliance with the effluent limitations in the shortest time frame possible.

The Infeasibility Report states that additional time is needed to complete the capital improvement project because the State Revolving Fund award was not received in time to begin construction in 2011. Funding is anticipated to be awarded in time to begin construction in spring 2012. The Discharger states that 250 dry-weather work days are needed for completion of the upgrades to the Facility. Assuming 20 dry work days per month and six dry months per year, a minimum of 2 years would be needed to complete the construction project. The Discharger requested an additional two months following construction for testing of the new treatment system and an additional period of time (approximately 162 days) to displace secondary effluent from the storage ponds.

15. Since the Discharger's capital improvement project includes a new pasteurization/ disinfection system to replace the existing chlorination disinfection system, the Discharger needs the same period of time to achieve compliance with the new, more stringent chlorine residual effluent limitations. The Discharger states that as a small, low income district that it cannot afford nor justify the expense of purchasing high-precision chlorine monitoring equipment that would only be needed during the short period of time until completion of the capital improvement project. In addition, the Discharger states that it currently implements measures that may already reduce chlorine residual below the new chlorine residual effluent limitation of 0.01 mg/L. The Infeasibility Report states, "The treatment train provides physical and chemical processes facilitating complete chlorine destruction and removal, including: detention, traversing anaerobic and aerobic environments, evaporation, and aerosol diffusion."

The Discharger further stated that it will continue to operate the existing secondary wastewater treatment system and chlorination system in a manner that achieves the highest level of treatment feasible.

16. Beginning May 1, 2012, the Discharger will be violating or threatening to violate the following terms in Order No. R1-2012-0016:

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Final Effluent Limitations – Discharge Point 001 (Discharge to Storage Pond)

- a. The discharge of advanced treated wastewater, as defined by the Facility's treatment design and the numerical limitations below, shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP (Attachment E). The advanced treated wastewater shall be adequately oxidized, filtered and disinfected as defined in Title 22, Division 4, Chapter 3, California Code of Regulations (CCR).

Table 6. Final Effluent Limitations – Discharge Point 001 (Discharge to Storage Ponds)

Constituent	Units	Monthly Average	Weekly Average
Biochemical Oxygen Demand 5-day @ 20°C (BOD ₅)	mg/l	10	15
	lb/day (dry-weather) ^{6, 7}	33	50
Total Suspended Solids (TSS)	mg/l	10	15
	lb/day (dry-weather) ^{6, 7}	33	50

2. Final Effluent Limitations – Discharge Point 002 (Discharge to Atascadero Creek)

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 002, with compliance measured at Monitoring Location EFF-002 as described in the attached MRP:

Table 7. Final Effluent Limitations – Discharge Point 002 (Discharge to Atascadero Creek)

Parameter	Units	Effluent Limitations			
		Average Monthly ²	Maximum Daily ²	Instantaneous Minimum ²	Instantaneous Maximum ²
Total Residual Chlorine	mg/L	0.01	0.02	---	---

17. Under Water Code § 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the AWT effluent limitations for BOD₅ and TSS, and the new chlorine residual effluent limitation if:
- A CDO is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations;
 - The regional board finds that the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or

⁶ Mass-based effluent limitations for the tertiary treatment plant have been established based on the average daily design flow of the tertiary filters of 0.397 mgd.

⁷ See section VII.H of this Order [Order No. R1-2012-0016] regarding compliance with mass-based effluent limitations.

- modified control measures cannot be designed, installed, and put into operation within 30 calendar days;
- c. The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations, and where the time schedule exceeds one year, the time schedule includes interim requirements and actions and milestones leading to compliance, and
 - d. The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code § 13263.3.
18. The Discharger meets the requirements of Water Code § 13385(j)(3), and therefore, during the term of this CDO, no MMPs will be assessed for future violations of the AWT effluent limitations for BOD₅ and TSS or for violations of the new chlorine residual effluent limitation because:
- a. The CDO is being issued after July 1, 2000, and specifies the actions the Discharger is required to take to correct the violations of the compliance schedule in General Provision J.31 of Order No. R1-2004-0038, and to comply with the new chlorine residual effluent limitation.
 - b. The final effluent limitations for BOD₅ and TSS established in Order No. R1-2012-0016 are more stringent than those required pursuant to Order Nos. R1-2004-0038 and R1-2008-0109. The new, final chlorine residual effluent limitation established in Order No. R1-2012-0016 is more stringent than that required by Order No. R1-2004-0038. The Discharger is not able to consistently comply with AWT effluent limitations for BOD₅ and TSS as required by the Permit and does not currently have the capability to monitor chlorine residual to the levels established by the new chlorine residual effluent limitation in Order No. R1-2012-0016. To ensure consistent compliance, the Discharger will need to implement control measures (e.g., tertiary treatment plant upgrade, construction of pasteurization disinfection process, and appropriate interim measures) that will take more than 30 calendar days to finance and construct.
 - c. Requirement 1 of this CDO establishes interim effluent limitations for BOD₅, TSS, and chlorine residual, and Requirement 2 of this CDO establishes compliance schedules for bringing the Facility into compliance with final effluent limitations for BOD₅, TSS, and chlorine residual established in the

Permit that are as short as possible. The basis for interim effluent limitations established in this CDO is explained as follows:

- (1) **BOD₅ and TSS.** Concentration-based and dry-weather mass-based interim effluent limitations for BOD₅ and TSS are based on Effluent Limitation C.1 of Order No. R1-2004-0038. The concentration-based effluent limitations are technology-based effluent limitations for secondary treatment as established in 40 CFR § 133.102. Dry-weather mass-based effluent limitations are based on the Facility average dry-weather flow of 0.14 mgd. Wet-weather mass-based interim effluent limitations for BOD₅ and TSS established in this CDO are stricter than the wet-weather mass-based effluent limitations in Order No. R1-2004-0038 and are performance-based limits based on an evaluation of the existing Facility performance during the term of Order No. R1-2004-0038.
- (2) **Chlorine Residual.** Interim effluent limitations established for chlorine residual are based on Effluent Limitation B.26 in Order No. R1-2004-0038.

d. This Order requires the Discharger to continue to implement its pollution prevention plan, submitted on April 13, 2010, in order to reduce the potential for Permit violations.

19. Accordingly, the Regional Water Board finds that MMPs for the following discharge violations (at the point of discharge to Atascadero Creek) do not apply through June 1, 2014, so long as the Discharger complies with the effluent limitations contained in Requirement 1, and the compliance schedules contained in Requirement 2, of this Order:

- a. Violations of final AWT effluent limitations for BOD₅ and TSS established in Effluent Limitation B.2 of Order No. R1-2004-0038 and Effluent Limitation IV.A.1.a of Order No. R1-2012-0016); and
- b. Violations related to the Discharger's inability to immediately demonstrate compliance with the new chlorine residual effluent limitation established in Effluent Limitation IV.A.2.a. of Order No. R1-2012-0016.

20. Additional discharges to the POTW over the extended compliance period may result in further compliance problems and actual or threatened violation of the Discharger's Permit. Water Code § 13301 states in part:

"In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist

orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.”

Title 23, California Code of Regulations (CCR), § 2244(b) states:

“Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements.”

The Regional Water Board finds that additional discharges into the POTW would cause an increase in violations of the Permit, or increase the likelihood of violation of such requirements. Such violations or likelihood of violations cannot be immediately corrected. Therefore, a connection restriction limiting additional volumes of waste from entering the POTW is necessary until completion of the CIP.

21. Pursuant to Water Code § 13389 and title 14, California Code of Regulations, § 15321, this is an enforcement action for violations and threatened violations of waste discharge requirements and as such is exempt from the requirements of the California Environmental Quality Act (Public Resources Code § 21000-21177). Section 15321 of the CEQA Guidelines provides a categorical exemption for actions by regulatory agencies to enforce a permit, but does not exempt construction activities related to that enforcement. The Discharger is the lead agency for CEQA compliance for adoption and implementation of the CIP. In addition, this CDO action is exempt from CEQA pursuant to Water Code § 13389. That section exempts from the requirements of CEQA the Regional Water Board’s adoption of waste discharge requirements. In *Pacific Water Conditioning Association v. City Council of the City of Riverside*, 73 Cal. App. 3d 546, 556 (1977), the court held that the CEQA exemption provided by 13389 also applies to CDOs that are enforcing NPDES permits. In addition, an environmental analysis is not required for this CDO action because there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061(b)(3).) The CDO extends deadlines to meet the effluent limitations in the existing WDRs/NPDES Permit, but this CDO action does not change currently existing baseline conditions. The CDO is intended to require the Discharger to achieve compliance with the NPDES requirements. It can, therefore, be seen with certainty that the adoption of the CDO does not have any possibility of having a significant adverse effect on water quality.

22. On March 15, 2012, after due notice to the Discharger and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to Water Code § 13300 and 13301, Graton CSD shall cease discharging waste contrary to the prohibitions and effluent limitations contained in Findings 7 and 16, above, and comply with the following requirements:

1. The Discharger shall comply with the following interim effluent limitations:
- a. Disinfected secondary effluent discharged to the effluent storage ponds shall not contain constituents in excess of the following limitations as measured at Discharge Point 001, Monitoring Location EFF-001:

Parameter	Units	Effluent Limitations	
		Average Monthly ²	Average Weekly ²
Biochemical Oxygen Demand 5-day @ 20°C (BOD ₅)	mg/L	30	45
	lbs/day (dry-weather) ^{8,9,10}	35	53
	lbs/day (wet-weather)	50	90
Total Suspended Solids (TSS)	mg/L	30	45
	lbs/day (dry-weather) ^{8,9,10}	35	53
	lbs/day (wet-weather)	45	60

- b. Treated disinfected wastewater discharged to Atascadero Creek shall not contain detectable levels of total chlorine using an analytical method or chlorine analyzer with a minimum detection level of 0.1 mg/L, measured at Discharge Point 002 (Monitoring Location EFF-002).

2. The Discharger shall comply with the following compliance schedules to achieve compliance with final effluent limitations for BOD₅, TSS, and chlorine residual:

⁸ Dry-weather mass-based effluent limitations for BOD₅ and TSS are based on the Facility average dry-weather flow of 0.14 mgd and are retained from Order No. R1-2004-0038 as explained in Finding 18.c of this CDO.

⁹ Wet-weather mass-based effluent limitations for BOD₅ and TSS are performance based, as explained in Finding 18.c of this CDO.

¹⁰ Mass-based effluent limitations for BOD₅ and TSS are calculated by multiplying the concentration limit by the applicable flow rate and a standard conversion factor (8.34) to convert gallons to lbs. For example, the dry-weather interim mass-based effluent limitations is calculated as follows: 30 mg/L x 0.14 mgd x 8.34 lbs/gallon = 35 lb/day.

a. Compliance Schedule for Completion of the Capital Improvement Project and Compliance with Final Effluent Limitations for BOD₅ and TSS:

Task	Task Description	Compliance Date
1	Submit written semi-annual progress reports detailing the status of the capital improvement project and compliance with Basin Plan AWT standards. The progress reports shall also report on the status of obtaining financing for the CIP and report the details of at least one public education/outreach activity conducted during the reporting period.	June 1 and December 1 of each year through June 1, 2014
2	Complete construction of the capital improvement project	February 1, 2014
3	Complete assessment of capital improvement project and demonstrate compliance with final effluent limitations for BOD ₅ and TSS.	May 1, 2014
4	Submit an engineering analysis to the Regional Water Board Executive Officer describing changes in operation and/or equipment. The report shall include an assessment of dry- and wet-weather treatment flow capacities. The report shall demonstrate full compliance with Basin Plan AWT standards and all Permit requirements contained in Order No. R1-2012-0016.	October 1, 2014

b. Compliance Schedule for Compliance with Final Effluent Limitations for Chlorine Residual:

Task Number	Task Description	Compliance Date
1	Submit written report documenting that additional safeguards, as described in the November 17, 2011 Graton CSD Infeasibility Report, have been implemented to ensure the prevention of the discharge of effluent with any chlorine residual.	October 1, 2012
2	Submit a written report identifying progress toward compliance with final chlorine residual effluent limitations.	June 1, 2013

Task Number	Task Description	Compliance Date
3	Submit a written report that describes the Discharger's plans to comply with the requirement to demonstrate removal of chlorine residual to concentrations at or below 0.01 mg/L, if construction of the pasteurization disinfection system is delayed beyond December 1, 2013, the Discharger shall.	December 1, 2013
4	Comply with final effluent limitations for chlorine residual.	June 1, 2014

3. During the time period described in Requirement 2 above, the Discharger shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements identified in the Permit or any future waste discharge requirements issued for the POTW.
4. The addition of (a) new flows of wastewater to the POTW from new residential, commercial, industrial, and/or governmental connections or (b) increase in wastewater flows (either in volume or concentration) to the POTW from existing facilities that are already connected to the POTW is restricted to the equivalent of eight (8) single family dwelling units per year until such time that it can be demonstrated to the satisfaction of the Regional Water Board that more connections will not result in additional violations of the terms of the Permit, or future renewals thereto, as described in Findings 6 through 8, and 16, above. (California Code of Regulations, title 23 § 2244.)
5. The following are excluded from the Additional Discharge Restriction (Requirement 4 of this Order):
 - a. Structures with building permits (or, if the governmental entity with jurisdiction does not issue a document called a "building permit", such other approval document that constitutes final approval of construction) already issued at the time of publication of the public notice (September 27, 2008) for a hearing on this Order are excluded from the Additional Discharge Ban in accordance with Title 23, CCR, § 2244.1(a).
 - b. Those structures that normally do not require a building permit (e.g., those government buildings exempted from the permit process) shall be exempt from the Additional Discharge Ban if construction has commenced.
 - c. Discharges from existing dwellings not connected to the sewer system that have methods of waste disposal that are causing more severe water quality problems than those caused by the community sewer system.

- d. Discharges which, by reason of special circumstances, if not allowed to connect to the community sewer system would result in extreme public hardship or public health hazard. This is not intended to mean that economic loss to a community as a whole or to any public agency or private person within the community is by itself cause for not prohibiting additional connections because such loss is the rule rather than the exception and cannot outweigh the need to prevent an increase in water quality improvement which is the basic reason for the prohibition.
6. Persons wishing to obtain an exclusion from the prohibition or restriction provided in Requirements 5.c and 5.d, above, shall make such request, in writing, to the Regional Water Board Executive Officer. The Executive Officer shall promptly act on the request, but in no event later than 60 days from receipt of the request.
 7. Restrictions on additional discharges cannot be removed until the violation of the requirements which were the basis for imposing the prohibitions have ceased and consistent compliance with those requirements has been achieved. However, the Regional Water Board may provide an exception, and remove the restriction set out in Requirement 4, above, if, pursuant to Title 23, CCR, § 2244.3(b), Regional Water Board finds that:
 - a. Consistent compliance with requirements can be achieved only by construction of a facility which will take a substantial period of time to complete;
 - b. The Discharger has the capacity, authority, and final resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures;
 - c. The corrective measures necessary to achieve compliance with requirements will be completed and placed into operation by the Discharger in the shortest practicable time;
 - d. All practicable interim repairs and improvements to the treatment process of the discharges which can be made have been made; and
 - e. During the interim period of time until compliance with requirements can be fully achieved the treatment process of the discharges will be so managed, operated, maintained and repaired as to reduce to a minimum the violations which resulted in the imposition of the restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

8. If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirement 2, above, the Discharger may request, in writing, that the Regional Water Board grant an extension of the time. The extension request shall include justification for the delay and be submitted 30 days prior to the deadline that the Discharger is requesting to extend. An extension may be granted by the Regional Water Board for good cause, in which case this Order will be accordingly revised in writing.
9. If the Executive Officer of the Regional Water Board finds that the Discharger fails to comply with the provisions of this Order, the Executive Officer may take all actions authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code § 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

CERTIFICATION

I, Catherine Kuhlman, 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, North Coast Region, on March 15, 2012.

Catherine Kuhlman
Executive Officer