

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2007-0072

REQUIRING THE NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2002-0095
(NPDES PERMIT NO. CA0081612)

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. On 7 June 2002, the Regional Water Board adopted Waste Discharge Requirements Order No. R5-2002-0095 (NPDES NO. CA0081612) (NPDES permit), for the Nevada County Sanitation District No. 1, Lake of the Pines wastewater treatment plant (hereafter Discharger), for the discharge of approximately 0.41 million gallons per day (mgd) of treated municipal wastewater to Magnolia Creek, a water of the United States and tributary to the Bear River. The design flow of the facility is 0.72 mgd. Discharges to surface water usually only occur during wet weather. During the summer, from May through October, and during dry winter periods, the Discharger land applies wastewater.
2. Effluent Limitations B.1. require the Discharger to comply with the following effluent limitations for discharges to surface water and reads, in part, as follows:

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Median Monthly</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Daily Maximum</u>
BOD ¹	mg/l	15 ²	--	20 ²	30 ²	--
	lbs/day ³	90	--	120	180	--
Total Suspended Solids	mg/l	15 ²	--	20 ²	40 ²	--
	lbs/day ³	90	--	120	240	--
Settleable Solids	ml/l	0.1	--	--	0.2	--
Total Coliform Organisms	MPN/100ml	--	2.2	--	--	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon design treatment capacity of 0.72 mgd (χ mg/L x 8.345 x 0.72 mgd = γ lbs/day).

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/l	Attach B	--	--	Attach C
	lbs/day ²	--	--	--	--
Nitrate + Nitrite (as N)	mg/l	10	--	--	--
	lbs/day ¹	60	--	--	--
Nitrite (as N)	mg/l	1	--	--	--
	lbs/day ¹	6	--	--	--
Aluminum	ug/l	--	87	--	750

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<u>Constituents</u>	<u>Units</u> lbs/day ¹	<u>Average</u> <u>Monthly</u>	<u>Average</u> <u>4-Day</u> 0.522	<u>Average</u> <u>Daily</u>	<u>Average</u> <u>1-Hour</u> 4.5
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¹ Based upon design treatment capacity of 0.72 mgd (χ mg/L x 8.345 x 0.72 mgd= γ lbs/day).

² The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.72 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

- The Regional Water Board adopted Cease and Desist Order No. R5-2002-0096 (CDO) on 7 June 2002 because the Discharger could not consistently comply with Effluent Limitations B.1 for ammonia, nitrate plus nitrite, nitrite, and aluminum contained in the NPDES permit. The CDO required the Discharger to comply with the effluent limitations by 30 April 2007.
- Order No. R5-2002-0095 includes Effluent Limitations B.2. that require the Discharger to comply with effluent limitations after 30 April 2007, and reads in part as follows:

<u>Constituents</u>	<u>Units</u>	<u>Average</u> <u>Monthly</u>	<u>Average</u> <u>Weekly</u>	<u>7-Day</u> <u>Median</u>	<u>Average</u> <u>Daily</u>	<u>Instant.</u> <u>Max.</u>
Total Coliform Organism	MPN/100ml	--	--	2.2	--	23 ¹
Turbidity	NTU	--	--	--	2	5 ²

¹ The total coliform organisms concentration shall not exceed 23 MNP/100 ml more than one in a 30-day period. No sample shall exceed a concentration of 240 MPN/100 ml.

² The turbidity shall not exceed 5 NTU more than percent of the time within a 24-hour period. At no time shall the turbidity excess 10 NTU.

- Order No. R5-2002-0095 also includes Provision H.5. that requires the Discharger to comply with the following time schedule to assure compliance with the tertiary treatment requirements and associated Effluent Limitations of this Order:

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due Date</u>
Submit Annual Status Report		1 June, annually
Submit Workplan/Time Schedule		15 September 2002
Full Compliance	30 April 2007	

- Monitoring and Reporting Program No. R5-2002-0095 (MRP) requires that continuous turbidity and pH monitoring system, or functional equivalents, shall be operational no later than 30 April 2007.
- In order to comply with the requirements of the NPDES permit and CDO, the Discharger prepared a master plan, prepared and certified an Environmental Impact Report in accordance with CEQA, obtained funding through loans and a sewer rate

increase, and has begun construction of a new wastewater treatment plant. At this time the Discharger indicates it will be in preliminary startup of the facility by the fall of 2007, and will be in full compliance by sometime in March 2008, which is past the deadline in the current Orders in effect.

8. As a result of the events and activities described in this Order, the Regional Water Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Water Board also finds that the Discharger is discharging waste in violation of Order No. R5-2002-0095.

9. Section 13267(b) of the California Water Code states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

10. The Discharger owns and operates the facility subject to this Order. Monitoring reports and other technical reports are necessary to determine compliance with the NPDES permit and with this Order.

11. California Water Code (CWC) section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

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12. This Time Schedule Order is issued in accordance with Section 13300 of the California Water Code and establishes a time schedule for compliance.
13. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that the Discharger is not able to consistently comply with the Effluent Limitations B.1. for BOD, total suspended solids, settleable solids, ammonia, nitrate plus nitrite, nitrite, aluminum, and B.2 for total coliform organisms and turbidity. These limitations are new requirements that became applicable to the Order after the effective date of adoption of the waste discharge requirements, and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
14. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. The Discharger has accrued significant penalties for violations of Effluent Limitations B.1. and will continue to accrue penalties for violations of Effluent Limitations B.1. and B.2. pending completion of its compliance project. However, CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties "*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met.*"
15. Compliance with this Order exempts the Discharger from mandatory penalties for violations of the Effluent Limitations B.1. for BOD, total suspended solids, settleable solids, and B.2 for total coliform organisms and turbidity only, in accordance with CWC section 13385(j)(3). CWC 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. The constituents listed above are components of human sewage and are not feasible to be reduced by pollution prevention, but are dependent on additional control measures being placed in operation. Therefore, a pollution prevention plan is not required.
16. Because Cease and Desist Order No. R5-2002-0096 provided the Discharger with five years to comply with effluent limitations for ammonia, nitrate plus nitrite, nitrite and aluminum, the exemption from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for these constituents after 30 April 2007.
17. CWC section 13385(j)(3)(A) requires this Order to specify the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to mandatory minimum penalties. This Order requires the Discharger to develop and implement new or modified control measures to comply with the Effluent

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Limitations B.1. for BOD, total suspended solids, settleable solids, ammonia, nitrate plus nitrite, nitrite and aluminum, Effluent Limitations B.2 for total coliform organisms and turbidity, and the MRP requirement to conduct continuous pH and turbidity monitoring.

- 18. 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.
- 19. Any person adversely affected by this action of the Regional Water 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 pursuant to CWC Section 13300 and 13267:

- 1. The Nevada County Sanitation District No.1, Lake of the Pines shall comply with the following time schedule to ensure compliance with the requirements contained in Order No. R5-2002-0095 the Effluent Limitations B.1. for BOD, total suspended solids, settleable solids, ammonia, nitrate plus nitrite, nitrite, aluminum, and B.2 for total coliform organisms and turbidity, and MRP requirements to conduct continuous monitoring for pH and turbidity.

<u>Task</u>	<u>Compliance Date</u>
Progress Report	1 December 2007
Achieve Full Compliance	1 April 2008

The Discharger shall submit to the Regional Water Board on or before each compliance date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.

- 2. Until full compliance with Provision 1 can be achieved, the Discharger shall continue to discharge effluent to land to the maximum extent practicable. For all discharges to Magnolia Creek, the following interim effluent limitations shall be effective until **1 April 2008**, or when the Discharger is able to come into full compliance with Order No. R5-2002-0095, whichever is earlier:

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<u>Constituent</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>30-Day Median</u>	<u>Average Daily</u>	<u>Daily Max.</u>
BOD ¹	mg/L	30 ²	--	--	--	60 ²
	lbs/day ³	180	--	--	--	360
Total Suspended Solids	mg/l	30 ²	--	--	--	60 ²
	lbs/day ³	180	--	--	--	360
Total Coliform Organisms	MPN/100 ml	--	--	23	--	500

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.73 mgd (x mg/l X 8.345 X 0.72 mgd = y lbs/day)

3. 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. If compliance with these effluent limitations is not achieved by the Full Compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.
4. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports required herein shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist (as applicable) and shall be signed by the registered professional.
5. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

I, PAMELA C. CREEDON, 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 22 June 2007.

PAMELA C. CREEDON, Executive Officer