

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2016-0900

REQUIRING THE CITY OF CORNING
WASTEWATER TREATMENT PLANT
TEHAMA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2010-0080
(NPDES PERMIT CA0004995)

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

1. On 29 July 2010 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2010-0080, NPDES Permit No. CA0004995, prescribing WDRs for the City of Corning, (hereinafter Discharger) at the Corning Wastewater Treatment Plant (hereinafter Facility), Tehama County.
2. WDR Order R5-2010-0080 section IV.A.1.a. includes, in part, the following final effluent limits at Discharge Point No. 001:

Table 1. Effluent Limitations – Discharge Point No. 001

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Dichlorobromomethane	µg/L	3.86	--	7.73

3. Effluent limitations specified in Order R5-2010-0080 for dichlorobromomethane were new limits based on implementation of the California Toxics Rule, which were not prescribed in the previous WDRs, Order R5-2004-0153, adopted by the Central Valley Water Board on 15 October 2005.

Need for Time Schedule and Legal Basis

4. The Discharger shares a combined outfall with the Bell-Carter Olive Company. The Bell-Carter Industrial Wastewater Treatment Plant is regulated pursuant to WDR Order R5-2015-0030, adopted by the Central Valley Water Board on 17 April 2015.
5. On 11 October 2011 the Discharger requested the Central Valley Water Board reopen WDR Order R5-2010-0080 to calculate revised final effluent limits for dichlorobromomethane based upon the availability of new receiving water data. On 17 May 2012 the Central Valley Water Board responded with a letter acknowledging the request to reopen the permit.
6. In August 2012 the Discharger submitted a Constituent Study for Dichlorobromomethane that described mitigation measures implemented at the Facility and identified potential treatment modifications to further control dichlorobromomethane formation. No further

action was identified at the time of the study as collected samples were in compliance with final effluent limitations.

7. Since May 2011, the Discharger has monitored effluent dichlorobromomethane concentrations from samples collected downstream of the confluence with Bell-Carter Industrial Wastewater Treatment Plant's treated effluent.
8. On 21 September 2015 the Central Valley Water Board issued a letter regarding a Facility Compliance Evaluation Inspection that occurred on 4 August 2015 notifying the Discharger that the dichlorobromomethane sampling point located downstream of the confluence with Bell-Carter Industrial Wastewater Treatment Plant's treated effluent was not a permitted sampling location for the purpose of compliance determination. The Discharger was further informed that effluent samples should be collected prior to the confluence of the two treated discharges at monitoring location EFF-001. The Discharger immediately began collecting samples for dichlorobromomethane in this manner.
9. The Discharger has been in compliance with dichlorobromomethane final effluent limitations contained in WDR Order R5-2010-0080 between May 2011 and September 2015 based on samples that were collected at a non-permitted location that was not representative of the Facility's discharge.
10. On 30 October 2015 the Discharger submitted a letter requesting a compliance schedule to develop and implement pollution prevention practices and/or treatment options necessary to comply with dichlorobromomethane final effluent limitations. The letter provided justification for requested time to comply by describing historical effluent monitoring locations, explaining current operations, and outlining future actions the Discharger will take to comply with effluent limitations. Additionally, the letter indicated that limited effluent dichlorobromomethane data, that is representative of the Facility's discharge, is available for evaluation.
11. Immediate compliance with the final effluent limitations contained in WDR Order R5-2010-0080 for dichlorobromomethane at Discharge Point D-001 is not possible or practicable. The Clean Water Act and the Water Code authorize time schedules for achieving compliance. The following table summarizes the effluent monitoring data recorded for dichlorobromomethane between June 2012 and October 2015 that is representative of the discharge based on the limited dataset, and data that is not representative of the discharge.

Table 2. Recorded Effluent Dichlorobromomethane Concentrations

Parameter	Units	MEC	Mean	# of Samples	# of Non-Detects
Dichlorobromomethane Representative of Discharge ¹	µg/L	6.87	6.87	1	0
Dichlorobromomethane <u>Not</u> Representative of Discharge ²	µg/L	5.3	1.8	44	1

¹ Samples collected October 2015

² Samples Collected between June 2012 and June 2015

12. The Discharger requires additional time to investigate and implement new procedures and/or facilities needed to comply with final effluent limitations contained in Order R5-2010-0080. This Order provides a time schedule for the Discharger to develop, submit and implement methods of compliance, implement a pollution prevention plan, and develop necessary treatment plant upgrades to meet the final effluent limitations.
13. Immediate compliance with final effluent limitations for dichlorobromomethane is not possible when sampled at monitoring location EFF-001. In accordance with Water Code section 13300 and section 13385(j)(3), the Central Valley Water Board may establish a time schedule to provide protection from mandatory minimum penalties and bring the discharge into compliance with effluent limitations.

Mandatory Minimum Penalties

14. In accordance with the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP) a compliance schedule for dichlorobromomethane cannot be included in the WDRs because more than ten (10) years have passed since the effective date of the SIP (18 May 2000). Therefore, this Order establishes a compliance schedule and interim effluent limitations for dichlorobromomethane pursuant to Water Code section 13385, subdivision (j).
15. Water Code sections 13385, subdivisions (h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. Water Code section 13385, subdivision (j)(3) exempts the waste discharge from MMPs *“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 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...”*.
16. In accordance with Water Code section 13385, subdivision (j)(3)(A) though (D), the Central Valley Water Board finds that:
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the dichlorobromomethane violations that would otherwise be subject to California Water Code sections 13385(h) and 13385(i).
 - b. Based upon results of effluent monitoring, the Discharger is not able to consistently comply with final effluent limitations for dichlorobromomethane prescribed in WDR Order R5-2010-0080 and must implement additional actions to reach compliance. A new method for detecting dichlorobromomethane concentrations in the waste discharge demonstrate that new or modified control measures are necessary in order to comply with the effluent limitation and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

- c. The Discharger has stated that time is necessary to implement a three-phased approach to comply with the final effluent limitations for dichlorobromomethane. Phase I involves data collection at monitoring location EFF-001 that is representative of the Facility's discharge. Phase II involves a process optimization evaluation to mitigate the formation of dichlorobromomethane with the existing infrastructure. Phase III includes a process modification evaluation of treatment alternatives to replace or add to the existing treatment system. Implementation of the selected compliance alternative will follow evaluation and testing to comply with the final effluent limitations for dichlorobromomethane.
 - d. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with dichlorobromomethane effluent limitations.
17. In accordance with Water Code section 13385 subdivision (j)(3)(C)(i), a Time Schedule Order may provide protection from MMPs for no more than five years.
 18. The Discharger has not been previously provided a time schedule order for protection from MMPs for violations of dichlorobromomethane final effluent limitations. The new final effluent limitations for dichlorobromomethane became effective on 29 July 2010. A time schedule order for dichlorobromomethane may be provided pursuant to Water Code section 13385(j)(3)(C)(i) to allow protection from MMPs for violations of dichlorobromomethane final effluent limitations.
 19. The Discharger has demonstrated that additional time is necessary to comply with the final effluent limitations for dichlorobromomethane contained in WDR Order R5-2010-0080.
 20. Compliance with this Order exempts the Discharger from MMPs for violations of final effluent limitations for dichlorobromomethane contained in WDR R5-2010-0080 for five years from the date of this Order (27 January 2021).
 21. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for dichlorobromomethane contained in WDR Order R5-2010-0080. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
 22. In accordance with Water Code section 13385(j)(3)(D), the Discharger is required to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3.
 23. This Order includes performance-based interim effluent limitations for dichlorobromomethane. Interim effluent limitations consist of a maximum daily and average monthly effluent concentration derived using sample data provided by the

Discharger demonstrating actual treatment performance. The method used to set interim effluent limitations is dependent on the number of sampling data points.

- a. When there are ten (10) or more sampling data points, sampling and laboratory variability is accounted for by establishing interim effluent limitations 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). Where actual sampling shows an exceedance of the proposed 3.3 standard deviation limit, the maximum effluent concentration is (MEC) is established as the interim limitation.
- b. When there are less than ten (10) sampling data points available, the Technical Support Document for Water Quality-Based Toxics Control (EPA/505/2-90-001) (TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of 10 data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine a daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant performance level. Thus, when there are less than 10 sampling points for a constituent, interim limitations are based on 3.11 times the MEC to obtain the daily interim limitation (TSD, Table 5-2) and 2.13 times the MEC to obtain the average monthly interim limitation (assuming one sample per month). If the statistically projected interim limitation is less than the MEC, the interim limitation is established as the MEC.

Only one sampling data point collected in October 2015, that is representative of the discharge, is available because historic sampling data was collected downstream of the confluence with another waste stream. The following table summarizes the calculation of the interim effluent limitations for dichlorobromomethane:

Table 3. Data used for Interim Effluent Limitations – Discharge Point No. 001

Discharge Point No.	Units	MEC	Interim Effluent Limitations	
			Maximum Daily	Average Monthly
001	µg/L	6.87	21.4	14.6

¹ 3.11 multiplier

² 2.13 multiplier

24. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of constituents in concentrations in excess of the final effluent limitations, 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 concentration until compliance with the final effluent limitation can be achieved.

25. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code section 13385, subdivision (j)(3). It is the intent of the Central Valley Water Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

Regulatory Basis

26. Water Code 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.”*
27. Water Code section 13267 states in part: *“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.”*
28. This Discharger owns the wastewater treatment facility that is subject to this Order, which is operated by contract operators. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
29. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (“CEQA”) pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this 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.*). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
30. In the event the selected alternative requires additional review under CEQA, the Discharger shall conduct required review and obtain appropriate approval prior to initiating construction.
31. On 23 December 2015 Central Valley Water Board staff issued a notice of public hearing and provided a 30-day comment period for consideration of adopting a Time Schedule

Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements. The notice stated that any member of the public may request an oral hearing before the Executive Officer, and if no hearing is requested, the Executive Officer’s review of the administrative record, including any written comments received shall constitute the public hearing.

32. No comments were received. Pursuant to the authority delegated to the Executive Officer in Resolution R5-2009-0114, the Executive Officer may issue or modify time schedule orders rather than hold a hearing before the Central Valley Water Board.

IT IS HEREBY ORDERED THAT:

1. Pursuant to Water Code section 13300 and 13267, the Discharger shall comply with the following time schedule to submit reports and ensure compliance with the final effluent limitations for dichlorobromomethane contained in WDR Order R5-2010-0080, as described in the above Findings:

Task	Compliance Date
Work Plan and Schedule. The Discharger shall submit a Work Plan for actions to achieve compliance with final effluent dichlorobromomethane limitations.	30 July 2016
Pollution Prevention Plan (PPP). The Discharger shall prepare, submit, and implement a Pollution Prevention Plan (PPP) for Dichlorobromomethane that meets the requirements specified in California Water Code section 13263.	30 December 2016
Annual Progress Reports. The Discharger shall submit Annual Progress Reports that include, but not limited to, the following: <ul style="list-style-type: none"> - A detailed summary of work completed for the year and effectiveness of any implemented measures - A summary of work to be complete the following year - An updated compliance schedule 	1 December 2016, annually thereafter
Treatment Evaluation Report. The Discharger shall submit a technical report evaluating process alternatives including optimization of existing processes and modifications and/or replacement of existing facilities in order to achieve compliance.	30 July 2017
Final Project Documents. The Discharger shall submit final design documents for selected compliance project.	31 December 2018
Final Compliance. Achieve compliance with final dichlorobromomethane effluent limitation.	27 January 2021

2. The following interim effluent limitations shall be effective immediately. The final effluent limitations contained in WDR Order R5-2010-0080 for dichlorobromomethane shall become effective 27 January 2021, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limit	Interim Average Monthly Effluent Limit
Dichlorobromomethane	µg/L	21.4	14.6

3. For the compliance schedule required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the 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 Central Valley Water Board by letter when it returns to compliance with the time schedule.
4. 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”*
5. In accordance with Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.
6. 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 or with the WDRs 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 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley 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 this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board 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.

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 27 January 2016.

***Original Signed By
Clint E. Snyder, Assistant Executive Officer (for)***

PAMELA C. CREEDON, Executive Officer