

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER R5-2015-XXXX
REQUIRING
THE CITY OF PLACERVILLE
HANGTOWN CREEK WATER RECLAMATION FACILITY
EL DORADO COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED
IN ORDER R5-2014-0015 AND SUBSEQUENTLY ADOPTED ORDERS
(NPDES PERMIT NO. CA0078956)

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

1. On 25 April 2008, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2008-0053, and accompanying Cease and Desist Order (CDO) R5-2008-0054, prescribing waste discharge requirements and compliance time schedules for the City of Placerville (Discharger) Hangtown Creek Wastewater Treatment Plant (Facility), in El Dorado County.
2. WDRs Order R5-2008-0053 included, in part, final effluent limitations and interim effluent limitations for zinc. The compliance schedule required compliance with the final effluent limitations for zinc by 17 May 2010.
3. On 18 March 2010, the Central Valley Water Board adopted Order R5-2010-0026 to amend CDO R5-2008-0054-01 to add a zinc interim limit and compliance schedule for achieving compliance with final effluent limitations for zinc by 1 March 2015.
4. On 7 February 2014, the Central Valley Water Board adopted WDRs Order R5-2014-0015 rescinding WDRs Order R5-2008-0053 and prescribing renewed WDRs for the Facility. Order R5-2014-0016 was also adopted to amend CDO R5-2008-0054-02 to include reference to WDRs Order R5-2014-0015.
5. WDRs Order R5-2014-0015, Section IV.A.1.a contains effluent limitations that read, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Zinc, Total Recoverable	µg/L	37	--	55	--	--

Need for Time Schedule Extension and Legal Basis

6. As required in WDRs Order R5-2008-0053, in August 2008, the Discharger submitted a Pollution Prevention Plan (PPP) pursuant to California Water Code section 13263.3 for several constituents including zinc. In the PPP the Discharger indicated that:
 - Zinc is present in a number of household products, including antidandruff shampoos, sun screens and aerosol deodorants; and
 - Zinc is present in the domestic water distribution system, which includes galvanized pipe water service lines. Zinc leaches into the City drinking water system and the average zinc concentration in the treated water supplied to the City of Placerville is approximately 2 to 3 ug/L. The water supplier no longer adds zinc-based corrosion inhibitors during the treatment process.
7. On October 2009, the Discharger submitted an infeasibility report and request for compliance schedule extensions for zinc. The Discharger reports that zinc can originate from several sources, including domestic water supplies, domestic and non-domestic wastewater, infiltration/inflow, sediment, and the wastewater treatment processes. The wastewater collection system receives wastewater from residential and commercial users. There are no significant industrial users. The Discharger indicated that, continued treatment plant performance testing and optimization, additional effluent quality monitoring and data evaluation, and compliance response planning and implementation may be required in order to comply with final effluent limitations, and therefore, the Central Valley Water Board adopted a time schedule to provide additional time for the Discharger to comply with the zinc final effluent limits by 1 March 2015.
8. By the end of 2009 the Discharger completed construction of the improvements and optimization of the treatment process at the Facility. Those improvements allowed the Discharger to come into full compliance with the copper effluent limits, but not the zinc effluent limits, in January 2010.
9. On 10 August 2010, the Discharger submitted a zinc water effects ratio (WER) Study Work Plan. However, based on an initial evaluation, the Discharger determined that the zinc WER would not allow for effluent zinc compliance.
10. On 2 October 2012, the Discharger submitted a request for a mixing zone and dilution credit for zinc effluent limitations in a Zinc Dilution Credit and Mixing Zone Technical Memorandum.
11. On 23 March 2013, the Discharger submitted a Benthic Macroinvertebrate (BMI) Technical Memorandum in support of the dilution credit and mixing zone. Subsequently, after monitoring the receiving water, the Discharger concluded that a dilution credit would not be granted because it could not be demonstrated that there was a fish zone of passage in Hangtown Creek that is unaffected by the discharge.
12. On 5 September 2013, the Discharger submitted the results from a zinc WER study that utilized a Biotic Ligand Model. The results of the model suggested that a zinc WER of 1.9 to

2.1 was possible. But a single-sample zinc WER Study, collected in October 2013, indicated that it was not likely that a WER study would allow for effluent zinc compliance.

13. In the Fall 2013, the City began to evaluate alternatives for achieving zinc compliance through operational changes at the Facility. This process began with monthly collection of additional influent and effluent samples in October 2013 and monthly collection of internal treatment process samples for zinc in February 2014. The City also began evaluating alternatives for adding chemicals that would increase zinc removals within the existing treatment process.
14. On 15 May 2014, the City began adding ferric chloride to the influent in order to lower effluent zinc concentrations. The Discharger then compiled data for effluent, and upstream and downstream receiving water flow and hardness, to determine whether a hardness mixing zone could be assigned to Hangtown Creek downstream of the Facility outfall.
15. In August 2014 the Discharger submitted an Infeasibility Report and request for compliance schedule extension for zinc. The Discharger reported testing additions of ferric chloride and other chemicals and reported that the Facility may be able to achieve compliance with the zinc effluent limits through operational changes within the treatment process. However, the Discharger stated testing and evaluation of this treatment process modification has only begun, and thus, only limited effluent data is available. Therefore, the Discharger requires additional time to complete operational modifications. No additional source control measures or pollutant minimization actions are proposed.

Mandatory Minimum Penalties

16. California Water Code (Water Code) sections 13385(h) and (i) require the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. Water Code 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 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...”*
17. Per the requirements of Water Code section 13385(j)(3), the Central Valley Water Board finds that:
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to Water Code section 13385(h) and (i).
 - b. To comply with final effluent limitations for zinc the Discharger has requested additional time to continue to make treatment plant process modifications in order to optimize zinc removals while minimizing the effect on other treatment processes. The Discharger will also continue to monitor for zinc concentrations in the influent and effluent and within individual treatment processes (including the primary and secondary clarifiers, the belt

press, and the digesters) in order to evaluate the effect of the process modifications, and until compliance with final limits is determined.

- c. This Order establishes time schedules to bring the waste discharge into compliance with the final 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 final effluent limitations. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence and is making diligent progress to bring the waste discharge into compliance with final effluent limitations.

18. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years.
19. Per the requirements of Water Code Section 13385(j)(3)(C)(ii)(II) following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional five years beyond the initial five years, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
20. Compliance with this Order exempts the Discharger from MMPs for violations of the final effluent limitations found in WDR Order R5-2014-0015, or subsequently adopted WDR Order, as follows:
 - a. Zinc: Previous CDO R5-2008-0054-02 provided protection for zinc from MMPs from 18 March 2010 until XX February 2015. This Order provides protection from MMPs for additional time, as allowed by Water Code Section 13385(j)(3)(C)(ii)(II), from XX February 2015 until 1 March 2017.
21. In accordance with Water Code section 13385(j)(3), the total length of protection from MMPs for zinc does not exceed ten years from the date the effluent limitations became applicable to the waste discharge.
22. The previously established interim effluent limitations for zinc are based on the treatment plant performance and are carried forward in this Order as interim average monthly effluent limitations. New interim maximum daily effluent limitations for these constituents, calculated using the MDEL/AMEL multiplier from the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), section 1.4, Table 2, were added to this Order.
23. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. 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 effluent limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

24. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

Other Regulatory Requirements

25. California Water Code section 13301 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 preventive action.”

26. California Water Code section 13267 states in part: *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

27. The Discharger owns and operates the wastewater treatment facility which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in WDR Order R5-2014-0015 and with this Order.

28. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass’n, Inc. v. Discharger Council of Discharger of Riverside* (1977) 73

Cal.App.3d 546, 555-556.). Issuance of this Order is also exempt from the provisions of CEQA in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2).

29. On XX February 2015, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Cease and Desist Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT:

Cease and Desist Order R5-2008-0054 is rescinded including the amendments on 18 March 2010 and 7 February 2014, except for enforcement purposes, and, pursuant to Water Code Sections 13301 and 13267:

1. The Discharger shall comply with the following time schedule to submit reports and ensure completion of the compliance projects described in Findings 17b and 15, above:

Task	Compliance Date
Submit report regarding the results from performance testing to identify the operational modifications needed to enhance zinc removals	1 August 2015
Submit report regarding the results from an evaluation to determine the seasonal process modifications necessary for zinc compliance	1 August 2016
Full compliance with zinc effluent limitations	1 March 2017

2. The following interim effluent limitations shall be effective XX February 2015 through 28 February 2017:

Parameter	Units	Average Monthly	Maximum Daily
Zinc, Total Recoverable	µg/L	125	337

3. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

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 XX February 2014.

PAMELA C. CREEDON, Executive Officer