

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2009-00XX

REQUIRING THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT
MOUNTAIN HOUSE WASTEWATER TREATMENT PLANT
SAN JOAQUIN COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2007-0039
(NPDES PERMIT NO. CA0084271)

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

1. On 4 May 2007, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2007-0039, prescribing waste discharge requirements for the Mountain House Community Services District (hereafter Discharger), Mountain House Wastewater Treatment Facility (hereafter Facility), San Joaquin County. At the same time, the Regional Water Board also adopted Time Schedule Order (TSO) No. R5-2007-0040 that provided a time schedule for compliance with the effluent limitations for group A pesticides, cyanide, bis(2-ethylhexyl)phthalate, and iron, required in Order R5-2007-0039, as described in Finding 4, below.
2. Based on effluent data it has become apparent that the Facility is also unable to consistently comply with the final effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes required in Order R5-2007-0039, as described in Finding 4, below. These compounds are disinfection byproducts that are formed when chlorine is used for disinfection at wastewater treatment facilities. Although the Facility uses ultraviolet light disinfection and does not use chlorine, the Discharger has been unable to consistently comply the effluent limitations for these compounds. Consequently, on 3 November 2008, the Discharger requested a time schedule for compliance with the effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes.
3. This Order replaces TSO No. R5-2007-0040. The compliance schedule and interim effluent limitations for group A pesticides, cyanide, bis(2-ethylhexyl)phthalate, and iron contained in this Order are the same as was required in TSO No. R5-2007-0040. This Order just adds a compliance schedule and interim effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes.
4. WDR Order No. R5-2007-0039, contains Final Effluent Limitations IV.A.1.a., which reads, in part, as follows:

Table 1: Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Iron (total recoverable)	µg/L	--	--	300	--	--
Bis(2-ethylhexyl)phthalate	µg/L	1.8	--	3.6	--	--

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Cyanide	µg/L	4.1	--	8.9	--	--
Group A Pesticides	µg/L	--	--	--	--	ND
Dichlorobromomethane	µg/L	0.56	--	1.1	--	--
Dibromochloromethane	µg/L	0.41	--	0.82	--	--
Total Trihalomethanes	µg/L	80	--	--	--	--

5. The effluent limitations specified in Order No. R5-2007-0039 for iron and group A pesticides are based on Basin Plan site-specific water quality objectives. The effluent limitations for bis(2-ethylhexyl)phthalate, cyanide, dibromochloromethane, dichlorobromomethane, are based on the California Toxics Rule. While the total trihalomethanes are based on California Department of Public Health’s primary maximum contaminant level. These limitations are based on existing Basin Plan water quality objectives that were adopted prior to 25 September 1995, or based on the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). These effluent limitations are new limitations that were not prescribed in previous Order No. 98-192, adopted by the Regional Water Board on 11 September 1998.

6. 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.”*

7. Federal regulations, 40 CFR Part 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.

8. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that, based upon results of effluent monitoring and statistically projected effluent concentrations, the Discharger is not able to consistently comply with the new effluent limitations for bis(2-ethylhexyl)phthalate, cyanide, group A pesticides, and iron. These limitations are new requirements that became applicable to the Order after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitations,

and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

9. 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 dibromochloromethane, dichlorobromomethane, and total trihalomethanes. These compounds are disinfection byproducts that are created when chlorine is used for disinfection or other purposes at wastewater treatment facilities. The Discharger does not use chlorine for disinfection or for maintenance purposes. The Facility utilizes an ultraviolet light disinfection system. Consequently, the source(s) of these compounds is not readily apparent. The District submitted a report titled, "Infeasibility Analysis and Time Schedule Justification for the Mountain House Wastewater Treatment Plant Dibromochloromethane and Dichlorobromomethane NPDES Permit Limitations", prepared by Robertson-Bryan Inc., dated November 2008. The infeasibility report provides justification for a time schedule for compliance with the final effluent limitations for these compounds. The new effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes are new requirements that became applicable after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
10. Immediate compliance with these new effluent limitations for bis(2-ethylhexyl)phthalate, cyanide, dibromochloromethane, dichlorobromomethane, group A pesticides, iron and total trihalomethanes is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.
11. This Order provides time schedules for the Discharger to develop, submit, and implement methods of compliance including pollution prevention activities, or construct necessary treatment facilities to meet these new effluent limitations. On 31 August 2008, the Discharger submitted to the Regional Water Board the method of compliance/schedule for group A pesticides, cyanide, bis(2-ethylhexyl)phthalate, and iron. On 2 May 2008, the Discharger submitted pollution prevention plans for these compounds.
12. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties *"where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met."*

13. Compliance with this Order exempts the Discharger from mandatory penalties for violations of effluent limitations for bis(2-ethylhexyl)phthalate, cyanide, dibromochloromethane, dichlorobromomethane, group A pesticides, iron and total trihalomethanes in accordance with CWC section 13385(j)(3). CWC section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to section 13263.3 of the California Water Code. Therefore, a pollution prevention plan are necessary for bis(2-ethylhexyl)phthalate, cyanide, dibromochloromethane, dichlorobromomethane, group A pesticides, iron and total trihalomethanes effluent concentrations by source control measures.

14. This Order includes interim requirements and dates for their achievement. The time schedules do not exceed five years.

The compliance time schedules in this Order include interim performance-based effluent limitations for bis(2-ethylhexyl)phthalate and group A pesticide. The interim effluent limitations for these two constituents (with less than 10 sampling data points) are based on 3.11 times the maximum observed effluent concentration, as recommended by the *Technical Support Document for Water quality-Based Toxics Control (EPA/505/2-90-001)*. In developing the interim limitations, where there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row*). Therefore, the interim limitations in this Order for cyanide, dibromochloromethane, dichlorobromomethane, iron and total trihalomethanes 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. For the group A pesticides, only aldrin and heptachlor were detected in the discharge. Therefore, it is only feasible to calculate interim effluent limitations for these group A pesticides.

15. The Regional Water Board finds that the Discharger can undertake source control and 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.

16. On 5 February 2009, in Rancho Cordova, 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.

17. 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 13389 and section 15321 (a)(2), Title 14, of the California Code of Regulations.
18. 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.

IT IS HEREBY ORDERED THAT:

1. Time Schedule Order No. R5-2007-0040 is rescinded upon the effective date of this Order except for enforcement purposes.
2. The Discharger shall comply with the following time schedule to ensure compliance with the group A pesticides, cyanide, bis(2-ethylhexyl)phthalate, and iron effluent limitations contained in WDR Order No. R5-2007-0039 as described in the above Findings:

<u>Task</u>	<u>Date Due</u>
Submit Method of Compliance Workplan/schedule	Completed
Submit Pollution Prevention plan (PPP) ¹ pursuant to CWC section 13263.3 for group A pesticides, cyanide, bis(2-ethylhexyl)phthalate, and iron	Completed
Annual Progress Reports ²	31 January
Full compliance with bis(2-ethylhexyl)phthalate, cyanide, group A pesticides, and iron effluent limitations	30 April 2012

¹ The PPP shall meet the requirements specified in CWC section 13263.3

² The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

3. The Discharger shall comply with the following time schedule to ensure compliance with the dibromochloromethane, dichlorobromomethane, and total trihalomethanes effluent limitations contained in WDR Order No. R5-2007-0039 as described in the above Findings:

<u>Task</u>	<u>Due date</u>
Submit Method of Compliance Workplan/schedule	Within 3 months of adoption
Submit and Implement Pollution Prevention plan (PPP) ¹ pursuant to CWC section 13263.3	Within 4 months of adoption
Annual Progress Reports ²	31 January
Full Compliance	30 August 2012

¹ The PPP shall meet the requirements specified in CWC section 13263.3

² The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. The interim effluent limitations for bis(2-ethylhexyl)phthalate, cyanide, group A pesticides, and iron shall be effective until 30 April 2012, or when the Discharger is able to come into compliance, whichever is sooner. The interim effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes shall be effective until 30 August 2012, or when the Discharger is able to come into compliance, whichever is sooner.

Constituent	Units	Maximum Daily Effluent Limitation
Cyanide	µg/L	17
Iron (Total Recoverable)	µg/L	918
bis(2-ethylhexyl)phthalate	µg/L	23
Dibromochloromethane	µg/L	71
Dichlorobromomethane	µg/L	118
Total Trihalomethanes	µg/L	335
Aldrin	µg/L	0.016
Heptachlor	µg/L	0.072

3. For the compliance schedules required by this Order, the Discharger shall submit to the Regional Water Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with

the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.

4. If, in the opinion of the Executive Officer, the Mountain House Community Services District fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. If compliance with these effluent limitations is not achieved by the Full Compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.

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 5 February 2009.

PAMELA C. CREEDON, Executive Officer