

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

DRAFT TIME SCHEDULE ORDER NO. R3-2022-0005

**REQUIRING THE
CITY OF LOMPOC REGIONAL WASTEWATER RECLAMATION PLANT
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NO. CA0048127, ORDER NO. R3-2021-0005**

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

1. The City of Lompoc (Discharger) owns and operates a domestic/municipal wastewater collection, treatment, and disposal system, a publicly owned treatment works, or POTW, known as the City of Lompoc Regional Wastewater Reclamation Facility (Facility). The Facility also treats and disposes of wastewater from Vandenberg Space Force Base and Vandenberg Village Community Services District. The Facility is located at 1801 West Central Avenue, Lompoc, Santa Barbara County.
2. Treatment at the Facility currently consists of mechanical bar screens, grit removal, oxidation ditches, clarifiers, and ultraviolet disinfection. Waste activated sludge and scum is thickened in two dissolved air flotation thickeners before being aerobically digested before disposal.
3. On [placeholder for adoption date], the Central Coast Water Board adopted Waste Discharge Requirements Order No. R3-2021-0005, National Pollutant Discharge Elimination System (NPDES) Permit CA0048127. Order No. R3-2021-0005 regulates the discharge of secondary treated effluent from the Facility to San Miguelito Creek, which is a tributary to the Santa Ynez River (water of the United States), located within the Santa Ynez River Hydrologic Unit. The effective date of Order No. R3-2021-0005 is [placeholder for effective date].
4. Order No. R3-2021-0005 prescribes the following new effluent limitations for boron, sulfate, and chromium (VI).

Parameter	Units	Annual Mean¹	Average Monthly	Maximum Daily
Boron	mg/L	0.4		
Sulfate	mg/L	350		
Chromium (VI), Total Recoverable	ug/L		8.1	16

¹ Compliance with the effluent limitations is determined using 12-month running means.

5. Order No. R3-2021-0005 includes the following receiving water limitation:

“Natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature

does not adversely affect beneficial uses. At no time or place shall the temperature be increased by more than 5° Fahrenheit (F) above natural receiving water temperature.”

6. The Central Coast Basin Plan¹ includes cold freshwater habitat as a designated beneficial use of San Miguelito Creek. The Central Coast Water Board has determined that temperatures higher than 21 degrees Celsius (C) are detrimental to salmonids and has utilized this threshold for the California Integrated Report and to place waterbodies on the Clean Water Act section 303(d) List of Impaired Waterbodies (303(d) List) approved by the United States Environmental Protection Agency since 2010. San Miguelito Creek is listed as impaired for temperature on the current approved 303(d) List² based on recorded temperatures in the creek greater than 21 degrees C.
7. The temperature of the discharge from the Facility to San Miguelito Creek is often higher than 21 degrees C. During much of the year San Miguelito Creek is dry upstream from the Facility discharge, and, as a result, the creek is effluent dominated. Therefore, discharges from the Facility at temperatures greater than 21 degrees C are causing or contributing to impairment of the cold freshwater habitat beneficial use of San Miguelito Creek.
8. Order No. R3-2021-0005 includes a receiving water limitation for temperature but does not currently include a final effluent limitation for temperature. To address the temperature impairment of San Miguelito Creek, in the future the Central Coast Water Board will develop a TMDL or will establish revised numeric water quality objectives for temperature that will be protective of all aquatic life beneficial uses. The TMDL or revised water quality objectives will be developed using all applicable available data and information. It is likely that the numeric water quality objective will be lower than 21 degrees C (a temperature that is known to adversely affect aquatic life beneficial uses) to ensure that all aquatic life beneficial uses are protected. When an applicable TMDL or revision to the water quality objective is adopted, a final effluent limitation for temperature will be established in a future permit. The City should consider the temperature needed to protect all beneficial uses when it develops its plans for addressing temperature and plan for a final effluent limitation that may be lower than 21 degrees C.

NEED FOR TIME SCHEDULE ORDER

9. The Discharger is unable to consistently comply with the final effluent limits for boron, sulfate, and chromium (VI), which were not in the prior permit and are new to Order No. R3-2021-0005. In its comment letter on draft Order No. R3-2021-0005, the Discharger asked the Central Coast Water Board to issue a time schedule order pursuant to California Water Code section 133859(j)(3). A time schedule order will allow the Discharger to optimize its treatment of salts to a more reliably compliant level, while developing additional pretreatment and control options for high concentration salt dischargers within the city. The Discharger may not be able to consistently comply with the boron, sulfate, and chromium (VI) final effluent limitations in Order No. R3-2021-0005 while new or modified control measures are implemented to increase salt removal efficiency. In addition, 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 Facility may take place that threatens to violate requirements prescribed by the Central Coast Water Board.

¹ The Water Quality Control Plan for the Central Coastal Basin (Central Coast Basin Plan) can be found online at https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/

² The 2018 Integrated Report can be found online at https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2018_integrated_report.html

10. The Discharger is unable to consistently achieve discharge temperatures below 21 degrees C that would be protective of the cold freshwater habitat beneficial use of San Miguelito Creek, as required in the receiving water limitation for temperature. An interim effluent limitation for temperature is included in this time schedule order to ensure progress towards achieving the temperature receiving water limitation and protecting beneficial uses of San Miguelito Creek. A time schedule order for temperature will allow the Discharger to explore and implement new or modified controls to ultimately be protective of beneficial uses while providing accountability and minimizing temperature impacts to the creek until beneficial use protection is achieved. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days. The performance-based interim effluent limitation for temperature based on maximum results measured during the last five years is as follows:

Pollutant	Interim Limit	Compliance Period
Temperature	27.9°C (82°F)	Daily Maximum

11. The Discharger intends to make system improvements and engineering enhancements in its secondary treatment stages to improve salt removal and reduce the temperature of the wastewater effluent. During these improvements, the Discharger may be temporarily unable to comply with Order No. R3-2021-0005's final limitations for boron, sulfate, chromium (VI), and temperature, and has requested this time schedule order for the period of May 1, 2022, through April 30, 2027. The time schedule order would allow the Discharger to make system improvements and engineering enhancements in its secondary treatment stages to improve and optimize its processes for removing salts and decreasing the temperature of the wastewater effluent.
12. During the period of the time schedule order, the Discharger will continue to operate and discharge under all the limitations specified in Order No. R3-2021-0005 except for boron, sulfate, chromium (VI), and temperature. The Discharger will continue to report on all parameters as specified in Order No. R3-2021-0005.

MANDATORY MINIMUM PENALTIES

13. Pursuant to Water Code section 13385(j)(3), violations of the final effluent limits for boron, sulfate, and chromium (VI) in Order No. R3-2021-0005 are not subject to Water Code section 13385 subdivisions (h) and (i) mandatory minimum penalties, provided the Discharger complies with all the requirements of this time schedule order and all the following conditions 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 Central Coast Water 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, for one of the reasons described in Water Code section 13385(j)(3)(B)(i)-(iv) (see Finding 7 above).
 - The Central Coast Water 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.

- ii. Actions and milestones leading to compliance with the effluent limitation.
- e. The Discharger has prepared and is implementing in a timely and proper manner or is required by the Central Coast Water 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 salts and temperature.

This time schedule order satisfies the above conditions 11.a-e.

14. This time schedule order requires the Discharger to comply with a time schedule by April 30, 2027, which will allow the Discharger to achieve full compliance with boron, sulfate, and chromium (VI) final effluent limitations in Order No. R3-2021-0005 and reduce the effluent temperature to less than or equal to 21 degrees C for discharges to San Miguelito Creek to ensure achieving the receiving water limitation and protection of beneficial uses.
15. This time schedule order includes performance-based interim effluent limitations that are based on maximum results measured during last five years for boron, sulfate, and chromium (VI) as follows:

Pollutant	Interim Limit	Compliance Period
Boron	0.78 mg/L	Annual Mean
Sulfate	381 mg/L	Annual Mean
Chromium (VI), Total Recoverable	9.8 µg/L	Average Monthly

16. The Central Coast Water Board expects that the Discharger can maintain compliance with the interim effluent limitations included in this time schedule order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility, or in the case of temperature, to ensure progress towards achieving the receiving water limitation. Discharge of pollutants in concentrations in excess of the final limitations in the permit, 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 value until compliance with the final effluent limitations, or in the case of temperature, the receiving water limitation, can be achieved.
17. If an interim effluent limit established in this time schedule order for boron, sulfate, or chromium (VI) is exceeded, then the Discharger is subject to mandatory minimum penalties for that particular exceedance as the Discharger will no longer meet the exemption in Water Code section 13385, subdivision (j)(3).
18. Mandatory minimum penalties do not apply to exceedances of receiving water limitations, including the temperature receiving water limitation established in the permit. If, for the duration of the time schedule order, the Discharger complies with the interim effluent limitation for temperature, the Central Coast Water Board will not enforce on exceedances of the permit's receiving water limit for temperature.

REGULATORY BASIS

19. Water Code section 13300 authorizes the Central Coast Water Board to require dischargers to establish a time schedule, subject to Central Coast 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.

20. Pursuant to Water Code section 13223, the Central Coast Water Board has delegated to its executive officer the authority to issue a time schedule order pursuant to Water Code section 13300.
21. Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements for any person who owns or operates a publicly owned treatment works.
22. The Central Coast Water Board publicly noticed this time schedule order from November 18, 2021, to December 20, 2021.
23. Issuance of this time schedule order is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA) pursuant to Water Code section 13389 because the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this time schedule order only serves to implement a NPDES permit (Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside (1977) 73 Cal. App. 3d 546, 555-556). 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, pursuant to California Water Code sections 13300 and 13383 and to ensure compliance with the requirements of adopted Waste Discharge Requirements Order No. R3-2021-0005, NPDES Permit CA0048127:

1. The Discharger shall comply with the following schedules of actions:

Table 1. Compliance Schedule for Boron, Sulfate, Chromium (VI) (Starting May 1, 2022)

Task	Required Actions	Compliance Due Dates
A	Quarterly progress and monitoring reports of boron, sulfate, chromium (VI) concentrations in the drinking water distribution system and WWTP influent and effluent. Reports shall include but not be limited to: • Discussion of overall progress in implementing the requirements of this order and achieving full compliance with Order No. R3-2021-0005; • Results of water supply monitoring and wastewater flow contributions from each service area with a water supply that is hydrologically connected to the Santa Ynez River (City of Lompoc, Vandenberg Village); • Water supply investigations and possible control measures; • Map of the drinking water distribution system showing and naming sampling points;	1st Quarter (Jan-Mar) – Report Due by May 1st 2nd Quarter (Apr-Jun) – Report Due by Aug 1st 3rd Quarter (Jul-Sep) – Report Due by Nov 1st 4th Quarter (Oct-Dec) – Report due by Feb 1st

Task	Required Actions	Compliance Due Dates
	- Calculation of intake water credits and adjusted effluent concentrations based on the intake water credits; and - Evaluation of compliance with final effluent limitations.	
B	Develop, implement, and submit a pollution prevention plan (PPP) pursuant to Water Code section 13263.3 for boron, sulfate, and chromium (VI). <i>[Based on net reduction of pollutants discharged into wastewater using "input change, operational improvements, production process change, product reformation."]</i>	8/1/22 (3 months to prepare)
C	Conduct rate study and submit results.	11/1/23 (18 months to prepare)
D	Submit report documenting status of compliance with final effluent limitations.	11/1/23 (after 15 months of implementing PPP and applying intake credits, Task B)
E	If effluent concentrations of boron, sulfate, and chromium VI are still above final limits after applying intake water credits and implementing PPP, develop and submit feasibility study with recommended plan for LRWRP improvements.	2/1/24 (3 months after compliance determination, Task D report)
F	Secure project funding for LRWRP improvements.	2/1/25 (1 year after submitting recommended plan, Task E)
G	Complete preliminary design of LRWRP improvements.	8/1/25 (6 months after project funding secured, Task F)
H	Complete and submit CEQA documentation for LRWRP upgrades.	8/1/26 (1 year after preliminary design, Task G)
I	Complete final design of LRWRP improvements.	2/1/26 (6 months after preliminary design, Task G)
J	Award construction contract for LRWRP upgrades.	5/1/26 (3 months after final design, Task I)
K	Complete construction of LRWRP upgrades and submit project completion report.	3/1/27 (10 months after awarding contract, Task J)
L	Comply with final effluent limitations for boron, sulfate, and chromium VI.	4/30/27 (2 months after completing construction, process commissioning/startup, and testing)

Table 2. Compliance Schedule for Temperature (Starting May 1, 2022)

Task	Required Actions	Compliance Due Dates
A	Develop, implement, and submit pollution prevention plan (PPP) for temperature.	8/1/22 (3 months to prepare)
B	Submit report documenting status of compliance with temperature discharges being protective of beneficial uses.	11/1/23 (1.25 years after implementing PPP)
C	If LRWRP discharges do not result in compliance with Order R3-2021-0005, add temperature remediation to the feasibility and recommended plan for LRWRP improvements (Table 1, Task E) and continue with Table 1 activities.	2/1/24 (3 months after compliance determination, Task B)

2. If the Discharger is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Table 1 or Table 2 above, the Discharger may request, in writing, an extension of the time. The extension request shall include justification for the delay and shall be submitted at least thirty days prior to the respective deadline to be considered complete and timely.
3. The following interim effluent limitations for boron, sulfate, and chromium (VI) shall be effective upon adoption of this time schedule order and shall apply in lieu of all final effluent limitations for those constituents in Order No. R3-2021-0005. The interim effluent limitation for temperature shall be effective upon adoption of this time schedule order and shall apply in lieu of the receiving water limitation for temperature in Order No. R3-2021-0005. The Discharger shall maintain compliance with the following interim effluent limitations through April 30, 2027, or when the Discharger is able to come into compliance with the final effluent limitations and receiving water limitation for temperature, whichever is sooner.

a. Boron, sulfate, chromium (VI), or temperature in the effluent shall not exceed:

Pollutant	Interim Limit	Compliance Period
Boron	0.78 mg/L	Annual Mean
Sulfate	381 mg/L	Annual Mean
Chromium (VI), Total Recoverable	9.8 µg/L	Average Monthly
Temperature	27.9°C (82°F)	Daily Maximum

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 time schedule order 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 time schedule order shall make the following certification:

“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 time schedule order or fails to consistently demonstrate substantive progress towards achieving full compliance with effluent or receiving water limitations in Order No. R3-2021-0005, the executive officer may terminate this time schedule order. In that case, or if compliance with the final effluent limitations for boron, sulfate, and chromium (VI) in Order No.

R3-2021-0005 is not achieved by the full compliance dates shown above in Tables 1 and/or 2 or the Discharger has not received an extension according to Provision 2 above, the Discharger will not be exempt from the mandatory minimum penalties for violation of those effluent limitations and may 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 time schedule order, the Discharger shall comply with all provisions of Order No. R3-2021-0005, as renewed or revised, that are not in conflict with this time schedule order.

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 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 13350 and 13385. The Central Coast Water Board reserves its right to take any enforcement actions authorized by law.

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 on [placeholder for permit effective date]. 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 _____
Matthew T. Keeling, Executive Officer