

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2012-0102

**REQUIRING THE OCCIDENTAL COUNTY SANITATION DISTRICT  
AND SONOMA COUNTY WATER AGENCY  
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING  
TO DISCHARGE EFFLUENT IN VIOLATION OF  
WASTE DISCHARGE REQUIREMENTS FOR THE  
OCCIDENTAL COUNTY SANITATION DISTRICT  
WASTEWATER TREATMENT FACILITY**

NPDES NO. CA0023051  
WDID NO. 1B830010SON

Sonoma County

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

1. The Occidental County Sanitation District (OCSD) owns the Occidental Wastewater Treatment Facility (hereinafter Facility), a publicly owned treatment works (POTW). The Sonoma County Water Agency (SCWA) is under contract to operate and maintain the Facility. The OCSD and SCWA are collectively referred to as the Permittee<sup>1</sup>. The Facility is designed to provide secondary wastewater treatment for an average dry weather flow of 0.05 million gallons per day (mgd) and consists of a collection system, grit chamber, lift station with overflow storage, aerated treatment pond, settling pond, chlorine disinfection, dechlorination, and pH adjustment.

Treated, disinfected, dechlorinated effluent is discharged to a Graham's Pond, a 10 million gallon storage reservoir which overflows to Dutch Bill Creek, a tributary of the Russian River. Effluent mixed with storm water is discharged from Graham's Pond to Dutch Bill Creek during the winter months. During the dry season, effluent from Graham's Pond is utilized for irrigation.

The Permittee has utilized Graham's Pond as a year-round storage reservoir since 1977. However, Regional Water Board analysis has determined that Graham's Pond is a water of the United States due to its construction and location. Graham's Pond is an in-stream pond that was constructed at the headwaters of Dutch Bill Creek, originally for use as an agricultural pond. Graham's Pond receives runoff from upstream slopes and several small drainages.

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<sup>1</sup> For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Permittee herein.

2. The Facility has been regulated by Waste Discharge Requirements (WDRs), Regional Water Board Order No. 93-42, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023051, WDID No. 1B830010SON, adopted by the Regional Water Board on May 27, 1993. The Permittee is also regulated by Monitoring and Reporting Program (MRP) No. 93-42, which was originally adopted on May 27, 1993, and revised by the Regional Water Board Executive Officer on September 15, 2008, and April 23, 2009, to increase monitoring requirements.
3. Regional Water Board Order No. R1-2012-0101, WDRs and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023043, WDID No. 1B831000SON is scheduled to be adopted by the Regional Water Board, concurrently with this Cease and Desist Order. Beginning on February 1, 2013, Order No. R1-2012-0102 will supersede Order No. 93-42. Order No. R1-2012-0101 includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions, including stricter final effluent limitations for biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), total coliform, and chlorine residual, and new final effluent limitations for copper, lead, silver, cyanide, dichlorobromomethane (DCBM), chlorodibromomethane (CDBM), bis(2-ethylhexyl) phthalate, ammonia, and nitrate.
4. During the term of this Order, the Permittee will be subject to the terms of two separate WDRs: Order No. 93-42 through January 31, 2013, and Order No. R1-2012-0102 beginning on February 1, 2013. This Order uses the term “the Permit” when referring to both WDR orders and the order number when referring to a specific WDR order.
5. The Regional Water Board adopted the *Water Quality Control Plan for the North Coast Region* (hereinafter Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The Basin Plan identifies present and potential beneficial uses for the Russian River, to which Dutch Bill Creek and Graham’s Pond are tributary.
6. The Permit implements provisions of the Basin Plan that require advanced wastewater treatment for discharges to surface waters.

Order No. 93-42 allows discharges of disinfected secondary effluent as long as the average annual dry weather flow is less than 0.034 mgd and requires advanced wastewater treatment when the average annual dry weather flow equals or exceeds 0.034 mgd. Since the Basin Plan does not provide any exceptions to the advanced wastewater treatment requirement, Order No. R1-2012-0102 requires advanced wastewater treatment for all discharges to surface waters regardless of the flow.

7. The Permit also implements provisions of the Basin Plan that prohibit discharges of waste to the Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits. As previously identified in Finding 1, Graham's Pond is constructed at the headwaters of Dutch Bill Creek and receives flow from upstream tributaries and discharges to Dutch Bill Creek, therefore it is part of Dutch Bill Creek and a water of the U.S.
8. The Permit also implements narrative provisions of the Basin Plan by requiring the Permittee to monitor its effluent for constituents that may have reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water, including BOD<sub>5</sub>, TSS, nitrate, ammonia, chlorine residual, and Title 22 pollutants and establishes effluent limitations for the first five of these pollutants. The Basin Plan also includes a narrative toxicity objective that requires all waters to be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. The Basin Plan objective is applicable because ammonia is toxic to aquatic life and must be controlled in order to prevent toxicity.
9. Order No. R1-2012-0102, implements provisions of the California Toxics Rule (CTR) and the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) by requiring the Permittee to monitor its effluent for CTR constituents that may have reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water. The SIP also requires compliance with all final effluent limitations for CTR constituents by May 18, 2010.
10. The Permittee is violating or threatening to violate the following terms in Order No. 93-42:

**A. DISCHARGE PROHIBITIONS**

5. The discharge of waste from the Occidental County Sanitation District Wastewater Treatment Plant to Dutch Bill Creek or its tributaries during the period May 15 through September 30 each year is prohibited.
6. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving water. For purposes of this permit, the flow in Dutch Bill Creek shall be that flow measured at Camp Meeker.

### **C. EFFLUENT LIMITATIONS**

5. The survival of test fish in 96-hour [static or continuous flow] bioassays in undiluted effluent samples shall equal or exceed 90% survival 67% of the time, and 70% survival 100% of the time for discharges from Graham's Pond to Dutch Bill Creek.
11. The Permittee is violating or threatening to violate the following terms in Order No. R1-2012-0101

### **III. DISCHARGE PROHIBITIONS**

- I. The discharge of wastewater effluent from the Facility to Dutch Bill Creek or its tributaries is prohibited during the period from May 15 through September 30 of each year.
- J. During the period of October 1 through May 14 of each year, discharges of wastewater to Dutch Bill Creek, which is a tributary of the Russian River shall not exceed one percent of the flow of Dutch Bill Creek, as measured at the Camp Meeker bridge.

### **IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

#### **A. EFFLUENT LIMITATIONS**

1. **Final Effluent Limitations – Discharge Point 001 (Discharge to Graham's Pond)**
  - a. The discharge of advanced treated wastewater, as defined by the numerical limitations below, shall maintain compliance with the following effluent limitations at Discharge Point 001, during periods of discharge to Dutch Bill Creek, with compliance measured at Monitoring Location EFF-001, as described in the Monitoring and Reporting Program (MRP) (Attachment E). The advanced treated wastewater shall be adequately oxidized, filtered, and disinfected as defined in title 22, division 4, chapter 3, of the CCR.

**Table 4. Final Effluent Limitations for Discharge Point 001 (Discharge to Graham's Pond)**

| Parameter  | Units                | Effluent Limitations         |                             |                            |                                    |                                    |
|--|----------------------|------------------------------|-----------------------------|----------------------------|------------------------------------|------------------------------------|
|  |                      | Average Monthly <sup>1</sup> | Average Weekly <sup>1</sup> | Maximum Daily <sup>1</sup> | Instantaneous Minimum <sup>1</sup> | Instantaneous Maximum <sup>1</sup> |
| Biochemical Oxygen Demand 5-day @ 20°C (BOD <sub>5</sub> ) | mg/L                 | 10                           | 15                          | ---                        | ---                                | ---                                |
|  | lbs/day <sub>2</sub> | 4.2                          | 6.3                         | ---                        | ---                                | ---                                |
| Total Suspended Solids (TSS)                               | mg/L                 | 10                           | 15                          | ---                        | ---                                | ---                                |
|  | lbs/day <sub>2</sub> | 4.2                          | 6.3                         | ---                        | ---                                | ---                                |
| Copper, Total Recoverable                                  | µg/L                 | 2.5                          | ---                         | 7.8                        | ---                                | ---                                |
| Lead, Total Recoverable                                    | µg/L                 | 0.65                         | ---                         | 1.5                        | ---                                | ---                                |
| Silver, Total Recoverable                                  | µg/L                 | 0.5                          | ---                         | 1.0                        | ---                                | ---                                |
| Cyanide  | µg/L                 | 4.3                          | ---                         | 8.5                        | ---                                | ---                                |
| Dichlorobromo-methane                                      | µg/L                 | 0.56                         | ---                         | 1.3                        | ---                                | ---                                |
| Chlorodibromo-methane                                      | µg/L                 | 0.41                         | ---                         | 0.8                        | --                                 | ---                                |
| Bis(2-EthylHexyl) Phthalate                                | µg/L                 | 1.8                          | ---                         | 4.5                        | ---                                | ---                                |
| Chlorine, Total Residual,                                  | mg/L                 | 0.01                         | ---                         | 0.02                       | ---                                | ---                                |
| Ammonia, Total as N  | mg/L                 | 1.2                          | ---                         | 2.1                        | ---                                | ---                                |

**Table Notes:**

1. See Definitions in Attachment A and Compliance Determination discussion in section VII of this Order.
2. Mass-based effluent limitations are based on the design flow of the Facility of 0.05 mgd and apply during periods of discharge to surface waters (Graham's Pond). See section VII.H of this Order regarding compliance with mass-based effluent limitations.

b. **Percent Removal.** The average monthly percent removal of BOD<sub>5</sub> and TSS shall not be less than 85 percent. Percent removal shall be determined from the monthly average value of influent wastewater

concentration in comparison to the monthly average value of effluent concentration measured at Monitoring Location EFF-001 for the same constituent over the same time period measured at Monitoring Location INF-001.

e. **Acute Toxicity.** There shall be no acute toxicity in treated wastewater discharged to Graham's Pond. The Permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted effluent complies with the following:

- i. Minimum for any one bioassay: 70 percent survival
- ii. Median for any three or more consecutive bioassays: at least 90 percent survival.

Compliance with this effluent limitation shall be determined in accordance with section V.A. of the attached MRP.

12. California Water Code § 13301 of the 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."
13. Violations of Order No. 93-42 have been the subject of previous cease and desist orders (CDOs) adopted by the Regional Water Board. Cease and Desist Order (CDO) No. 97-74 was adopted by the Regional Water Board on August 27, 1997 for a summertime discharge to Dutch Bill Creek and numerous effluent limitation violations and required the Permittee to implement short- and long-term solutions to achieve compliance with WDRs. The Permittee successfully implemented short-term solutions to address many of the effluent limitation violations, but has had difficulty identifying a long-term solution to address violations of the Basin Plan. The CDO has been revised four times (2001, 2003, 2004, and 2005) to provide the Permittee with additional time to implement a long-term solution to on-going Basin Plan and permit violations. The Permittee has identified four different projects and prepared California Environmental Quality Act (CEQA) documents for three projects that were later determined to be financially and/or technically infeasible. The Permittee plans to develop a CEQA document for the proposed project identified in Finding 17, below.
14. The most recent CDO, Order No. R1-2005-0085, required completion of a capital improvement project by June 30, 2010. The Permittee did not comply with this CDO

task. As identified in quarterly progress reports, required pursuant to Order No. R1-2005-0085, financial constraints are the primary reason for not completing a capital improvement project to achieve full compliance with WDRs. The quarterly progress reports have provided documentation of the Permittee's slow progress toward compliance with the requirement to complete a capital improvement project to achieve compliance with WDRs.

15. Violations of Order No. 93-42 have also been the subject of three administrative civil liability complaints (Order Nos. 97-126, R1-2003-0125 and R1-2007-0022) issued by the Regional Water Board Executive Officer and an administrative civil liability order, Order No. R1-2007-0054, adopted by the Regional Water Board. Since 1997, the Permittee has been assessed \$434,000 in penalties for violations of effluent limitations including BOD<sub>5</sub>, TSS, coliform, chlorine residual, pH, and acute toxicity. \$111,000 of those penalties have been paid to the State Water Resources Control Board, while the difference of \$323,000 has been used to complete compliance projects as allowed under § 13385(l)(1) of the Water Code. The Permittee completed a settling pond dredging project in June 2002, installed baffles in the aerated treatment pond in April 2004, and completed a collection system replacement project in 2007.
16. The Permittee continues to discharge all year to Graham's Pond and has not yet implemented discharge alternatives to achieve compliance with the Basin Plan seasonal discharge prohibition described in Finding 7, above and in Discharge Prohibition III.I of Order No. R1-2012-0102.
17. The Permittee has made slow progress toward identifying a project to bring the Facility into full compliance with WDRs. The January 14, 2009 Report of Waste Discharge (ROWD) that was used as the basis for developing WDRs Order No. R1-2012-0101, identifies a goal of eliminating discharges to Graham's Pond and Dutch Bill Creek. The Permittee is currently developing the conceptual design of the proposed project. The conceptual proposal involves construction of a new storage pond to replace Graham's Pond and expansion of the irrigation acreage so that disinfected secondary effluent can be stored year-round and used for irrigation during dry-weather, and elimination of the discharge to Graham's Pond and Dutch Bill Creek.
18. The Permittee will be unable to comply with other provisions of Order No. R1-2012-0101, including final effluent limitations identified in Finding 11, above, until the Permittee completes a capital improvement project that either includes treatment processes to reduce BOD<sub>5</sub>, TSS, nutrients and priority pollutants or that eliminates discharges to surface waters. As described in Finding 17, above, the Permittee anticipates eliminating discharges to surface waters.

19. Pursuant to federal regulations at §122.44(d)(1)(i), title 40 of the Code of Federal Regulation (CFR), NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
20. Pursuant to Water Code §13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia, if:
  - a. A cease and desist order 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 that would otherwise be subject to MMPs;
  - b. 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 modified control measures cannot be designed, installed, and put into operation within 30 calendar days;
  - c. The regional board establishes a time schedule, not to exceed five years, 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.
21. The Permittee 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 BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia because:

- a. The CDO is being issued after July 1, 2000, and specifies the actions the Permittee is required to take to correct the violations of Order No. R1-2012-0101 (Effluent Limitation IV.A.1), as set out in Finding 11, above.
- b. The Permittee is unable to consistently comply with final effluent limitations for copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia that are in effect because (1) these are new or more stringent effluent limitations and (2) new or modified control measures will be needed for the Permittee to comply, and the new or modified control measures are dependent on the completion of studies and a CEQA document and securing funding, thus the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

On March 23, 2009, the Permittee submitted an Infeasibility Study report demonstrating that the Permittee is unable to comply with final effluent limitations for lead, zinc, and dichlorobromomethane. Monitoring data collected since that time has demonstrated that the Facility does not have reasonable potential for zinc, but that it does have reasonable potential for copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia. In addition, the Facility is unable to comply with final tertiary effluent limitations for BOD<sub>5</sub> and TSS because the Facility is designed to provide secondary treatment. On September 10, 2012, the Permittee submitted a new Infeasibility Study report demonstrating that it is infeasible to immediately comply with final effluent limitations in Order No. R1-2012-0101 for copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia.

The Permittee also submitted a proposed compliance schedule for completion of a capital improvement project (CIP). The compliance schedule submitted by the Permittee proposed 10 years to complete a CIP to achieve full compliance with WDRs. The Regional Water Board recognizes that this is a small Facility with limited resources. However, the Regional Water Board has worked with the Permittee for 15 years and expects the Permittee to work diligently toward achieving compliance in a shorter time frame than 10 years.

- c. Requirement 2 of this Order establishes a time schedule for bringing the Facility into compliance with the final effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia that is as short as possible. The compliance schedule requires completion of a CIP within five years of the adoption date of the new permit, Order No. R1-2012-0101 and includes a provision (Requirement 5) that allows the Permittee to request an extension of time, up to 10 years from the permit adoption date, if the Permittee demonstrates that additional time is necessary.

- d. The compliance schedule in Requirement 2 requires the Permittee to submit a Pollution Prevention Plan pursuant to §13263.3 of the Water Code.
22. Accordingly, the Regional Water Board finds that MMPs for violations of effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia when discharging to Graham's Pond and Dutch Bill Creek do not apply, so long as the Permittee complies with the interim effluent limitations and compliance schedules included in this Order.
23. The compliance schedule established for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia in this Order is intended to be as short as possible. The compliance schedule accounts for the length of time required to complete environmental documents, design documents, and obtain financing to complete the proposed project. The Permittee's biggest challenge is coming up with the financing to complete all aspects of the proposed project because the Permittee's Facility serves such a small population. The compliance schedule allows for extensions of up to an additional 5 years, if, the Permittee demonstrates the need for additional time due to circumstances beyond the Permittee's control. The Regional Water Board may wish to revisit these assumptions as more information becomes available from the Permittee's evaluations.
24. This Order requires the Permittee to comply with interim effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia. The SIP requires that interim limitations be based on past performance or limits in previous orders, whichever is more stringent. In this case, interim limitations for priority pollutants are performance-based. Interim limitations for lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, and ammonia reflect the highest detected concentration. Interim limitations for copper reflect a 95<sup>th</sup> percentile concentration due to the fact that the copper data set is lognormal with a high coefficient of variation (2.2), and it would not be appropriate to set an interim limit based on a markedly high result (e.g., 470 µg/L in a dataset with an average of 20.4 µg/L and a median of 17 µg/L). . Effluent limitations for total coliform are based on limits in Order No. 93-42. Concentration- and mass-based interim limitations for BOD<sub>5</sub> and TSS are also based on limits in Order No. 93-42. Percent removal limits for TSS are based on past Facility performance using data submitted by the Permittee between 2008 and August 2012. This data represents Facility performance since the Permittee implemented the interim projects identified in Finding 15, above. All of the interim limitations in this Order are intended to ensure that the Permittee maintains at least its existing performance while completing all tasks required by the compliance schedules.
25. 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 Permittee 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 Permittee 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.

26. On December 6, 2012, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Order.
27. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code §13320 and Title 23, California Code of Regulations, § 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to Water Code §§ 13300 and 13301, the Permittee shall cease discharging waste contrary to the Basin Plan prohibitions and permit requirements and effluent limitations identified in Findings 6 through 11, above, and comply with the following requirements:

1. Cease and Desist Order No. R1-2005-0085 is rescinded except for enforcement purposes and is replaced by this Order.
  
2. The Permittee shall cease and desist from discharging and threatening to discharge waste to Graham’s Pond and Dutch Bill Creek between May 15 and September 30 of each year in violation of the seasonal discharge prohibition identified in Discharge Prohibition III.I of Order No. R1-2012-0102 and achieve compliance with final effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia identified in Effluent Limitation IV.A.1 of Order No. R1-2012-0101 at the earliest possible date in accordance with the following compliance schedule:

| <b>Task</b> | <b>Task Description</b>  | <b>Compliance Date</b>  |
|-------------|--|---|
| 1           | Submit to the Regional Water Board Executive Officer (hereinafter Executive Officer), conceptual design plans describing a proposed capital improvement project (CIP).   | February 1, 2013  |
| 2           | Submit to the Executive Officer, a financial plan describing the costs associated with the proposed CIP and an implementation schedule that shows how the Permittee will raise the necessary funds.  | February 1, 2013  |
| 3           | Submit to the Executive Officer, semi-annual progress reports that identify specific steps that have been taken toward identification and implementation of the capital improvement project (CIP) during the previous 6 months and describing the status of interim operations at the existing Facility <sup>1</sup> . | March and September of each year, beginning March 1, 2013 through completion of construction of CIP |
| 4           | Submit for Executive Officer approval and implement a Pollution Prevention Plan (PPP) in accordance with Water Code § 13263.   | April 1, 2013   |
| 5           | Submit to the Executive Officer, 60% design plans for the proposed CIP.  | December 1, 2013  |
| 6           | Complete the CEQA process. Submit to the Executive Officer, documentation of certification of the final CEQA document and approval by the District Board of Directors.   | December 1, 2014  |
| 7           | Secure funding for the proposed CIP and provide the Executive Officer with documentation regarding the funding source(s).  | December 1, 2015  |

| <b>Task</b>   | <b>Task Description</b>  | <b>Compliance Date</b> |
|---|--|------------------------|
| 8   | Complete final project design and advertise for construction bids for the CIP. Submit final specifications and design drawings and bid documents to the Executive Officer. | February 1, 2016       |
| 9   | Award construction contract for the CIP and submit documentation to the Executive Officer.   | May 1, 2016            |
| 10  | Commence construction of the CIP.  | June 1, 2016           |
| 11  | Submit Report of Waste Discharge to the Executive Officer.   | March 1, 2017          |
| 12  | Complete construction of the CIP.  | December 1, 2017       |
| 13  | Achieve full operation of the CIP in compliance with applicable WDRs, including effluent limitations and Basin Plan prohibitions and requirements.                         | January 31, 2018       |
| <p><b>Table Notes:</b></p> <p>1. Semi-annual progress reports shall provide comprehensive updates on project milestones and shall include, but not be limited to, information such as CEQA document progress, progress on project design, posting of Requests for Proposals, selection of consultants and contractors, bid award, efforts to obtain funding, submittal of grant applications, and progress toward construction of the selected CIP. The semi-annual progress reports should include technical and financial information that demonstrates that the projects are moving ahead in a timely manner and shall identify any problems encountered that may affect progress. The semi-annual progress reports shall describe all interim measures being implemented to maximize compliance with Order No. R1-2012-0101, including, but not limited to, outreach and education, special projects, O&amp;M measures, user inspections, and monitoring.</p> |  |                        |

3. The Permittee shall comply with the following interim effluent limitations for BOD<sub>5</sub>, TSS, copper, lead, silver, cyanide, DCBM, CDBM, bis(2-ethylhexyl)phthalate, total coliform, and ammonia in the interim period established by this Order for the Permittee to reach compliance with final effluent limitations set forth in Order No. R1-2012-0101:

**Interim Effluent Limitations for Discharge Point 001, Discharge to Graham's Pond**

| <b>Parameter</b>  | <b>Units</b> | <b>Average Monthly Effluent Limitation</b> | <b>Average Weekly Effluent Limitation</b> | <b>Maximum Daily Effluent Limitation</b> |
|---|--------------|--|---|--|
| Biochemical Oxygen Demand (BOD <sub>5</sub> )   | mg/L         | 30   | 45  | 60                                       |
|   | lb/day       | 12   | 18  | 24                                       |
| Total Suspended Solids (TSS)  | mg/L         | 50   | 65  | 80                                       |
|   | lb/day       | 20   | 27  | 33                                       |
|   | % removal    | 65% removal <sup>1</sup>                   |   |  |
| Settleable Solids   | mL/L         | 0.1  | ---                                       | 0.2                                      |
| Total Coliform  | MPN/100 mL   | 2.2 <sup>2</sup>                           | ---                                       | 23                                       |
| Copper, Total Recoverable   | µg/L         | ---  | ---                                       | 58                                       |
| Lead, Total Recoverable   | µg/L         | ---  | ---                                       | 5.5                                      |
| Silver, Total Recoverable   | µg/L         | ---  | ---                                       | 5.6                                      |
| Cyanide   | µg/L         | ---  | ---                                       | 9.2                                      |
| Dichlorobromomethane (DCBM)   | µg/L         | ---  | ---                                       | 5.75                                     |
| Chlorodibromomethane (CDBM)   | µg/L         | ---  | ---                                       | 1.2                                      |
| Bis(2-ethylhexyl)phthalate  | µg/L         | ---  | ---                                       | 5.5                                      |
| Ammonia, Total as N   | mg/L         | ---  | ---                                       | 24                                       |
| <b>Table Notes:</b><br>1. Percent removal shall be determined from the monthly average value of influent wastewater concentration in comparison to the monthly average value of effluent concentration measured over the same time period.<br>2. Median |              |  |   |  |

4. In the interim period for the Permittee to achieve full compliance with Order No. R1-2012-0101, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations, and requirements identified in Order No. R1-2012-0101 or any future waste discharge requirements issued for the Facility.

5. To the extent that it does not affect the final compliance date in Requirement 2, above, if, for any reason, the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirement 2 above, the Permittee 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 Permittee is requesting to extend. An extension that does not affect the final compliance date for achieving compliance within a five year time period may be granted by the Regional Water Board Executive Officer for good cause, in which case this Order will be accordingly revised in writing.
6. Pursuant to § 13385(j)(3)(C)(ii)(II), as currently drafted, following a public hearing, and upon a showing that the Permittee is making diligent progress toward bringing the waste discharge into compliance with the final effluent limitations in Waste Discharge Requirements Order No. R1-2012-0101, the Regional Water Board may extend the compliance schedule for an additional period not exceeding five years in length, if the Permittee demonstrates that the additional time is necessary to comply with the effluent limitations.
7. If the Executive Officer of the Regional Water Board finds that the Permittee 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, Matthias St. John, 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 December 6, 2012.

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Matthias St. John  
Executive Officer