

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

TIME SCHEDULE ORDER NO. R3-2018-0019

**REQUIRING THE
CITY OF MORRO BAY AND CAYUCOS SANITARY DISTRICT
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NO. CA0047881, ORDER NO. R3-2017-0050,
AS RENEWED OR REVISED**

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

1. The City of Morro Bay and Cayucos Sanitary District (hereafter Discharger) own and operate wastewater collection, treatment, and disposal facilities to provide sewerage service to their respective communities.
2. The Central Coast Water Board adopted waste discharge requirements regulating the discharge of secondary-treated effluent from the Discharger's wastewater treatment plant to the Pacific Ocean. Under their previous permit, when flows exceeded 1 million gallons per day (MGD), secondary-treated effluent could be blended with primary treated effluent, and the blend was chlorinated and dechlorinated before discharge. The Discharger plans to discontinue this blending process as part of the planned new water reclamation facility (WRF) project, and all flows will meet at least full secondary treatment standards. Until those upgrades are completed, however, periodic blending will still be necessary. Waste Discharge Requirements Order No. R3-2017-0050 (Order No. R3-2017-0050), adopted by the Central Coast Water Board on December 7, 2017, requires the Discharger to meet full secondary treatment standards. Order No. R3-2017-0050 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0048941).
3. Clean Water Act section 301(b) requires U.S. EPA to develop secondary treatment standards for publicly owned treatment works at a level of effluent quality attainably through applying secondary or equivalent treatment. U.S. EPA promulgated such technology-based effluent guidelines at 40 C.F.R. 133. Technology-based effluent limitations for biochemical oxygen demand (BOD) and total suspended solid (TSS) have thus been established in Order No. R3-2017-0050 based on 40 C.F.R. 133.
4. Order No. R3-2017-0050 prescribes final effluent limitations for BOD and TSS as shown in Table 1.

Table 1 – Final Effluent Limitations

Parameter	Units	Final Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand 5-day @ 20°C (BOD ₅) ^[1]	mg/L	30	45	--
	lbs/day ^[2]	515	773	--
Total Suspended Solids (TSS) ^[1]	mg/L	30	45	--
	lbs/day ^[2]	515	773	--

^[1] The 30-day average percent removal for BOD and TSS shall not be less than 85 percent.

^[2] Mass-based effluent limitations were calculated using the following formula:
 lbs/day = pollutant concentration (mg/L) * Design flow (2.06 MGD) * conversion factor (8.34)

5. The Discharger is unable to comply immediately with Order No. R3-2017-0050 BOD and TSS final effluent limitations. The contributions of BOD and TSS are typical of municipal wastewater influent, but the existing treatment plant infrastructure cannot achieve full secondary treatment for the loading/flow rates of the service area. Operational bypass of secondary treatment is expected to continue periodically for influent flows above 1 MGD until WRF upgrades are completed. The inability to immediately comply with final effluent limitations is not limited exclusively during periods of bypass.
6. The conditions of a 2008 settlement agreement between the Discharger and Central Coast Water Board prohibit the Discharger from applying to U.S. EPA for a CWA section 301(h) secondary treatment waiver pursuant to 40 CFR, subpart G during any subsequent order renewal process. Therefore, the U.S. EPA has not granted an additional 301(h) waiver, and full secondary treatment requirements were implemented within Order No. R3-2017-0050.
7. As described in the Discharger's November 6, 2017 correspondence and Central Coast Water Board staff report for the public hearing for Order No. R3-2017-0050 on December 7, 2017, the Discharger has been, and is, actively planning WRF upgrades to allow full compliance with Order No. R3-2017-0050.
8. As shown in Tables 2 and 3 below, this time schedule order subjects the Discharger to BOD and TSS interim effluent limitations and compliance activities to achieve full compliance with Order No. R3-2017-0050, as renewed or revised.
9. California Water Code (CWC) section 13300 authorizes the Central Coast Water Board to require a discharger to establish a time schedule, subject to Water Board approval, of specific actions a discharger shall take in order to correct or prevent actual or threatened discharges of waste in violation of requirements.
10. The Central Coast Water Board has delegated to its Executive Officer all powers and duties authorized by CWC section 13223. These powers include the authority to issue a time schedule order pursuant to CWC section 13300.
11. The Discharger cannot consistently comply with the BOD and TSS final effluent limitations in Order No. R3-2017-0050 because the effluent limitations are new regulatory requirements, new or modified control measures are necessary in order to comply with the effluent limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days. As a result, a discharge of waste from the current facility is taking place that threatens to violate requirements prescribed by the Central Coast

Water Board. Therefore, this time schedule order requires the Discharger to undertake actions to comply with the BOD and TSS final effluent limitations in Order No. R3-2017-0050.

12. Pursuant to CWC section 13385(j)(3), violations of the final effluent limits for BOD and TSS in Order No. R3-2017-0050, as renewed or revised, are not subject to CWC section 13385 subdivisions (h) and (i) mandatory minimum penalties as long as the Discharger complies with all of the requirements of this time schedule order and all of the following requirements are met:

- The time schedule order specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).
- The regional board finds that the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge. (see finding 5 above).
- The regional board establishes a time schedule for bringing the waste discharge into compliance with the final effluent limitation that is as short as possible and does not exceed five years in length.
- For time schedules that exceed one year from the effective date of the time schedule order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:
 - Effluent limitations for the pollutant or pollutants of concern.
 - Actions and milestones leading to compliance with the effluent limitation.
- The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to CWC section 13263.3. This time schedule order requires the Discharger to prepare, implement, and submit a pollution prevention plan for BOD and TSS.

This time schedule order satisfies the above bulleted requirements.

13. This time schedule order requires the Discharger to comply with a time schedule that will, within five years of adoption, allow the Discharger to achieve full compliance with BOD and TSS final effluent limitations in Order No. R3-2017-0050, as renewed or revised.

14. The Central Coast Water Board publicly noticed this time schedule order from March 9, 2018, to April 12, 2018. Water Board staff received a comment letter from the City of Morro Bay, dated April 12, 2018, requesting minor changes to some Table 3 deadlines based on recent developments. Water Board staff has amended the draft TSO as suggested by the Discharger's comment letter.

15. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to sections 13267, 13383, and 13300 of the California Water Code, the City of Morro Bay and Cayucos Sanitary District shall:

1. Comply with the following BOD and TSS interim effluent limitations commencing on the effective date of Time Schedule Order (TSO) No. R3-2018-0019:

Table 2 – Interim Effluent Limitations

Parameter	Units	Interim Effluent Limitations	
		Average Monthly	Instantaneous Maximum
Biochemical Oxygen Demand 5-day @ 20°C (BOD ₅) ^[1]	mg/L	120	180
	lbs/day ^[2]	2062	3092
Total Suspended Solids (TSS) ^[1]	mg/L	70	105
	lbs/day ^[2]	1203	1804

^[1] The 30-day average percent removals shall be no less than at least 75% for TSS and 30% for BOD₅.

^[2] Mass-based effluent limitations were calculated using the following formula:

lbs/day = pollutant concentration (mg/L) * Design flow (2.06 MGD) * conversion factor (8.34)

2. Comply with the following compliance schedule commencing on the effective date of TSO No. R3-2018-0019:

Table 3 – Compliance Schedule

Required Actions	Compliance Due Dates ⁴
Release of Public Draft Environmental Impact Report (EIR)	March 30, 2018
Release of Updated Rate Study	June 30, 2018
Proposition 218 Hearing	August 30, 2018
Certification of Final EIR (<i>Critical Timeline for Grant Pursuits</i>)	June 30, 2018
Award of Contract for WRF ¹ Onsite Improvements	September 30, 2018
Develop, Implement, and Submit Pollution Prevention Plan (PPP) ² pursuant to CWC section 13263.3 for BOD and TSS	December 1, 2018
Award of Contract for Construction of Lift Station and Offsite Pipelines	November 30, 2019
Completion of WRF Improvements with Completion Report	December 30, 2022
Full compliance with final effluent limitations	February 28, 2023
Quarterly Progress Reports ³ on TSO compliance	1 st Quarter (Jan-Mar): due May 1 st 2 nd Quarter (Apr-Jun): due by Aug 1 st 3 rd Quarter (Jul-Sep): due by Nov 1 st 4 th Quarter (Oct-Dec): due by Feb 1 st

¹ The Discharger has indicated the new facility will be called a Water Reclamation Facility, as opposed to the existing facility's name of Wastewater Treatment Plant.

² The PPP shall be prepared for BOD and TSS and shall meet the requirements specified in CWC section 13263.3(d)(3) for POTWs.

³ The quarterly progress reports shall detail the Discharger's actions implemented towards achieving compliance with Order No. R3-2017-0050, including but not limited to studies, installation/construction progress, evaluation of measures implemented, recommendations for additional measures as

necessary to achieve full compliance by the final date of this TSO, completion of any required actions, failures to comply with any action required and related corrective actions. Quarterly progress reports shall also include as attachments any documentation demonstrating compliance, such as RFPs, EIRs, rate studies, contract awards, or hearing agendas. Where such materials are publicly available via the Discharger's website, the Discharger's quarterly report may instead provide web links if approved by Central Coast Water Board staff.

- ⁴ Compliance due dates are the latest allowable compliance date. The Discharger may be able to achieve compliance or progress sooner than the listed compliance date(s), based on any early successful implementation of the required actions.
3. If the Discharger fails to achieve any required action by its compliance due date, then the Discharger shall notify Central Coast Water Board staff by email report within two business days at Katie.Disimone@waterboards.ca.gov, or as directed.
4. All reports shall be submitted under discharger signed/certified cover letter to the California Integrated Water Quality System (CIWQS). The Executive Officer may require revisions to the form or types of data and information reported.
5. All reports required by this TSO shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the owner of the regulated facility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Central Coast Water Board.
6. Any person signing a report required by this TSO shall make the following certification:

“In compliance with California Water Code section 13267, I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision, following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”
7. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provisions of this TSO, or fails to consistently demonstrate substantive progress towards achieving full compliance with effluent limitations in Order No. R3-2017-0050, as renewed or revised, the Executive Officer may terminate this TSO. In that case, or if compliance with the final effluent limitations of Order No. R3-2017-0050 is not achieved by the full compliance dates shown above in Table 3, the Discharger would not be exempt from the mandatory minimum penalties for violation of those effluent limitations, and would also be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.
8. During the effective period of this TSO, the Discharger shall comply with all provisions of Order No. R3-2017-0050, as renewed or revised, that are not in conflict with this TSO.

The Central Coast Water Board's requirement that you submit the reports required by this TSO is made pursuant to sections 13267 and 13383 of the California Water Code. Pursuant to section 13268 of the Water Code, a violation of a Water Code section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. Pursuant to section 13385 of the Water Code, a violation of a Water Code section 13383 requirement may subject you to civil liability of up to \$10,000 per day for each day in which the violation occurs.

The Central Coast Water Board needs the reports required by this TSO in order to ensure the Discharger's compliance with this TSO and its timely achievement of full compliance with the final effluent limitations of Order No. R3-2017-0050. The Discharger is required to submit this information because based on the available data it is responsible for the discharge and for compliance with Order No. R3-2017-0050. The evidence supporting this requirement is discussed above. More detailed information is available in the Central Coast Water Board's public file on this matter.

Any person aggrieved by this action of the Central Coast 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 the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received 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.

This Order is effective upon signature by the Executive Officer. The Executive Officer may modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the Discharger demonstrates and the Executive Officer determines that the delay was beyond the reasonable control of the Discharger to avoid.

ORDERED BY John M. Robertson Digitally signed by John M. Robertson
Date: 2018.06.27 11:25:08 -07'00'
John M. Robertson, Executive Officer