

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2004-0097

REQUIRING THE CITY OF LIVE OAK
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 9 July 2004, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2004-0096, for the City of Live Oak's (Discharger) Wastewater Treatment Plant. WDR Order No. R5-2004-0096 regulates the discharge of approximately 0.51 million gallons per day (mgd) of treated domestic and industrial wastewater to Reclamation District 777 Lateral Drain No. 1, which is tributary to Main Canal and the Sutter Bypass. The design flow of the facility is 1.4 mgd.
2. WDR Order No. R5-2004-0096 contains Effluent Limitations for discharges to Reclamation District 777 Lateral Drain No. 1 for aluminum, ammonia, diazinon, and organochlorine pesticides as contained in B.1, which reads in part as follows:

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Monthly Median</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
Organochlorine Pesticides	µg/l	--	--	--	--	ND ⁴

⁴ The Non-Detectable (ND) limitation applies to each individual pesticide. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use EPA standard analytical techniques with the lowest possible detectable level for organochlorine pesticides with a maximum acceptable detection level of 0.05 µg/l.

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Aluminum	µg/l	71	--	140	--
	lbs/day ¹	0.83	--	1.7	--
Ammonia, Total (as N)	mg/l	Attachment B	Attachment C	--	Attachment D
	lbs/day ²	³	³	--	³
Diazinon	µg/l	0.04	--	0.08	--
	lbs/day	0.0005	--	0.001	--

¹ Based upon a design treatment capacity of 2.78 mgd [$x \text{ µg/l} \times (1 \text{ mg}/1000 \text{ µg}) \times 8.345 \times 2.78 \text{ mgd} = y \text{ lbs/day}$]

² Based upon a design treatment capacity of 1.4 mgd ($x \text{ mg/l} \times 8.345 \times 1.4 \text{ mgd} = y \text{ lbs/day}$)

³ The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 1.4 mgd and the unit conversion factor of 8.345 (see footnote 3 for equation).

3. Maximum observed constituent concentrations in the effluent taken from analytical laboratory reports submitted by the Discharger are shown below:

<u>Constituent</u>	<u>Sample Date</u>	<u>Concentration (µg/l)</u>	<u>Constituent</u>	<u>Sample Date</u>	<u>Concentration (µg/l)</u>
Aluminum	11-Feb-2003	250	Aldrin	28-Jan-2003	0.014
Ammonia (mg/l)	12-Jun-2000	30	Lindane	28-Jan-2003	0.009
Diazinon	11-Feb-2003	0.22			

4. Based on the above Findings, this discharge represents a threatened discharge of waste in violation of WDR Order No. R5-2004-0096, Effluent Limitations for aluminum, ammonia, diazinon, and organochlorine pesticides.
5. 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 aluminum, ammonia, diazinon, and organochlorine pesticides effluent limitations. The aluminum, ammonia, diazinon, and organochlorine pesticides 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 schedules for completion of actions necessary to achieve full compliance exceed 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. This Order does not include interim effluent limitations since the Discharger cannot identify and control the sources of aluminum, ammonia, diazinon, and organochlorine pesticides in the wastewater until implementation of the final compliance project.

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.

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

6. On 30 April 1999, the Regional Board adopted Cease and Desist Order No. 99-009, for the City of Live Oak (Discharger) Wastewater Treatment Plant.
7. Cease and Desist Order No. 99-009 required the Discharger to comply with Discharge Prohibitions and Effluent Limitations for pH, chlorine residual, total coliform organisms, and survival in 96-hour (acute toxicity) bioassays contained in Order No. 99-008.
8. The Discharger has achieved compliance with Order No. 99-009 by completing a plant upgrade, including modifying treatment facilities to partially nitrify the wastewater.
9. On 9 July 2004, in Rancho Cordova, 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.
10. 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.
11. 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. Cease and Desist Order No. 99-009 is rescinded.
2. The City of Live Oak shall cease and desist from discharging and threatening to discharge contrary to Waste Discharge Requirements Order No. R5-2004-0096, Effluent Limitations B.1 for aluminum, ammonia, diazinon, and organochlorine pesticides.
3. The City of Live Oak shall comply with the following time schedule to assure compliance with the aluminum, ammonia, diazinon, and organochlorine pesticides Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2004-0096 as described in the above Findings:

CEASE AND DESIST ORDER NO. R5-2004-0097
CITY OF LIVE OAK
WASTEWATER TREATMENT PLANT
SUTTER COUNTY

<u>Task</u>	<u>Compliance Date</u>
Progress Report/Implementation Schedule	1 April 2005
Submit Pollution Prevention Plan ¹	1 July 2005
Progress Reports ²	1 June and 1 December of each year
Achieve Full Compliance	1 April 2009

¹ The Pollution Prevention Plan shall be prepared for all constituents listed above and shall meet the requirements specified in California Water Code Section 13263.

² 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.

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, THOMAS R. PINKOS, 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 9 July 2004.

THOMAS R. PINKOS, Executive Officer