

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2017-0900

RESCISSION OF TIME SCHEDULE ORDER R5-2016-0901  
PACTIV LLC  
PACTIV MOLDED PULP MILL  
TEHAMA COUNTY

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

1. Pactiv LLC (hereinafter Discharger) owns the Pactiv Molded Pulp Mill (hereinafter Facility). The Facility was previously regulated under Waste Discharge Requirements (WDR) Order R5-2011-0036 (NPDES No. CA0004821) and Time Schedule Order (TSO) R5-2011-0037, and, effective 3 May 2016 and 24 February 2017, the Facility is regulated under TSO R5-2016-0901 and WDR Order R5-2017-0014, respectively.
2. On 10 June 2011 the Central Valley Water Board adopted WDR Order R5-2011-0036 and TSO R5-2011-0037. Section IV.A.1.a. of WDR Order R5-2011-0036 included, in part, the following final effluent limits for Discharge Point No. 001:

**Table 1. Order R5-2011-0036: Final Effluent Limits– Discharge Point No. 001**

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	3.1	6.1
Zinc, Total Recoverable	µg/L	10	17

TSO R5-2011-0037 included the following performance-based interim effluent limits:

**Table 2. Order R5-2011-0037: Interim Effluent Limits– Discharge Point No. 001**

Parameter	Units	Interim Maximum Daily Effluent Limitation
Copper, Total Recoverable	µg/L	21
Zinc, Total Recoverable	µg/L	17

3. Final copper effluent limits in WDR Order R5-2011-0036 were new limits based on implementation of the California Toxics Rule and were not prescribed in previous WDRs. Final zinc effluent limits in WDR Order R5-2011-0036 were: updated, more stringent than limits in WDR Order R5-2004-0124, and based on new water quality data gathered during the WDR Order R5-2004-0124 permit term.
4. Since adoption of WDR Order R5-2011-0036, the Discharger has made efforts to reduce sources of copper and zinc at the Facility. Efforts have included: (1) replacement of extract water piping on paper-production machines, (2) replacement of copper-based heat exchangers with stainless steel-based heat exchangers in several air compressors, (3) elimination of zinc anodes in a mold and die tank, and (4) integration of operator training for both treatment/production systems to assist in eliminating any additional sources of copper and zinc.

5. On 31 August 2015 the Discharger submitted a request and justification for additional time to comply with final copper and zinc effluent limits. The request included a proposal to complete a copper and zinc site-specific metal translator study.
6. On 3 May 2016 the Central Valley Water Board’s Executive Officer issued TSO R5-2016-0901, prescribing a time schedule and the following performance-based interim copper and zinc effluent limits:

**Table 3. Order R5-2016-0901: Interim Effluent Limits– Discharge Point No. 001**

Parameter	Units	Interim AMEL	Interim MDEL
Copper, Total Recoverable	µg/L	5.9	8.7
Zinc, Total Recoverable	µg/L	14	26

7. On 24 February 2017 the Central Valley Water Board adopted WDR Order R5-2017-0014, which included final copper effluent limits that were less stringent than those imposed in WDR Order R5-2011-0036. The final copper effluent limits were based on new water quality data collected during the WDR Order R5-2011-0036 permit term. Zinc effluent limits were not established in WDR Order R5-2017-0014 because a review of effluent and receiving water quality data indicated no reasonable potential for the Facility’s discharge to cause or contribute to an exceedance of applicable water quality standards.
8. WDR Order R5-2017-0014 Section IV.A.1.a includes, in part, final effluent limits for Discharge Point D-001:

**Table 4. Order R5-2017-0014: Effluent Limits – Discharge Point No. 001**

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	7.1	10

9. On 3 April 2017 the Discharger requested a rescission of TSO R5-2016-0901 because interim copper and zinc effluent limits contained in the TSO are no longer applicable. As described in Finding 7 and 8 of this Order, the Facility’s discharge is no longer subject to zinc effluent limits, and, newly adopted copper effluent limits are less stringent than the limits established in WDR Order R5-2011-0036. Nevertheless, the Discharger still plans to complete the compliance project described in TSO R5-2016-0901 (i.e., a site-specific copper and zinc metal translator study).
10. The Discharger can immediately comply with final copper effluent limits contained in WDR Order R5-2017-0014 at Discharge Point D-001. Therefore, rescission of TSO R5-2016-0901 is appropriate.
11. The Executive Officer has notified the Discharger and interested agencies and persons of the intent to rescind TSO R5-2016-0901 and has provided a 30-day period to submit written comments.

12. No comments were received. Pursuant to the Executive Officer's delegated authority in Resolution R5-2009-0114, the Executive Officer may issue or modify TSOs rather than hold a hearing before the Central Valley Water Board.
13. Issuance of this Order is an enforcement action of a regulatory agency and is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**IT IS HEREBY ORDERED** that TSO R5-2016-0901 is rescinded.

Any person aggrieved by this action of the Executive Officer 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

This Order is effective upon date of signature.

***Original Signed By***

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PAMELA C. CREEDON, Executive Officer

5/24/2017

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(Date)