

ITEM: 8

SUBJECT: City of Biggs Wastewater Treatment Plant, Butte County

BOARD ACTION: Consideration of NPDES Permit Renewal and Rescission of Cease and Desist Order and Special Order

BACKGROUND: The Discharger owns and operates a wastewater treatment plant (WWTP) near the City of Biggs, Butte County. The wastewater treatment system consists of two aerated lagoons, a ballast pond, three plug flow rock filters in parallel, and chlorination/dechlorination facilities. The Facility discharges up to 0.38 million gallons per day (mgd) treated effluent to Lateral K, a constructed agricultural drainage channel.

NPDES Permit Renewal

The Discharger has performed effluent and receiving water analysis for priority pollutants (and other pollutants) listed in the National Toxics Rule and California Toxics Rule in accordance with the State Implementation Policy. Several constituents (copper, lead, nickel, silver and zinc) were identified as constituents of concern but insufficient information exists to establish reasonable potential at this time. Therefore, the Order requires monitoring for these constituents, and includes a reopener provision to establish effluent limits, if needed in the future.

This Order was sent out for public review in 2006, and based upon comments received; there were substantial changes to the Order. Therefore, the Order was sent out for a second public review in March 2006 and additional comments were received.

Rescission of Cease and Desist Order (CDO) and Special Order (SO)

From 1992 through 1995 Regional Board Staff documented a number of violations of Waste Discharge Requirements (WDR) Order No. 95-002, including discharge of waste which exceeded the Discharger's WDR for biochemical oxygen demand (BOD), total suspended solids (TSS), and coliform. CDO No. 95-080 required the Discharger to cease and desist from discharging waste in violation of Order No. 95-002, submit a facility plan to determine inadequacies of the current wastewater treatment plant, submit plans and specifications for construction of facility improvements, complete the facility improvements, and submittal of quarterly progress reports.

The Discharger could not comply with the requirements of CDO No. 95-080, and the Regional Board adopted SO No. 99-056, which amended the compliance dates for the original CDO.

To comply with the CDO and SO, the Discharger upgraded the WWTP at a cost of over \$2.75 million.

Since October of 2005, there have only been two daily effluent violations noted for total coliform exceedances. During this time, there have been no exceedances of BOD or TSS.

The Discharger has complied with the Cease and Desist Order No. 95-080 and Special Order No. 99-056.

ISSUES:

There are no issues with the uncontested rescission of the Cease and Desist Order and Special Order.

We received comment letters from the City of Biggs, California Sportfishing Protection Alliance (CSPA), and Central Valley Clean Water Association (CVCWA) in response to the initial tentative order distributed in September 2006. Significant changes were made to the tentative order in response to these comments and the revised tentative order was redistributed in March 2007.

The California Rice Commission (CRC), Sacramento Valley Water Quality Coalition (SVWQC) and CVCWA submitted comments on the revised tentative order.

Staff has addressed the concerns raised in the comment letters in the Response to Written Comments, which is included in the agenda packet. Below is a summary of significant concerns raised by the commenters.

Concerns

The following major concerns were raised by the commenters on the NPDES permit renewal, and were addressed in the Response to Comments and the revised NPDES Order.

City of Biggs:

1. Lateral K is an agricultural drain and not a tributary to downstream waters.
2. The Order contains narrative effluent requirements.
3. The Order only contains total residual chlorine monitoring and no dechlorination monitoring.
4. The Order contains effluent limits for peak wet weather flow, electrical conductivity (EC) and total dissolved solids (TDS).

5. Additional time is required to complete the special studies.
6. The geometric mean of hardness values should be used for CTR calculations instead of the “lowest” ambient hardness.

California Sportfishing Protection Alliance:

1. The Order does not include sufficient information for determining effluent limitations for priority pollutants.
2. The Order does not contain an adequately protective effluent coliform limitations
3. The Order fails to clearly identify the municipal and domestic beneficial use of the receiving stream.
4. The Order fails to set effluent limitations for oil and grease, nitrate/nitrite and dissolved oxygen. Additionally, the Order contains effluent limitations for pH in violation of Federal Regulations.
5. The Order contains compliance schedules for ammonia and electrical conductivity in violation of federal law.
6. The Order does not contain mass limitations for ammonia, chlorine and total dissolved solids.
7. The Order does not contain effluent limitations for settleable solids.
8. The Order contains effluent limitations for acute and chronic toxicity that does not comply with federal regulations.
9. The Order does not require BPTC compliance and an antidegradation analysis.
10. Monitoring requirements are not sufficient for groundwater, ammonia, nitrate/nitrite, turbidity, dissolved oxygen, pH, and electrical conductivity.
11. The Basin Plan prohibits the discharge of wastewater to low flow streams.

Central Valley Clean Water Association & California Rice Commission:

1. The Order requires a beneficial use designation study, in regards to the MUN beneficial use of Lateral K.

The above concerns raised by the commenters are further discussed, along with Regional Board staff's responses in the Response to Comments, which is part of the agenda packet.

Adopt the proposed orders (NPDES renewal and rescission of CDO and Special Order).

Mgmt. Review _____

Legal Review _____

3/4 May 2007

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