

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2002-0102

REQUIRING THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT
HAMMONTON GOLD VILLAGE 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 7 June 2002, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2002-0101, for the River Highlands Community Services District’s (Discharger) Hammonton Gold Village Wastewater Treatment Plant. WDR Order No. R5-2002-0101 regulates the discharge of approximately 0.008 million gallons per day (mgd) of treated domestic wastewater to Sanford Creek, which is tributary to the Yuba River. The design flow of the facility is 0.026 mgd.
2. WDR Order No. R5-2002-0101 contains Effluent Limitations for total residual chlorine, ammonia, nitrite, and nitrate plus nitrite as contained in B.1 and B.2, which read in part as follows:

| <u>“Constituent</u> | <u>Units</u> | <u>Average Monthly</u> | <u>Average 4-Day</u> | <u>Average 1-Hour</u> |
|-------------------------|----------------------|------------------------|----------------------|-----------------------|
| Total Residual Chlorine | mg/l | 0.010 | -- | 0.019 |
| | lbs/day ¹ | 0.017 | | 0.032 |
| Ammonia | mg/l | Attachment B | Attachment C | Attachment D |
| (as N) | lbs/day ¹ | ² | ² | -- |
| Nitrite | mg/l | 1 | -- | -- |
| (as N) | lbs/day ¹ | 5.8 | -- | -- |
| Nitrate + Nitrite | mg/l | 10 | -- | -- |
| (as N) | lbs/day ¹ | 58 | -- | -- |

¹ Based upon a design treatment capacity of 0.026 mgd ($x \text{ mg/l} \times 8.345 \times 0.026 \text{ mgd} = y \text{ lbs/day}$)

² The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.026 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).”

3. The current plant design and operation result in unreliable nitrification and/or denitrification of wastewater. Failure to nitrify and denitrify the wastewater would result in concentrations of ammonia, nitrite, and nitrate plus nitrite that exceed Effluent Limitations.

4. The Report of Waste Discharge indicates that the Discharger does not currently have a permanent dechlorination system. Chlorine is a toxic constituent. The Discharger has the capability of immediately installing a temporary dechlorination system capable of meeting effluent total chlorine residual limitations.
5. Based on the above findings, this discharge represents a threatened discharge of waste in violation of WDR Order No. R5-2002-0101, Effluent Limitations for total residual chlorine, ammonia, nitrate, and nitrate plus nitrite.
6. In order to consistently comply with the ammonia, nitrate plus nitrite, and nitrite Effluent Limitations, nitrification and denitrification of the wastewater are necessary.
7. 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 ammonia, nitrate plus nitrite, and nitrite effluent limitations. The ammonia, nitrate plus nitrite, and nitrite 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.

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. Ammonia, nitrate plus nitrite, and nitrite cannot be significantly reduced through source control measures in domestic wastewater. Therefore, this Order does not require a pollution prevention plan.

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

8. On 7 June 2002, in Sacramento, 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.
9. 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.
10. 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. The River Highlands Community Services District shall cease and desist from discharging and threatening to discharge contrary to Waste Discharge Requirements Order No. R5-2002-0101, Effluent Limitations 1 and 2 for total residual chlorine, ammonia, nitrite, and nitrate plus nitrite.
2. The River Highlands Community Services District shall comply with the following time schedule to assure compliance with the total residual chlorine, ammonia, nitrite, and nitrate plus nitrite Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2002-0101 as described in the above Findings:

| <u>Task</u> | <u>Compliance Date</u> |
|--|---|
| Install dechlorination system and comply with effluent total residual chlorine limitations | Immediately |
| Progress Report/Implementation Schedule | 31 October 2002 |
| Progress Reports ¹ | 30 April and 31 October of each year |
| Achieve Full Compliance | 30 April 2007 |

¹ 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.

3. Until full compliance with Waste Discharge Requirements Order No. R5-2002-0101, Effluent Limitations B.1 and B.2 is achieved, the Discharger shall operate the treatment plant in a nitrification/denitrification mode to the maximum extent practicable.

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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, Acting 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 7 June 2002.

Original signed by

THOMAS R. PINKOS, Acting Executive Officer