

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2002-0021

REQUIRING THE CITY OF COLUSA
WASTEWATER TREATMENT PLANT
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as “Regional Board”) finds:

1. On 1 March 2002, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2002-0020, for the City of Colusa (Discharger). WDR Order No. R5-2002-0020 regulates the discharge of approximately 0.66 million gallons per day (mgd) of treated domestic wastewater to an unnamed tributary to Powell Slough, which is tributary to the Colusa Trough and the Colusa Basin Drain. The design flow of the facility is 0.90 mgd.
2. WDR Order No. R5-2002-0020, contains Effluent Limitations for ammonia and aluminum as contained in B.1a and B.1b, which reads in part as follows:

<u>“Constituent</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/l lbs/day ²	Attachment B	Attachment C	Attachment D
Aluminum	µg/l lb/day ³	-- --	87 0.65	750 5.6

² The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.90 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

³ Based upon a design treatment capacity of 0.90 mgd [$x \mu\text{g/l} \times (1 \text{ mg}/1000 \mu\text{g}) \times 8.345 \times 0.90 \text{ mgd} = y \text{ lbs/day}$]

3. The Discharger currently cannot consistently comply with the Effluent Limitations for ammonia and aluminum contained in WDR Order No. R5-2002-0020.
4. Based on the above findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for ammonia and aluminum included in WDR Order No. R5-2002-0020.
5. In order to consistently comply with the ammonia Effluent Limitations, nitrification of the wastewater is necessary.
6. In accordance with California Water Code (CWC) Section 13385(j)(3), the Regional Board finds that, based upon operational capabilities, the Discharger is not able to consistently

comply with the ammonia and aluminum effluent limitations. The ammonia and aluminum limitations are new requirements that become applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

Since the time schedule for completion of action necessary to achieve full compliance exceeds one year, interim requirements and dates for their achievement are included in this Order. This time schedule does not exceed five years. Treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code Section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures. Ammonia cannot be significantly reduced through source control measures in domestic wastewater. Therefore, a pollution prevention plan for ammonia is not required by this Order.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of ammonia and aluminum limitations only, in accordance with California Water Code Section 13385(j)(3).

7. On 1 March 2002, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, *et seq.*), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.
9. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board Office of the Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. The City of Colusa shall cease and desist from discharging and threatening to discharge contrary to Waste Discharge Requirements Order No. R5-2002-0020, Effluent Limitations 1a and 1b for ammonia and aluminum.
2. The City of Colusa shall comply with the following time schedule to assure compliance with the ammonia and aluminum Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2002-0020 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Progress Report/Implementation Schedule	1 September 2002
Progress Reports ⁴	1 February and 1 August of each year
Submit Pollution Prevention Plan for Aluminum	1 September 2004
Achieve Full Compliance	1 February 2007

⁴ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

3. Until full compliance with Waste Discharge Requirements Order No. R5-2002-0020, Effluent Limitations B.1a and B.1b is achieved, the Discharger shall operate the treatment plant in a nitrification mode to the maximum extent practicable.
4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, GARY M. CARLTON, 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 1 March 2002.

Original signed by

GARY M. CARLTON, Executive Officer