

SEMI-VOLATILE ORGANICS						
60	1,2-Benzanthracene	56553	Calif. Toxics Rule	0.0044	5	EPA 8270C
85	1,2-Diphenylhydrazine	122667	National Toxics Rule	0.04	1	EPA 8270C
45	2-Chlorophenol	95578	Taste and Odor	0.1	2	EPA 8270C
46	2,4-Dichlorophenol	120832	Taste and Odor	0.3	1	EPA 8270C
47	2,4-Dimethylphenol	105679	Calif. Toxics Rule	540	2	EPA 8270C
49	2,4-Dinitrophenol	51285	National Toxics Rule	70	5	EPA 8270C
82	2,4-Dinitrotoluene	121142	National Toxics Rule	0.11	5	EPA 8270C
55	2,4,6-Trichlorophenol	88062	Taste and Odor	2	10	EPA 8270C
83	2,6-Dinitrotoluene	606202	USEPA IRIS	0.05	5	EPA 8270C
50	2-Nitrophenol	25154557	Aquatic Toxicity	150 (5)	10	EPA 8270C
71	2-Chloronaphthalene	91587	Aquatic Toxicity	1600 (6)	10	EPA 8270C
78	3,3'-Dichlorobenzidine	91941	National Toxics Rule	0.04	5	EPA 8270C
62	3,4-Benzofluoranthene	205992	Calif. Toxics Rule	0.0044	10	EPA 8270C
52	4-Chloro-3-methylphenol	59507	Aquatic Toxicity	30	5	EPA 8270C
48	4,6-Dinitro-2-methylphenol	534521	National Toxics Rule	13.4	10	EPA 8270C
51	4-Nitrophenol	100027	USEPA Health Advisory	60	5	EPA 8270C
69	4-Bromophenyl phenyl ether	101553	Aquatic Toxicity	122	10	EPA 8270C
72	4-Chlorophenyl phenyl ether	7005723	Aquatic Toxicity	122 (3)	5	EPA 8270C
56	Acenaphthene	83329	Taste and Odor	20	1	EPA 8270C
57	Acenaphthylene	208968	No Criteria Available		10	EPA 8270C
58	Anthracene	120127	Calif. Toxics Rule	9,600	10	EPA 8270C
59	Benzidine	92875	National Toxics Rule	0.00012	5	EPA 8270C
61	Benzo(a)pyrene (3,4-Benzopyrene)	50328	Calif. Toxics Rule	0.0044	0.1	EPA 8270C
63	Benzo(g,h,i)perylene	191242	No Criteria Available		5	EPA 8270C
64	Benzo(k)fluoranthene	207089	Calif. Toxics Rule	0.0044	2	EPA 8270C
65	Bis(2-chloroethoxy) methane	111911	No Criteria Available		5	EPA 8270C
66	Bis(2-chloroethyl) ether	111444	National Toxics Rule	0.031	1	EPA 8270C
67	Bis(2-chloroisopropyl) ether	39638329	Aquatic Toxicity	122 (3)	10	EPA 8270C
68	Bis(2-ethylhexyl) phthalate	117817	National Toxics Rule	1.8	3	EPA 8270C
70	Butyl benzyl phthalate	85687	Aquatic Toxicity	3 (7)	10	EPA 8270C
73	Chrysene	218019	Calif. Toxics Rule	0.0044	5	EPA 8270C
81	Di-n-butylphthalate	84742	Aquatic Toxicity	3 (7)	10	EPA 8270C
84	Di-n-octylphthalate	117840	Aquatic Toxicity	3 (7)	10	EPA 8270C
74	Dibenzo(a,h)-anthracene	53703	Calif. Toxics Rule	0.0044	0.1	EPA 8270C
79	Diethyl phthalate	84662	Aquatic Toxicity	3 (7)	2	EPA 8270C
80	Dimethyl phthalate	131113	Aquatic Toxicity	3 (7)	2	EPA 8270C
86	Fluoranthene	206440	Calif. Toxics Rule	300	10	EPA 8270C
87	Fluorene	86737	Calif. Toxics Rule	1300	10	EPA 8270C
90	Hexachlorocyclopentadiene	77474	Taste and Odor	1	1	EPA 8270C
92	Indeno(1,2,3-c,d)pyrene	193395	Calif. Toxics Rule	0.0044	0.05	EPA 8270C
93	Isophorone	78591	National Toxics Rule	8.4	1	EPA 8270C
98	N-Nitrosodiphenylamine	86306	National Toxics Rule	5	1	EPA 8270C
96	N-Nitrosodimethylamine	62759	National Toxics Rule	0.00069	5	EPA 8270C
97	N-Nitrosodi-n-propylamine	621647	Calif. Toxics Rule	0.005	5	EPA 8270C
95	Nitrobenzene	98953	National Toxics Rule	17	10	EPA 8270C
53	Pentachlorophenol	87865	Calif. Toxics Rule	0.28	0.2	EPA 8270C
99	Phenanthrene	85018	No Criteria Available		5	EPA 8270C
54	Phenol	108952	Taste and Odor	5	1	EPA 8270C
100	Pyrene	129000	Calif. Toxics Rule	960	10	EPA 8270C

INORGANICS						
	Aluminum	7429905	Ambient Water Quality	87	50	EPA 6020/200.8
1	Antimony	7440360	Primary MCL	6	5	EPA 6020/200.8
2	Arsenic	7440382	Ambient Water Quality	0.018	0.01	EPA 1632
15	Asbestos	1332214	National Toxics Rule/ Primary MCL	7 MFL	0.2 MFL >10um	EPA/600/R-93/116(PCM)
	Barium	7440393	Basin Plan Objective	100	100	EPA 6020/200.8
3	Beryllium	7440417	Primary MCL	4	1	EPA 6020/200.8
4	Cadmium	7440439	Public Health Goal	0.07	0.25	EPA 1638/200.8
5a	Chromium (total)	7440473	Primary MCL	50	2	EPA 6020/200.8
5b	Chromium (VI)	18540299	Public Health Goal	0.2	0.5	EPA 7199/ 1636
6	Copper	7440508	National Toxics Rule	4.1 (2)	0.5	EPA 6020/200.8
14	Cyanide	57125	National Toxics Rule	5.2	5	EPA 9012A
	Fluoride	7782414	Public Health Goal	1000	0.1	EPA 300
	Iron	7439896	Secondary MCL	300	100	EPA 6020/200.8
7	Lead	7439921	Calif. Toxics Rule	0.92 (2)	0.5	EPA 1638
8	Mercury	7439976	TMDL Development		0.0002 (11)	EPA 1669/1631
	Manganese	7439965	Secondary MCL/ Basin Plan Objective	50	20	EPA 6020/200.8
9	Nickel	7440020	Calif. Toxics Rule	24 (2)	5	EPA 6020/200.8
10	Selenium	7782492	Calif. Toxics Rule	5 (8)	5	EPA 6020/200.8
11	Silver	7440224	Calif. Toxics Rule	0.71 (2)	1	EPA 6020/200.8
12	Thallium	7440280	National Toxics Rule	1.7	1	EPA 6020/200.8
	Tributyltin	688733	Ambient Water Quality Calif. Toxics Rule/ Basin Plan Objective	0.063	0.002	EV-024/025
13	Zinc	7440666		54/ 16 (2)	10	EPA 6020/200.8
PESTICIDES - PCBs						
110	4,4'-DDD	72548	Calif. Toxics Rule	0.00083	0.02	EPA 8081A
109	4,4'-DDE	72559	Calif. Toxics Rule	0.00059	0.01	EPA 8081A
108	4,4'-DDT	50293	Calif. Toxics Rule	0.00059	0.01	EPA 8081A
112	alpha-Endosulfan	959988	National Toxics Rule	0.056 (9)	0.02	EPA 8081A
103	alpha-Hexachlorocyclohexane (BHC)	319846	Calif. Toxics Rule	0.0039	0.01	EPA 8081A
	Alachlor	15972608	Primary MCL	2	1	EPA 8081A
102	Aldrin	309002	Calif. Toxics Rule	0.00013	0.005	EPA 8081A
113	beta-Endosulfan	33213659	Calif. Toxics Rule	0.056 (9)	0.01	EPA 8081A
104	beta-Hexachlorocyclohexane	319857	Calif. Toxics Rule	0.014	0.005	EPA 8081A
107	Chlordane	57749	Calif. Toxics Rule	0.00057	0.1	EPA 8081A
106	delta-Hexachlorocyclohexane	319868	No Criteria Available		0.005	EPA 8081A
111	Dieldrin	60571	Calif. Toxics Rule	0.00014	0.01	EPA 8081A
114	Endosulfan sulfate	1031078	Ambient Water Quality	0.056	0.05	EPA 8081A
115	Endrin	72208	Calif. Toxics Rule	0.036	0.01	EPA 8081A
116	Endrin Aldehyde	7421934	Calif. Toxics Rule	0.76	0.01	EPA 8081A
117	Heptachlor	76448	Calif. Toxics Rule	0.00021	0.01	EPA 8081A
118	Heptachlor Epoxide	1024573	Calif. Toxics Rule	0.0001	0.01	EPA 8081A
105	Lindane (gamma-Hexachlorocyclohexane)	58899	Calif. Toxics Rule	0.019	0.019	EPA 8081A
119	PCB-1016	12674112	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
120	PCB-1221	11104282	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082

121	PCB-1232	11141165	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
122	PCB-1242	53469219	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
123	PCB-1248	12672296	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
124	PCB-1254	11097691	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
125	PCB-1260	11096825	Calif. Toxics Rule	0.00017 (10)	0.5	EPA 8082
126	Toxaphene	8001352	Calif. Toxics Rule	0.0002	0.5	EPA 8081A
	Atrazine	1912249	Public Health Goal	0.15	1	EPA 8141A
	Bentazon	25057890	Primary MCL	18	2	EPA 643/ 515.2
	Carbofuran	1563662	CDFG Hazard Assess.	0.5	5	EPA 8318
	2,4-D	94757	Primary MCL	70	10	EPA 8151A
	Dalapon	75990	Ambient Water Quality	110	10	EPA 8151A
	1,2-Dibromo-3-chloropropane (DBCP)	96128	Public Health Goal	0.0017	0.01	EPA 8260B
	Di(2-ethylhexyl)adipate	103231	USEPA IRIS	30	5	EPA 8270C
	Dinoseb	88857	Primary MCL	7	2	EPA 8151A
	Diquat	85007	Ambient Water Quality	0.5	4	EPA 8340/ 549.1/HPLC
	Endothal	145733	Primary MCL	100	45	EPA 548.1
	Ethylene Dibromide	106934	OEHHA Cancer Risk	0.0097	0.02	EPA 8260B/ 504
	Glyphosate	1071836	Primary MCL	700	25	HPLC/ EPA 547
	Methoxychlor	72435	Public Health Goal	30	10	EPA 8081A
	Molinate (Ordram)	2212671	CDFG Hazard Assess.	13	2	EPA 634
	Oxamyl	23135220	Public Health Goal	50	20	EPA 8318/ 632
	Picloram	1918021	Primary MCL	500	1	EPA 8151A
	Simazine (Princep)	122349	USEPA IRIS	3.4	1	EPA 8141A
	Thiobencarb	28249776	Basin Plan Objective/ Secondary MCL	1	1	HPLC/ EPA 639
16	2,3,7,8-TCDD (Dioxin)	1746016	Calif. Toxics Rule	1.30E-08	5.00E-06	EPA 8290 (HRGC) MS
	2,4,5-TP (Silvex)	93765	Ambient Water Quality	10	1	EPA 8151A
	Diazinon	333415	CDFG Hazard Assess.	0.05	0.25	EPA 8141A/ GCMS
	Chlorpyrifos	2921882	CDFG Hazard Assess.	0.014	1	EPA 8141A/ GCMS

OTHER CONSTITUENTS					
Ammonia (as N)	7664417	Ambient Water Quality	1500 (4)		EPA 350.1
Chloride	16887006	Agricultural Use	106,000		EPA 300.0
Flow			1 CFS		
Hardness (as CaCO ₃)			5000		EPA 130.2
Foaming Agents (MBAS)		Secondary MCL	500		SM5540C
Nitrate (as N)	14797558	Primary MCL	10,000	2,000	EPA 300.0
Nitrite (as N)	14797650	Primary MCL	1000	400	EPA 300.0
pH		Basin Plan Objective	6.5-8.5	0.1	EPA 150.1
Phosphorus, Total (as P)	7723140	USEPA IRIS	0.14		EPA 365.3
Specific conductance (EC)		Agricultural Use	700 umhos/cm		EPA 120.1
Sulfate		Secondary MCL	250,000	500	EPA 300.0
Sulfide (as S)		Taste and Odor	0.029		EPA 376.2
Sulfite (as SO ₃)		No Criteria Available			SM4500-SO3
Temperature		Basin Plan Objective	°F		
Total Dissolved Solids (TDS)		Agricultural Use	450,000		EPA 160.1

FOOTNOTES:

(1) - The Criterion Concentrations serve only as a point of reference for the selection of the appropriate analytical method. They do not indicate a regulatory decision that the cited concentration is either necessary or sufficient for full protection of beneficial uses. Available technology may require that effluent limits be set lower than these values.

(2) - Freshwater aquatic life criteria for metals are expressed as a function of total hardness (mg/L) in the water body. Values displayed correspond to a total hardness of 40 mg/L.

(3) - For haloethers

(4) - Freshwater aquatic life criteria for ammonia are expressed as a function of pH and temperature of the water body. Values displayed correspond to pH 8.0 and temperature of 22 C.

(5) - For nitrophenols.

(6) - For chlorinated naphthalenes.

(7) - For phthalate esters.

(8) - Basin Plan objective = 2 ug/L for Salt Slough and specific constructed channels in the Grassland watershed.

(9) - Criteria for sum of alpha- and beta- forms.

(10) - Criteria for sum of all PCBs.

(11) - Mercury monitoring shall utilize "ultra-clean" sampling and analytical methods. These methods include:

Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, US EPA; and

Method 1631: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence, US EPA

Dioxin and Furan Sampling

Section 3 of the State Implementation Plan requires that each NPDES discharger conduct sampling and analysis of dioxin and dibenzofuran congeners. Dioxin and Furan sampling shall be conducted in the effluent and receiving water once during dry weather and once during wet weather.

Each sample shall be analyzed for the seventeen congeners listed in the table below. High Resolution GCMS Method 8290, or another method capable of individually quantifying the congeners to an equivalent detection level, shall be used for the analyses.

For each sample the discharger shall report:

- The measured or estimated concentration of each of the seventeen congeners
- The quantifiable limit of the test (as determined by procedures in Section 2.4.3, No. 5 of the SIP)
- The Method Detection Level (MDL) for the test

The TCDD equivalent concentration for each analysis calculated by multiplying the concentration of each congener by the Toxicity Equivalency Factor (TEF) in the following table, and summing the resultant products to determine the equivalent toxicity of the sample expressed as 2,3,7,8-TCDD.

Congener	TEF
2,3,7,8-TetraCDD	1
1,2,3,7,8-PentaCDD	1.0
1,2,3,4,7,8-HexaCDD	0.1
1,2,3,6,7,8-HexaCDD	0.1
1,2,3,7,8,9-HexaCDD	0.1
1,2,3,4,6,7,8-HeptaCDD	0.01
OctaCDD	0.0001
2,3,7,8-TetraCDF	0.1
1,2,3,7,8-PentaCDF	0.05
2,3,4,7,8-PentaCDF	0.5
1,2,3,4,7,8-HexaCDF	0.1
1,2,3,6,7,8-HexaCDF	0.1
1,2,3,7,8,9-HexaCDF	0.1
2,3,4,6,7,8-HexaCDF	0.1
1,2,3,4,6,7,8-HeptaCDF	0.01
1,2,3,4,7,8,9-HeptaCDF	0.01
OctaCDF	0.0001

ATTACHMENT I

REQUIREMENTS FOR MONITORING WELL INSTALLATION WORK PLANS AND MONITORING WELL INSTALLATION REPORTS

Prior to installation of groundwater monitoring wells, the Discharger shall submit a work plan containing, at a minimum, the information listed in Section 1, below. Wells may be installed after staff approve the work plan. Upon installation of the monitoring wells, the Discharger shall submit a well installation report which includes the information contained in Section 2, below. All work plans and reports must be prepared under the direction of, and signed by, a registered geologist or civil engineer licensed by the State of California.

SECTION 1 - Monitoring Well Installation Work plan and Groundwater Sampling and Analysis Plan

The monitoring well installation work plan shall contain the following minimum information:

A. General Information:

- Purpose of the well installation project
- Brief description of local geologic and hydrogeologic conditions
- Proposed monitoring well locations and rationale for well locations
- Topographic map showing facility location, roads, and surface water bodies
- Large scaled site map showing all existing on-site wells, proposed wells, surface drainage courses, surface water bodies, buildings, waste handling facilities, utilities, and major physical and man-made features

B. Drilling Details:

- On-site supervision of drilling and well installation activities
- Description of drilling equipment and techniques
- Equipment decontamination procedures
- Soil sampling intervals (if appropriate) and logging methods

C. Monitoring Well Design (in narrative and/or graphic form):

- Diagram of proposed well construction details
 - Borehole diameter
 - Casing and screen material, diameter, and centralizer spacing (if needed)
 - Type of well caps (bottom cap either screw on or secured with stainless steel screws)
 - Anticipated depth of well, length of well casing, and length and position of perforated interval
 - Thickness, position and composition of surface seal, sanitary seal, and sand pack
 - Anticipated screen slot size and filter pack

D. Well Development (not to be performed until at least 48 hours after sanitary seal placement):

- Method of development to be used (i.e., surge, bail, pump, etc.)

Parameters to be monitored during development and record keeping technique
Method of determining when development is complete
Disposal of development water

- E. Well Survey (precision of vertical survey data shall be at least 0.01 foot):
Identify the Licensed Land Surveyor or Civil Engineer that will perform the survey
Datum for survey measurements
List well features to be surveyed (i.e. top of casing, horizontal and vertical coordinates, etc.)

F. Schedule for Completion of Work

G. **Appendix: Groundwater Sampling and Analysis Plan (SAP)**

The Groundwater SAP shall be included as an appendix to the work plan, and shall be utilized as a guidance document that is referred to by individuals responsible for conducting groundwater monitoring and sampling activities.

Provide a detailed written description of standard operating procedures for the following:

- Equipment to be used during sampling
- Equipment decontamination procedures
- Water level measurement procedures
- Well purging (include a discussion of procedures to follow if three casing volumes cannot be purged)
- Monitoring and record keeping during water level measurement and well purging (include copies of record keeping logs to be used)
- Purge water disposal
- Analytical methods and required reporting limits
- Sample containers and preservatives
- Sampling
 - General sampling techniques
 - Record keeping during sampling (include copies of record keeping logs to be used)
 - QA/QC samples
- Chain of Custody
- Sample handling and transport

SECTION 2 - Monitoring Well Installation Report

The monitoring well installation report must provide the information listed below. In addition, the report must also clearly identify, describe, and justify any deviations from the approved work plan.

A. General Information:

Purpose of the well installation project

Brief description of local geologic and hydrogeologic conditions encountered during installation of the wells

Number of monitoring wells installed and copies of County Well Construction Permits

Topographic map showing facility location, roads, surface water bodies

Scaled site map showing all previously existing wells, newly installed wells, surface water bodies, buildings, waste handling facilities, utilities, and other major physical and man-made features.

B. Drilling Details (in narrative and/or graphic form):

On-site supervision of drilling and well installation activities

Drilling contractor and driller's name

Description of drilling equipment and techniques

Equipment decontamination procedures

Soil sampling intervals and logging methods

Well boring log

- Well boring number and date drilled
- Borehole diameter and total depth
- Total depth of open hole (same as total depth drilled if no caving or back-grouting occurs)
- Depth to first encountered groundwater and stabilized groundwater depth
- Detailed description of soils encountered, using the Unified Soil Classification System

C. Well Construction Details (in narrative and/or graphic form):

Well construction diagram, including:

- Monitoring well number and date constructed
- Casing and screen material, diameter, and centralizer spacing (if needed)
- Length of well casing, and length and position of perforated interval
- Thickness, position and composition of surface seal, sanitary seal, and sand pack
- Type of well caps (bottom cap either screw on or secured with stainless steel screws)

E. Well Development:

Date(s) and method of development

How well development completion was determined

Volume of water purged from well and method of development water disposal

Field notes from well development should be included in report

F. Well Survey (survey the top rim of the well casing with the cap removed):

Identify the coordinate system and datum for survey measurements

Describe the measuring points (i.e. ground surface, top of casing, etc.)

Present the well survey report data in a table

Include the Registered Engineer or Licensed Surveyor's report and field notes in appendix

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2008-0056

REQUIRING THE CITY OF VACAVILLE
EASTERLY WASTEWATER TREATMENT PLANT
SOLANO COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2008-0056
(NPDES PERMIT NO. CA0077691)

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. On 25 April 2008, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2008-0055, prescribing waste discharge requirements for the City of Vacaville (hereafter Discharger) at the Easterly Wastewater Treatment Plant (hereafter Facility), Solano County.
2. WDR Order No. R5-2008-0055, contains Final Effluent Limitations IV.A.1.a. which reads, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrate (as N) (total recoverable)	mg/L	17				

3. 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."*
4. Federal regulations, 40 CFR §122.44 (d)(1)(i), require that 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.
5. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the new effluent limitations for nitrate. These limitations are new requirements that become applicable to the Order after the effective date of adoption of the waste discharge requirements, and after July 1, 2000, for which new or modified control

EXHIBIT B

and Neville, Harper and Row). Therefore, the interim limitations in this Order are established as the mean plus 3.3 standard deviations of the available data. Where actual sampling shows an exceedance of the proposed 3.3-standard deviation interim limit, the maximum detected concentration has been established as the interim limitation. When there are less than 10 sampling data points available, the *Technical Support Document for Water Quality- Based Toxics Control* ((EPA/505/2-90-001), TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of 10 data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine a maximum daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant performance level. Therefore, when there are less than ten sampling points for a constituent, interim limitations are based on 3.11 times the maximum observed effluent concentration to obtain the daily maximum interim limitation (TSD, Table 5 2). Derivation of these interim limitations is summarized below:

Constituent	Units	MEC	Mean	Standard Deviation	Interim limitation
Nitrate	mg/L	27	16	4.23	30

11. The Regional Water Board finds that the Discharger can undertake treatment plant measures to maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitation can be achieved.
12. On 25 April 2008, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.
14. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

TIME SCHEDULE ORDER NO. R5-2008-0056
CITY OF VACAVILLE
EASTERLY WASTEWATER TREATMENT PLANT
SOLANO COUNTY

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 25 April 2008.

PAMELA C CREEDON, Executive Officer

PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On May 23, 2008, I served the following document(s)

CITY OF VACAVILLE'S PETITION FOR REVIEW; PRELIMINARY MEMORANDUM IN SUPPORT OF PETITION; AND REQUEST FOR STAY (Wat. Code, § 13320)

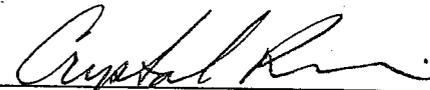
XX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid thereon, in the designated area for outgoing mail, addressed as set forth below:

Pamela Creedon, Executive Officer California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670	Gerald Hobrecht, City Attorney Shana Faber, Assistant City Attorney City of Vacaville 650 Merchant Street Vacaville, CA 95688
Lori T. Okun, Esq. State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100	

XX (by electronic service) I hereby certify that a true and correct copy of the foregoing will be e-served on May 23, 2008 as listed below:

Elizabeth Miller Jennings State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100 Email: bjennings@waterboards.ca.gov	
--	--

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 23, 2008, at Sacramento, California.


Crystal Rivera

SOMACH SIMMONS & DUNN
A Professional Corporation

1 CITY OF VACAVILLE
Gerald Hobrecht (SBN 113027)
2 City Attorney
Shana Faber (SBN 110910)
3 Assistant City Attorney
650 Merchant Street
4 Vacaville, CA 95688
Telephone: (707) 449-5105
5 Facsimile: (707) 449-5149

6 SOMACH, SIMMONS & DUNN
A Professional Corporation
7 Paul S. Simmons, Esq. (SBN 127920)
Theresa A. Dunham, Esq. (SBN 187644)
8 813 Sixth Street, Third Floor
Sacramento, CA 95814-2403
9 Telephone: (916) 446-7979
Facsimile: (916) 446-8199

10 Attorneys for Petitioner
11 CITY OF VACAVILLE

12
13 BEFORE THE
14 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
15

16 In the Matter of City of Vacaville's Petition for
Review of Action and Failure to Act by the
17 California Regional Water Quality Control
Board, Central Valley Region, in Adopting
18 Waste Discharge Requirements for City of
Vacaville Easterly Wastewater Treatment Plant,
19 Order No. R5-2008-0055 (NPDES
No. CA0079049), and Time Schedule Order
20 No. R5-2008-0056.

SWRCB/OCC File _____

CITY OF VACAVILLE'S PRELIMINARY
MEMORANDUM IN SUPPORT OF
REQUEST FOR STAY (Wat. Code,
§ 13320)

21
22
23 Petitioner City of Vacaville (City or Petitioner), in accordance with section 13320 of the
24 Water Code, filed a petition for review of action or inaction of the Central Valley Regional Water
25 Quality Control Board (Regional Water Board) and request for stay of certain provisions of Order
26 No. R5-2008-0055 and Order No. R5-2008-0056 in its entirety. This preliminary memorandum,
27 evidence and argument in support of request for stay is filed in accordance with Title 23,
28 California Code of Regulations, section 2053. Petitioner reserves the right to file a supplemental

1 memorandum in support of the request for stay when the State Water Resources Control Board
2 (State Water Board) considers the issues presented herein.¹

3 I. INTRODUCTION/SUMMARY OF ARGUMENT

4 On April 25, 2008, the Regional Water Board issued Order No. R5-2008-0055, Waste
5 Discharge Requirements for the City of Vacaville Easterly Wastewater Treatment Plant (Permit),
6 and Order No. R5-2008-0056, Time Schedule Order Requiring the City of Vacaville Easterly
7 Wastewater Treatment Plant to Comply with Requirements Prescribed in Order
8 No. R5-2008-0055 (TSO).

9 The Permit and TSO contain new requirements that would require the City to plan, design
10 and install new treatment facilities at great cost, with no benefits to the environment or beneficial
11 uses. The City has filed a petition for review of the Permit and the TSO on several grounds that
12 raise substantial technical and legal issues. (See City of Vacaville's Petition for Review;
13 Preliminary Memorandum in Support of Petition; and Request for Stay (Petition) filed
14 concurrently herewith.) There is also litigation currently pending between the City and the State
15 and Regional Water Boards, the adjudication of which bears significantly on issues raised in the
16 Petition and this request for stay. (*City of Vacaville v. State Water Resources Control Board*
17 (*Contra Costa County Superior Court Case No. CIV MSN 03-0956*.) Some of the timelines
18 included in the Permit and TSO would require the expenditure of substantial funds by the City
19 prior to resolution of the Petition. The requirements included in the Permit and TSO are
20 unnecessary and extreme and the City has challenged these requirements in its Petition. If the
21 stay is not granted at the time the City requests consideration by the State Water Board, the City
22 will incur substantial harm resulting in expenditure of unnecessary funds and the inability of the
23

24 ¹ The State Water Board's regulations require a request for stay to include proof of substantial harm, proof of lack of
25 substantial harm to other interested persons and to the public interest if a stay is granted, and proof of substantial
26 questions of fact or law. (Cal. Code Regs., tit. 23, § 2053(a).) Those issues are addressed in this preliminary
27 memorandum. However, there is litigation currently pending between Petitioner and the State and Regional Water
28 Boards, the adjudication of which will bear significantly on the issues raised in the Petition. (*City of Vacaville v.*
State Water Resources Control Board (*Contra Costa County Superior Court Case No. CIV MSN 03-0956*.) The
City intends for the request for stay to not be considered at this time. Depending on the developments in the pending
litigation, the City may reactivate the request for stay of certain permit provisions by the State Water Board. At that
time, it may be necessary to augment this memorandum in support of request for stay.

1 City to exercise its rights to meaningfully challenge provisions of the Permit and TSO. No
2 substantial harm will result to the public or interested persons if the requested stay is granted.

3 II. BACKGROUND/STATEMENT OF FACTS

4 The City owns and operates the Easterly Wastewater Treatment Plant (EWWTP) located
5 in Elmira, Solano County, California. The EWWTP provides secondary level wastewater from
6 the City of Vacaville and the unincorporated community of Elmira and serves a population of
7 approximately 96,735. The treatment system consists of headworks, primary sedimentation
8 basins, aeration basins, secondary circular clarifiers, chlorination and dechlorination facilities,
9 emergency ponds, dissolved aeration floatation thickener, anaerobic digesters, biosolids storage
10 ponds, biosolids belt filter press, and biosolids drying beds. The EWWTP has an average dry
11 weather design flow of about 15 million gallons per day (mgd) and a peak wet weather design
12 flow of 55 mgd. The EWWTP discharges to Old Alamo Creek, which is tributary to New Alamo
13 Creek, tributary to Ulatis Creek, and tributary to Cache Slough.

14 The Permit and TSO, collectively, require the expenditure of over \$170 million to comply
15 with new requirements that are not necessary for the protection of human health and the
16 environment.² (Declaration of David K. Tompkins in Support of City of Vacaville's Request for
17 Stay of Order Nos. R5-2008-0055 and R5-2008-0056 (Tompkins Decl.) at ¶ 11.) In addition,
18 compliance schedules in the Permit and TSO require the City to begin work and spend money
19 immediately. (*Id.* at ¶ 13.)

20 To avoid immediate harm to the City, the City requests a stay of the following provisions:

- 21 1. Effluent limitations and requirements and compliance schedules to achieve
22 effluent limitations for chlorodibromomethane, dichlorobromomethane and nitrate,
23 found in Effluent Limitation and Discharge Specifications IV.A.1 and IV.A.2, and
24 Provisions VI.C.7.b of the Permit, and in Ordering paragraph 1 of the TSO;

25
26
27
28 ² Certain of such new requirements are not the subject of the Petition for review or stay. However, the costs for
planning, design and construction of challenged requirements is extreme.

- 1 2. Interim effluent limitations for chlorodibromomethane and
2 dichlorobromomethane, found in Effluent Limitations and Discharge
3 Specifications IV.A.3;
- 4 3. Surface water limitations in the receiving water for chemical constituents and
5 toxicity to the extent that such narrative limitations require compliance with
6 receiving water limitations for chlorodibromomethane, dichlorobromomethane and
7 nitrate based on the interpretation of the narrative limitation, found in Receiving
8 Water Limitations V.A.3 and V.A.16; and,
- 9 4. Time Schedule Order No. R5-2008-0056 in its entirety.

10 Upon request for consideration by the State Water Board of the stay, the City requests that
11 the stay be made effective as of the effective date of the Permit and TSO which is June 14, 2008.
12 With respect to those provisions for which the compliance period is to be stayed, the effect of the
13 stay would be to commence the schedule for the various compliance deadlines upon issuance of
14 the State Water Board's final determination on the Petition. By virtue of the stay, the total period
15 for compliance would not change, but each deadline would shift by a period equal to the time
16 between June 14, 2008, and the date of the State Water Board's determination.

17 **III. THE STATE WATER BOARD SHOULD ISSUE A STAY PENDING**
18 **RESOLUTION OF THE CITY'S PETITION FOR REVIEW**

19 A. Standard for Issuance of Stay

20 Water Code section 13321 provides, "[i]n the case of a review by the state board under
21 Section 13320, the state board, upon notice and hearing, ... may stay in whole or in part the effect
22 of the decision and order of a regional board or of the state board." The State Water Board
23 regulations further provide that a stay may be granted if the petitioner demonstrates:
24 "(1) substantial harm to petitioner or to the public interest if a stay is not granted, (2) lack of
25 substantial harm to other interested persons and to the public interest if a stay is granted, and
26 (3) substantial questions of fact or law regarding the disputed action." (Cal. Code Regs., tit. 23,
27 § 2053(a).) The City's request meets these requirements.
28

1 B. Provisions the City Seeks to Stay

2 The City seeks a stay of various effluent limitations, receiving water limitations and
3 compliance schedules resulting from terms in the Permit and TSO that are improper and
4 unsupported. In particular, the City seeks a stay of effluent limitations, receiving water
5 limitations and compliance schedules that are based on the assumption that municipal or domestic
6 water supply (MUN) is a beneficial use of New Alamo Creek, and that maximum contaminant
7 levels (MCLs) based on incorporation by reference or otherwise are lawfully adopted water
8 quality objectives. (See Petition at pp. 3:20-23, 4:11-14, 6:9-7:2; Permit at pp. 9, 11, 14, F-20,
9 F-21 - F-22, F-23 - F-24, F-31 - F-32.) The Permit and TSO also contain interim effluent
10 limitations, and compliance schedule provisions that require the City to submit method of
11 compliance workplans and pollution prevention plans within six months. (Permit at pp. 12, 13,
12 33; TSO at p. 4.)

13 C. A Stay is Proper

14 1. MUN-Based Effluent and Receiving Water Limitations

15 The Permit includes effluent limitations and receiving water limitations in surface water
16 based on the determination or finding of the Regional Water Board that, under the Water Quality
17 Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan), New Alamo Creek
18 has MUN use. The requirements include effluent limitations for chlorodibromomethane,
19 dichlorobromomethane and nitrate (as N). (Permit at pp. 9-11.) The Regional Water Board based
20 its determination of MUN for New Alamo Creek on tributary provisions within the Basin Plan as
21 well as the State Water Board's "Sources of Drinking Water Policy" (Resolution 88-63) and
22 implementation of the Policy through the Basin Plan. (Permit at pp. 3-4, F-13, F-14, see also
23 Table 5 at p. 4.) The City has objected to the Regional Water Board's determination or finding of
24 MUN based on the tributary provisions of the Basin Plan and Resolution 88-63. (Petition at
25 pp. 3:13-19, 5:9-6:6.)

26 In the first instance, the Regional Water Board determined that the beneficial use of MUN
27 applies to New Alamo Creek because New Alamo Creek is tributary to the Sacramento-San
28 Joaquin Delta (Delta), and because the Basin Plan states that the beneficial uses of a water body

1 specifically identified in the Basin Plan generally apply to its tributary streams. (Basin Plan at
2 p. II-2.00.) The Basin Plan also states however that “[i]n some cases a beneficial use may not be
3 applicable to the entire body of water. In these cases the Regional Water Board’s judgment will
4 be applied.” (*Id.*) The City contends that the beneficial uses for the Delta do not necessarily
5 apply to all tributaries to the Delta and that MUN is not a beneficial use of New Alamo Creek.
6 The Regional Water Board is required to conduct a case-by-case evaluation and use its judgment
7 to determine what beneficial uses appropriately apply to the tributary stream. There is no
8 evidence in the record that indicates the Regional Water Board conducted a case-by-case
9 evaluation to support the determination or finding that MUN is a beneficial use in New Alamo
10 Creek. In fact, the City has provided significant evidence to the contrary. (See Declaration of
11 Michael Bryan, Ph.D. in Support of City of Vacaville’s Request for Stay of Order
12 Nos. R5-2008-0055 and R5-2008-0056 (“Bryan Decl.”) at ¶¶ 6-9.) As a result, the City contends
13 that there is no basis for the effluent and receiving water limitations based on application of the
14 MUN use for New Alamo Creek through the tributary provisions in the Basin Plan.

15 Next, the City contends that the automatic designation of MUN through the Basin Plan’s
16 incorporation of Resolution 88-63 is unlawful as it fails to consider the exceptions contained in
17 Resolution 88-63 as they may apply to New Alamo Creek, and it fails to comply with state and
18 federal provisions that govern the designation of beneficial uses. As discussed previously, there
19 is no evidence in the record to support the finding that MUN should automatically apply to New
20 Alamo Creek through the Regional Water Board’s application of Resolution 88-63. In addition,
21 the City has submitted significant evidence that shows New Alamo Creek fits within at least one
22 of the exceptions in Resolution 88-63. (Bryan Decl. at ¶¶ 5-6.) Thus, there is no basis for
23 effluent and receiving water limitations based on application of the MUN use for New Alamo
24 Creek through the Regional Water Board’s incorporation of Resolution 88-63 into the Basin Plan.

25 Finally, in the aforementioned litigation, the City contends, in motions now fully briefed
26 before the Superior Court, that if the Basin Plan in fact establishes MUN as a beneficial use of
27 New Alamo Creek, such designation is unlawful; and Resolution 88-63 is not a valid regulation.
28

1 2. Effluent Limitations Based on MCLs

2 The Permit includes effluent limitations for nitrate (as N) based on MCLs of 10 mg/L.
3 (Permit at pp. 9, 11, F-23 - F-24.) The City contends that the MCL is an unlawful water quality
4 objective that has not been adopted pursuant to state law and an unlawful water quality objective
5 based on incorporation by reference that has not been adopted pursuant to state law. (Petition at
6 pp. 4:11-14, 7:23-8:5.) The City contends that the state MCL for nitrate+nitrite (sum as N) is an
7 unlawful water quality objective based on incorporation by reference that has not been adopted
8 pursuant to state law. There is no evidence in the record that indicates MCLs are lawfully
9 adopted water quality objectives that are appropriately applied in the Permit and TSO. As a
10 result, the City contends that there is no basis for the effluent limitations and compliance schedule
11 provisions for nitrate (as N) contained in the Permit and TSO. In addition, in the pending
12 litigation previously described, the lawfulness of the MCLs as water quality objectives is in issue.

13 3. Lack of Substantial Harm to the Public or Interested Persons

14 The Permit and TSO requirements affected by the stay all relate to MUN and water
15 quality objectives for protection of MUN. There is no actual municipal or domestic use of New
16 Alamo Creek. (Bryan Decl. at ¶ 7.) There is no potential for harm to the public or interested
17 persons if a stay of such requirements is granted.

18 Thus, the evidence supports that a stay of the requested requirements will not result in any
19 substantial injury to the public or interested persons and a stay of the requested requirements is
20 appropriate.

21 4. Substantial Harm to the City

22 If there is no stay at such time that the City requests consideration by the State Water
23 Board, the City must begin the process of upgrading the EWWTP very soon. (Tompkins Decl. at
24 ¶ 14.) This would result in substantial harm to the City. (*Id.*) In particular, the City must
25 undertake facilities planning and design related to the facility upgrades that are necessary to
26 comply with the Permit and TSO. To meet the effluent limitations for chlorodibromomethane
27 and dichlorobromomethane, it will be necessary for the City to replace its existing chlorine
28 disinfection system with the addition of ultra violet (UV) disinfection and will be necessary for

1 the City to build year round tertiary treatment and all process units. (*Id.* at ¶ 12.) To meet the
2 effluent limitations for nitrate, it will be necessary for the City to plan, design and construct new
3 de-nitrification facilities. (*Id.*) The requested stay would avoid the immediate need for this
4 expenditure.

5 If the City does not begin work and expend funds toward these requirements immediately
6 or very soon, the City risks violating the deadlines contained in the Permit and TSO. (Effluent
7 Limitations IV.A.3; Provisions VI.C.7.b; TSO, Ordering paragraph 1; Tompkins Decl. at ¶ 14.)
8 Indeed, the City believes that the time schedule in the TSO is aggressive and potentially cannot be
9 met. (Tompkins Decl. at ¶ 15.) The City would not be able to wait until the issues raised in the
10 Petition are resolved prior to beginning work to comply with the requirements that the City
11 challenges as unnecessary and unreasonable. (*Id.* at ¶¶ 14-15.) Thus, if a stay is not granted, the
12 City and its residents will incur significant economic harm. In addition, the City's challenge to
13 these provisions of the Permit and TSO will become increasingly moot and the City's rights to
14 challenge these provisions will be substantially harmed if the City must comply with these
15 provisions of the Permit and TSO prior to resolution of its Petition.

16 The City will be substantially harmed by undertaking work to comply with effluent
17 limitations "which may ultimately be determined unnecessary." (*In the Matter of the Petition of*
18 *International Business Machines*, SWRCB Order No. WQ 88-15 (Dec. 15, 1988) (*IBM*) at p. 8.)
19 As discussed, the City must incur immediate expenses in order to comply with the timelines
20 contained in the Order (see Tompkins Decl. at ¶ 13) and the expenditure of public resources will
21 have been unnecessary and wasteful if the City is ultimately successful in its Petition of the
22 Permit and TSO. The City will not have any ability to recover those unnecessary costs from the
23 Regional Water Board or any other party. As a result, the City and its ratepayers will have been
24 substantially, irrevocably harmed by the requirement to incur costs that are unnecessary and
25 wasteful.

26 Further, if the stay is not granted, the City will be substantially prejudiced by the
27 requirement to expend this effort and money "while the State Water Board is considering the
28 petition which may render the issue moot." (*IBM*, SWRCB Order No. WQ 88-15 at p. 6.) In

1 IBM, the State Water Board considered the petitioner's request for stay of provisions requiring a
2 technical report regarding a continuous pumping groundwater monitoring well and a reuse plan
3 for the well. The State Water Board concluded that IBM would be substantially prejudiced by
4 having to meet short deadlines to prepare the required technical report and groundwater reuse
5 plan. (*Id.* at p. 8)

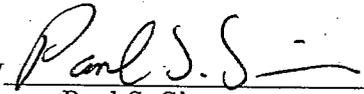
6 The City's case is similar to the *IBM* circumstance. The City is forced to expend money
7 immediately toward compliance with effluent limitations based on application of the MUN
8 beneficial use and/or water quality objectives whose legality is in issue. (Tompkins Decl. at
9 ¶ 14.) As in *IBM*, the City will be required to expend effort before its Petition is resolved. (*IBM*,
10 SWRCB Order No. WQ 88-15; see also, *In the Matter of the Petition of Fairchild Semiconductor*
11 *Corporation and Schlumberger Technology Corporation*, SWRCB Order No. WQ 89-5 (April 20,
12 1989); Tompkins Decl. at ¶ 14.) The need to spend public resources to achieve compliance with
13 the Permit ant TSO prior to resolution of the City's Petition will result in substantial harm to the
14 City and will preclude any meaningful review of the City's Petition.

15 IV. CONCLUSION

16 Based on the foregoing demonstration that a stay will not cause substantial harm to
17 interested persons or the public and that lack of a stay will cause substantial harm to the City, the
18 State Water Board should issue the requested stay.

19
20 SOMACH, SIMMONS & DUNN
21 A Professional Corporation

22 Dated: May 23, 2008

23 By 
24 Paul S. Simmons
25 Attorneys for Petitioner
26 CITY OF VACAVILLE
27
28

PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On May 23, 2008, I served the following document(s)

CITY OF VACAVILLE'S PRELIMINARY MEMORANDUM IN SUPPORT OF REQUEST FOR STAY (Wat. Code, § 13320)

XX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid thereon, in the designated area for outgoing mail, addressed as set forth below:

Pamela Creedon, Executive Officer California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670	Gerald Hobrecht, City Attorney Shana Faber, Assistant City Attorney City of Vacaville 650 Merchant Street Vacaville, CA 95688
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I declare under penalty of perjury that the foregoing is true and correct. Executed on May 23, 2008, at Sacramento, California.


Crystal Rivera

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10 Attorneys for Petitioner
11 CITY OF VACAVILLE

12
13 BEFORE THE
14 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
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16 In the Matter of City of Vacaville's Petition for
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17 California Regional Water Quality Control
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18 Waste Discharge Requirements for City of
Vacaville Easterly Wastewater Treatment Plant,
19 Order No. R5-2008-0055 (NPDES
No. CA0079049), and Time Schedule Order
20 No. R5-2008-0056.

SWRCB/OCC File _____

DECLARATION OF DAVID K.
TOMPKINS IN SUPPORT OF CITY OF
VACAVILLE'S REQUEST FOR STAY OF
ORDER NOS. R5-2008-0055 AND
R5-2008-0056

21
22 I, David K. Tompkins, declare as follows:

23 1. I am the Assistant Director of Public Works for the City of Vacaville (Vacaville),
24 and have held this position for 20 years. I am a registered civil engineer with over 25 years of
25 professional experience in design, construction, and operation of water and wastewater treatment
26 facilities.

27 2. I am responsible for and have direct oversight of all activities at Vacaville's
28 Easterly Wastewater Treatment Plant (EWWTP).

- 1 3. I was personally involved in reviewing and preparing the Report of Waste
2 Discharge and Supplemental Information for the EWWTP, submitted by Vacaville to the
3 Regional Water Quality Control Board, Central Valley Region (Regional Water Board), on
4 September 1, 2005.
- 5 4. I was personally involved in reviewing and preparing comments on the Waste
6 Discharge Requirements and Time Schedule Order for the EWWTP contained in Order
7 Nos. R5-2008-0055 and R5-2008-0056, submitted by Vacaville to the Regional Water Board on
8 January 25, 2008 and on March 17, 2008.
- 9 5. I was personally involved in reviewing and preparing comments on Waste
10 Discharge Requirements contained in Order No. 5-01-044; and, was personally involved in
11 Vacaville's petition for review of Order No. 5-01-044, which resulted in the State Water
12 Resources Control Board's Order WQO 2002-0015.
- 13 6. I am personally involved in the oversight and direction of Vacaville's claims in
14 *City of Vacaville v. State Water Resources Control Board* (Contra Costa County Superior Court
15 Case No. CIV MSN 03-0956).
- 16 7. I have direct oversight of expenditures that occur at, and in relation to, Vacaville's
17 EWWTP and permit compliance.
- 18 8. I direct and oversee work conducted by consultants and Vacaville staff for work
19 directly and indirectly related to permit compliance.
- 20 9. Order No. R5-2008-0055 requires Vacaville to comply with water quality-based
21 effluent limitations for chlorodibromomethane and dichlorobromomethane by May 18, 2010, and
22 requires Vacaville to comply with effluent limitations for nitrate (as N) immediately. Order
23 No. R5-2008-0056 provides Vacaville with a time schedule for complying with nitrate (as N) by
24 May 1, 2013.
- 25 10. Certain Permit provisions challenged in Vacaville's Petition for Review and
26 identified in paragraph 9 above, are, or are directly related to, issues pending in *City of Vacaville*
27 *v. State Water Resources Control Board, supra.*
- 28

1 PROOF OF SERVICE

2 I am employed in the County of Sacramento; my business address is 813 Sixth Street,
3 Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the
4 foregoing action.

5 On May 23, 2008, I served the following document(s)

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8 ORDER NOS. R5-2008-0055 AND R5-2008-0056**

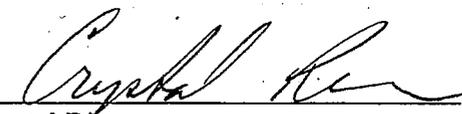
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18 I declare under penalty of perjury that the foregoing is true and correct. Executed on
19 May 23, 2008, at Sacramento, California.

20
21
22
23 
24 Crystal Rivera
25
26
27
28