

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2015-0047
AMENDING CEASE AND DESIST ORDER R7-2009-0061
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0104361 FOR THE
CITY OF HOLTVILLE WASTEWATER TREATMENT PLANT
CITY OF HOLTVILLE – IMPERIAL COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds:

1. The City of Holtville (hereinafter Discharger) owns and operates a wastewater collection system and wastewater treatment plant (WWTP) (hereinafter "Facility") that provides sewerage service to the City of Holtville. The WWTP has a treatment capacity of 0.85 million gallons per day (MGD) and is located at 1250 Kamm Road, Holtville, CA 92250.
2. On June 21, 2006, the Regional Water Board adopted Board Order R7-2006-0050, NPDES Permit CA0104361, prescribing Waste Discharge Requirements for the Discharger's WWTP for the discharge of 0.85 million gallons per day (MGD) of secondary treated wastewater to the Pear Drain, a water of the United States. The Pear Drain conveys the effluent to the Alamo River, then to the Salton Sea. Board Order R7-2006-0050 was to expire on June 21, 2011. On May 19, 2011, the Regional Water Board adopted Board Order R7-2011-0020, NPDES Permit CA0104361, rescinding Board Order R7-2006-0050, except for enforcement purposes
3. Among other requirements, Board Order R7-2006-0050, Section IV.A.1.a prescribed Interim and Final Effluent Limitations for Discharge Point 001 for Total Ammonia as Nitrogen. The Interim Effluent Limitation became effective June 21, 2006 and the Final Effluent Limitation became effective on May 19, 2010, and was reestablished by Board Order R7-2011-0022
4. On September 17, 2009, the Regional Water Board adopted Cease and Desist Order (CDO) R7-2009-0061 to address violations of Board Order R7-2006-0050. Pursuant to California Water Code (CWC) Section 13385(j)(3), paragraph 13 of the CDO exempts the Discharger from Mandatory Minimum Penalties (MMPs) for violations of the Final Effluent Limitation for Total Ammonia as Nitrogen if the Discharger is in compliance with the CDO. Accordingly, the exemption from MMPs for violations of the Final Effluent Limitation for Total Ammonia as Nitrogen became effective on the date the CDO was adopted. As long as the Discharger is in compliance with the CDO, the exemption shall remain in effect until December 31, 2013, the date when the WWTP improvements must be completed and full compliance with Board Order R7-2006-0050 must be achieved, as specified in Ordered Paragraph No.1 of the CDO.
5. CDO R7-2009-0061 may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include, but are not limited to, the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.
6. On September 29, 2010, in a letter to the Assistant Executive Officer (AEO), the Discharger requested that the time schedule set forth in Ordered Paragraph No.1 of CDO R7-2009-0061 be

amended in order to obtain funding necessary to complete the WWTP improvements as required by the CDO. The Discharger's letter stated that it will continue to work with funding agencies in securing funding for the design and construction of the WWTP improvements required to comply with Board Order R7-2006-0050. The Discharger is also conducting a Sewer Rate Study to identify additional revenue the City can provide along with the funding from other sources to complete the WWTP improvements. Accordingly, the Special Board Order R7-2011-0016 revised CDO R7-2009-0061 to extend the milestone deadlines specified therein to August 17, 2014. These milestones pertain to completion of construction and operational start-up of the new wastewater treatment plant upgrades and to achieving full compliance with Board Order R7-2006-0050.

7. Water Code section 13385(j)(3)(C) provides that a time schedule specified in a CDO may not exceed five (5) years in length for bringing a waste discharge into compliance with an effluent limitation. The time schedule outlined in the original CDO, R7-2009-0061 expired on December 31, 2013, and therefore complied with this statutory requirement. Water Code section 13385(j)(3)(C)(ii)(II) allows a regional board to extend the time schedule of a cease and desist order for an additional time period not exceeding five years if the discharger demonstrates that it is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation. The time schedule extension should be 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 limitation. On January 20, 2011 Special Board Order R7-2011-0016 extended the original time schedule under the CDO by 20 months. This amendment met the requirements of the statute because it amended the time schedule for an additional period of less than 5 years.
8. On February 7, 2013 the Discharger submitted information showing that it was making diligent progress toward bringing the waste discharge in to compliance with the effluent limitations, but that funding and construction delays would prevent it from meeting the milestones in Page 5, Order Paragraph No.1, as amended. It requested that the time schedule stated in Special Board Order R7-2011-0016 be extended to account for funding and construction delays.
9. On March 31, 2013 the Special Board Order R7-2013-0029 amended the time schedule contained in Special Board Order R7-2011-0016 by making a second amendment to the milestones specified therein to December 31, 2015. A Regional Board may extend a time schedule passed under Water Code 13385(j)(3)(C)(ii)(II) as long as the discharger can show it is still making diligent progress toward achieving compliance, and the total time schedule allowed by both the original extension and the amended extension does not exceed 5 years. The amendment proposed by the Special Board Order R7-2013-0029 met the requirements of Water Code section 13385(j)(3)(C)(ii)(II) because: (1) the Discharger had shown to be making genuine progress toward bringing the waste discharge into compliance, and (2) it extended the time schedule of the original CDO for a total period not exceeding 5 years,
10. On August 21, 2015, in a letter to the Executive Officer (EO), the Discharger provided information containing the CDO quarterly report (dated August 7, 2015), WWTP Improvement Construction Schedule, and Construction Notice to Proceed. The CDO quarterly report also provided the WWTP Design and Specifications, Bid Documents and Construction Contract. According to the information provided by the Discharger, the Construction Contract was awarded on July 13, 2015, the Construction Notice to Proceed was issued on July 29, 2015, and the WWTP improvement had commenced on August 10, 2015. Based on the foregoing, the Discharger is making genuine effort complying with the effluent limitations, but construction delays have prevented the discharger from meeting the milestones in Page 5, Order Paragraph No.1, as amended.

Therefore the discharger is requesting that the time schedule stated in Special Board Order R7-2013-0029 be extended to December 31, 2016.

11. This Special Board Order (R7-2015-0047) amends the time schedule contained in Special Board Order R7-2013-0029 by making a third amendment to the milestones in Pages 3-4, Order Paragraph No.1 of CDO R7-2009-0061. The proposed amendment extends the deadline to finish construction of the WWTP improvement and bring the discharge from the WWTP into compliance by December 31, 2016. A Regional Board may extend a time schedule passed under Water Code 13385(j)(3)(C)(ii)(II) as long as the discharger can show it is still making genuine progress toward achieving compliance, and the total time schedule allowed by both the original extension and the amended extension does not exceed 5 years. The amendment proposed by this Special Board Order extends the time schedule of the original CDO for a total period not exceeding 5 years.
12. The Regional Water Board published Public Notice 7-15-38 for this Special Board Order on October 13, 2015.
13. Issuance of this Special Board Order amending CDO R7-2009-0061 to enforce CWC, Division 7, Chapter 5.5 is exempt from the provisions of CEQA (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies") Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Cease and Desist Order R7-2009-0061 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Special Board Order as well as with those portions of CDO R7-2013-0029 that were not amended by this Special Board Order:

Page 5, Ordered Paragraph 1: WWTP Improvements/Upgrades. **Modify Completion dates of Milestones** as follows:

WWTP UPGRADES			
MILESTONE	MILESTONE DESCRIPTION	MILESTONE SUBMITTAL	COMPLETION DATE
6	Construction of WWTP Improvements	Submit Summary and Verification of Construction Completion	December 31, 2016
7	Achieve full compliance with Order R7-2006-0050 (NPDES Permit CA0104361)	Submit written certification that WWTP is in compliance with Order R7-2006-0050 (NPDES Permit CA0104361)	December 31, 2016

Special Board Order R7-2015-0047
Amending Cease and Desist Order R7-2009-0061
City Of Holtville Wastewater Treatment Plant

I, Jose L. Angel, Interim 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, Colorado River Basin Region, on November 19, 2015.



JOSE L. ANGEL, Interim Executive Officer