

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CEASE AND DESIST ORDER NO. R2-2008-0091

**REQUIRING THE SONOMA VALLEY COUNTY SANITATION DISTRICT TO CEASE
AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER
TO WATERS OF THE STATE**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter “Regional Water Board”), finds that:

1. The Sonoma Valley County Sanitation District (hereinafter “Discharger”) owns and operates a wastewater treatment plant, located at 22675 Eighth Street East, Sonoma, Sonoma County. The plant treats domestic and commercial wastewater from the City of Sonoma and unincorporated areas of Glen Ellen, Boyes Hot Springs, El Verano, and Agua Caliente. It has a dry weather design treatment capacity of 3.0 million gallons per day.
2. The wastewater discharge from the Discharger’s wastewater treatment plant was previously regulated by waste discharge requirements (WDRs) in Order Nos. R2-2002-0046 and R2-2005-0009 (amendment) (NPDES Permit No. CA0037800).
3. Concurrent with the adoption of this Cease and Desist Order (CDO), the Regional Water Board adopted Order No. R2-2008-0090 (hereinafter “Permit”), reissuing WDRs for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. The limitations include those listed in Table 1 below, among others.

Table 1: Permit Effluent Limits

Parameter	Final Effluent Limits in Permit		Monitoring Station
	Average Monthly Effluent Limit (AMEL) (µg/L)	Maximum Daily Effluent Limit (MDEL) (µg/L)	
Copper ⁽¹⁾	8.1	13	EFF-001 and EFF-001B

(1) Alternate Effluent Limits for Copper:

- a. If a copper SSO for the receiving water becomes legally effective, resulting in adjusted saltwater chronic objective of 6.0 µg/L and acute objective of 9.4 µg/L contained in the Basin Plan Amendment, Resolution No. R2-2007-0042 and its supporting documentation, upon its effective date, the following limitations shall supersede those copper limitations listed in Table 1.

MDEL of 11 µg/L and AMEL of 6.6 µg/L.

- b. If a different copper SSO for the receiving water is adopted, the alternate WQBELs based on the SSO will be determined after the SSO effective date.
4. The Discharger submitted a feasibility study dated June 23, 2008 demonstrating that it cannot comply with the effluent limits for copper listed in Table 1. As stated in the Permit findings, the Regional Water Board concurs with the Discharger's infeasibility assertion because the mean, 95th and 99th percentiles of the data exceed the long term average (LTA), AMEL and MDEL, respectively. Since the alternate effluent limits are more stringent than the existing permit limits for copper, the Discharge will continue to have difficulty complying with the new alternate limits. The Permit does not grant compliance schedules for this pollutant; therefore, the Discharger will discharge waste in violation of the Permit.
5. Water Code §13301 authorizes the Regional Water Board to issue a CDO when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
6. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.
7. The time schedules in this Order are parameter-specific and intended to be as short as possible. They account for the considerable uncertainty in determining effective measures (e.g., pollution prevention and treatment plant upgrades) necessary to achieve compliance. This Order allows some time to first explore source control measures before requiring further actions, such as treatment plant upgrades, which are likely to be much more costly. The time schedules are based on reasonably expected times needed to implement source identification and upstream source control, evaluate success, identify on-site treatment alternatives if necessary, test and select from among alternatives, and construct plant upgrades. The Regional Water Board may wish to revisit these assumptions as more information becomes available.
8. As part of the time schedules to achieve compliance, this Order requires the Discharger to comply with interim effluent limits, where feasible. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedules. The interim limits are based on past performance or limits in previous orders, whichever are more stringent. If based on past performance, the interim limits represent the 99.87th percentile of actual measured discharge concentrations (mean plus three standard deviations). If insufficient monitoring data exist to derive a reliable performance-based limit, and if no previous order contained a limit, then this Order does not establish an interim limit.

For copper, the 99.87th percentile of the data set is calculated to be 24 µg/L. Since

the Discharger took multiple samples within a month, the 99.87th percentile of the monthly averages was also calculated, which is 18 µg/L (as a monthly average limit). The previous permit contained an interim effluent limit for copper of 18 µg/L as a monthly average; therefore, this Order establishes the same performance-based monthly average limit. This Order also establishes a daily maximum performance-based limit of 24 µg/L. The new pair of interim limits, taken together, is more stringent than the previous interim limit.

9. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.
10. Exceedance of the NPDES limits for copper is not subject to California Water Code §13385(h) and (i) as long as the Discharger complies with all of the requirements of the Cease and Desist Order, does not exceed the interim limits, and meets the requirements of §13385(j)(3).
11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this CDO, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code §13301, that the Discharger shall cease and desist from discharging and threatening to discharge wastes in violation of its Permit by complying with the following provisions:

1. Prescribed Actions. Discharger shall comply with the required actions in Table 2 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.
2. Actions after Adoption of Copper Site-Specific Objectives (SSOs). The time schedules and prescribed actions for copper shall remain effective following the effective date of SSOs* for copper in San Francisco Bay. These SSOs are an adjusted saltwater chronic objective of 6.0 µg/L and acute objective of 9.4 µg/L. When these SSOs become effective, the alternate effluent limits (an AMEL of 6.6 µg/L and an MDEL of 11 µg/L) specified by the Permit will also become effective. If different SSOs are adopted, the Regional Water Board will establish revised effluent limits based on such SSOs after the effective date. At that time, the Regional Water Board will determine if the copper-related time schedules and prescribed actions in Table 2 are still necessary or if they should be rescinded. Until such time, the Discharger shall comply with them.

* In December 2007, by Resolution No. R2-2007-0042, the Regional Water Board adopted Copper SSOs for San Francisco Bay.

3. **Reporting Delays.** If the Discharger is delayed, interrupted, or prevented from meeting one or more of the time schedules in Table 2 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose time schedules for resolving the delay.
4. **Consequences of Non-Compliance.** If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.
5. **Effective Date.** This Order shall be effective on the effective date of the Permit.

Table 2: Time Schedules and Prescribed Actions for Copper

Action	Deadline
<p>a. Comply with the following interim effluent limits at Monitoring Station EFF-001 (for Schell Slough discharge) and EFF-001B (for wetland discharge):</p> <p style="padding-left: 40px;">Average monthly interim limit = 18 µg/L, Daily maximum interim limit = 24 µg/L</p>	Upon the effective date of this Order
<p>b. Submit a plan for identifying copper sources to the discharge. Examples of copper sources include pool and spa, plumbing corrosivity. The plan shall, at a minimum, include sampling influent waste streams to identify and quantify pollutant sources.</p>	February 1, 2009
<p>c. Implement the plan developed in action “b” within 30 days following the deadline for action “b,” and submit by the deadline for this action a report that contains an inventory of the pollutant sources.</p>	June 1, 2009
<p>d. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements:</p> <p style="padding-left: 40px;">(1) Maintain a list of sources of pollutants of concern. (2) Investigate each source to assess the need to include it in the program. (3) Identify and implement targeted actions to reduce or eliminate discharges from each source in the program. (4) Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.</p>	August 1, 2010
<p>e. Continue to implement the program described in action “d” and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has</p>	Annually each February 28 in Best Management Practices and Pollutant Minimization

Action	Deadline
successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.	Reports required by Permit Provision VII.C.3
<p>f. If by February 28, 2011, discharge data continue to show the discharge is out of compliance (as defined in 2.4.5. of the State Implementation Policy) with the Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance. These actions shall include, but not be limited to, modeling receiving water quality and reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities:</p> <ul style="list-style-type: none"> (1) Dynamic modeling of the discharge and its impacts on receiving water quality. (2) Bench scale testing or pilot scale testing or both (3) Development of preliminary design specifications (4) Development of final design specifications (5) Procurement of funding (6) Acquisition of necessary permits and approvals (7) Construction 	June 1, 2011
g. Implement the plan required in action "f" within 45 days following the deadline for action "f," and submit annual status reports.	Annually, each February 1 in Annual Self-Monitoring Reports required by Permit Attachment E, Monitoring and Reporting Program
h. Submit documentation confirming complete plan implementation and achieve compliance with copper effluent limits specified in IV.B. of the Permit.	December 1, 2013

I, Bruce H. Wolfe, 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, San Francisco Bay Region, on October 8, 2008.

BRUCE H. WOLFE
 Executive Officer