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

1. On May 4, 2007, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2007-0036, prescribing waste discharge requirements for the City of Tracy (hereafter Discharger) at the Tracy Wastewater Treatment Plant (hereafter Facility), San Joaquin County.

2. WDR Order No. R5-2007-0036 contains Final Effluent Limitations IV.A.2.a, IV.A.3.a., and IV.A.4.a. For the parameters listed below, the concentration limitations remain the same for effluent limitations b, c, and d, but the mass loading limitations increase with increases in approved discharge rates. Final Effluent Limitations IV.A.2.a. reads, in part, as follows:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>Effluent Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrate (as N)</td>
<td>mg/L</td>
<td></td>
</tr>
<tr>
<td></td>
<td>lbs/day¹</td>
<td>750.6 -- -- -- --</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>mg/L</td>
<td></td>
</tr>
<tr>
<td></td>
<td>lbs/day¹</td>
<td>75.1 -- -- -- --</td>
</tr>
</tbody>
</table>

¹ Based on a design treatment capacity of 9 mgd

3. WDR Order No. R5-2007-0036 contains Final Effluent Limitations IV.A.1.h., which states, “Dissolved Oxygen (DO). The daily average effluent DO concentration shall not be less than 5.0 mg/L.”

4. The effluent limitations specified in Order No. R5-2007-0036 for nitrate and nitrite are based on implementation of the Basin Plan narrative chemical constituents objective, and the effluent limitations for dissolved oxygen are based on a Basin Plan site-specific water quality objective. These limitations are based on existing Basin Plan water quality objectives that were adopted prior to 25 September 1995. Effluent limitations for dissolved oxygen, nitrate, and nitrite are new limitations, which were not prescribed in previous Order No. 96-104, adopted by the Regional Water Board on 3 May 1996.

5. 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.”

6. Federal regulations, 40 CFR Part 122.44 (d)(1)(i), require that NPDES permit effluent limitations
must control all pollutants which are or may be discharged at a level which will cause or have the
reasonable potential to cause or contribute to an in-stream excursion above any State water quality
standard, including any narrative criteria for water quality. Beneficial uses, together with their
respective water quality objectives or promulgated water quality criteria, can be defined per
federal regulations as water quality standards.

7. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that, based upon
results of effluent monitoring and statistically projected effluent concentrations, the Discharger is
not able to consistently comply with the new effluent limitations for nitrate, and nitrite. In
addition, effluent data for dissolved oxygen is not available, therefore, consistent compliance with
the new dissolved oxygen effluent limitations cannot be determined. These limitations are new
requirements that become applicable to the Order 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.

8. Immediate compliance with these new effluent limitations for dissolved oxygen, nitrate, and nitrite
is not possible or practicable. The Clean Water Act and the California Water Code authorize time
schedules for achieving compliance.

9. This Order provides time schedules for the Discharger to develop, submit, and implement methods
of compliance, including completing a mixing zone analysis, utilize pollution prevention
activities, or construct necessary treatment facilities to meet these new effluent limitations.

10. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum
penalties upon dischargers that violate certain effluent limitations. 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.”

11. Compliance with this Order exempts the Discharger from mandatory penalties for violations of
effluent limitations for dissolved oxygen, nitrate, and nitrite 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.
Nitrate, and nitrite cannot be significantly reduced through source control measures in domestic
wastewater, and dissolved oxygen is not a pollutant parameter. Therefore, pollution prevention
plans for dissolved oxygen, nitrate, and nitrite are not required by this Order.
12. Since the time schedules for completion of action necessary to bring the waste discharge into compliance exceed one year, this Order includes interim requirements and dates for their achievement. The time schedules do not exceed five years.

The compliance time schedules in this Order include interim performance-based effluent limitations for nitrate and nitrite. The interim effluent limitations consist of a maximum daily effluent concentration derived using sample data provided by the Discharger. In developing the interim limitations, where there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row*). Therefore, the interim limitations in this Order are established as the mean plus 3.3 standard deviations of the available data. Where actual sampling shows an exceedance of the proposed 3.3-standard deviation interim limit, the maximum detected concentration has been established as the interim limitation.

For nitrate and nitrite the method described above for calculating interim limitations is not appropriate. The Discharger is in the process of upgrading the Facility to include nitrification/denitrification. During start up of the new process, the nitrate and nitrite in the effluent may change dramatically, due to possible incomplete nitrification/denitrification.

During the nitrification process, ammonia is converted to nitrite then nitrate. Therefore, interim performance-based limitations for nitrate and nitrite have been estimated using existing effluent ammonia, nitrate, and nitrite data. The projected maximum effluent concentrations (MEC) for ammonia, nitrate, and nitrite are 42 mg/L, 9.4 mg/L, and 3.3 mg/L, respectively. An interim limitation for nitrate plus nitrite of 55 mg/L has been developed based on the sum of these projected MECs.

Dissolved oxygen effluent data is not available to determine performance-based interim limitations, which makes it impracticable to develop an interim limitation. Therefore, this Order does not include an interim effluent limitation for dissolved oxygen.

13. On May 4, 2007, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

14. 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 CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.

15. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this 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 Discharger shall comply with the following time schedule to ensure compliance with the nitrate and nitrite effluent limitations contained in WDR Order No. R5-2007-0036 as described in the above Findings:

<table>
<thead>
<tr>
<th>Task</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progress Reports¹</td>
<td>1 June, annually, until final compliance</td>
</tr>
<tr>
<td>Full compliance with nitrate and nitrite effluent limitations</td>
<td>1 August 2008</td>
</tr>
</tbody>
</table>

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. The Discharger shall comply with the following time schedule to ensure compliance with the dissolved oxygen effluent limitations contained in WDR Order No. R5-2007-0036 as described in the above Findings:

<table>
<thead>
<tr>
<th>Task</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit Method of Compliance Workplan/schedule</td>
<td>1 August 2007</td>
</tr>
<tr>
<td>Progress Reports¹</td>
<td>1 January, annually, after approval of work plan until final compliance</td>
</tr>
<tr>
<td>Full compliance with dissolved oxygen effluent limitations</td>
<td>30 April 2012</td>
</tr>
</tbody>
</table>

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

3. The following interim effluent limitations shall be effective immediately. The interim effluent limitations for nitrate and nitrite shall be effective until 31 July 2008, or upon compliance with Special Provisions VI.C.4.b. of Order No. R5-2007-0036, whichever is sooner.

<table>
<thead>
<tr>
<th>Nitrate plus Nitrite (as N) (mg/L)</th>
<th>Maximum Daily Effluent Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55</td>
</tr>
</tbody>
</table>
4. For the compliance schedules required by this Order, the Discharger shall submit to the Regional Water Board on or before each compliance report due 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.

5. If, in the opinion of the Executive Officer, the City of Tracy fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. 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.

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 May 4, 2007.

PAMELA C CREEDON, Executive Officer