

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2007-XXX

REQUIRING PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
PLACER COUNTY
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On XX May 2007, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2007-XXX (NPDES No. CA0079367), prescribing waste discharge requirements for the Placer County Department of Facility Services, Sewer Maintenance District No. 3 in Placer County (hereafter Discharger).
2. The Discharger owns and operates the Placer County Sewer Maintenance District No. 3 wastewater treatment plant (SMD3 WWTP), a publicly owned treatment works (POTW). The treatment system consists of a primary clarifier, trickling filter, secondary clarifier, chemical feed system for flocculation, sand filtration for tertiary treatment, chlorination, and dechlorination. Sludge is anaerobically digested, dewatered, and disposed of off-site at a local landfill. Wastewater is discharged from Discharge D-001 (see WDR Order No. R5-2007-XXX) to Miners Ravine, a water of the United States and a tributary to Dry Creek, the Natomas East Main Drainage Canal, Bannon Slough, and the Sacramento River. Bannon Slough enters the Sacramento River immediately upstream of the confluence with the American River.
3. WDR Order No. R5-2007-XXX, Section IV.A.1.a. contains effluent limitations that read, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrate (as N)	mg/L	10	--	--	--	--
	lbs/day ¹	25	--	--	--	--

Average Dry Weather flow of 0.3 mgd used to calculate mass limitations.

WDR Order No. R5-2007-XXX includes the existing nitrate concentration effluent limitations in the previous WDR Order (10 mg/L as Nitrogen equals 45 mg/L as NO₃) plus a new nitrates mass effluent limitation. The previous Order included a time schedule in the permit that required compliance with the concentration effluent limitation for nitrate by 1 January 2004.

The Discharger has been unable to comply with the nitrate effluent limitations and compliance schedule prescribed in previous WDR Order No. 5-00-118. The Discharger remains in non-compliance with the final effluent limitations for nitrate, as required in both the previous WDR Order and WDR Order No. R5-2007-XXX.

In a letter dated 30 January 2004, the Discharger requested an extension of the time schedule before the facility is required to achieve compliance with the final nitrate limitations. On 7 April 2004 the Regional Water Board responded to the Discharger's request, stating in part that "...The WDR for this facility was adopted on 16 June 2000 and required compliance with an Effluent Limitation for nitrate by 1 January 2004." On 6 November 2002, the Discharger submitted a letter stating, 'Placer County has secured funding for the eventual abandonment of the SMD 3 WWTP....' to connect to the City of Roseville wastewater collection and treatment system. Comments submitted by the County regarding the WDR, prior to adoption, indicated a major portion of the funding was available at that time for closure of the plant."

Through correspondence with the Regional Water Board office, the Discharger indicated that a potential method of compliance with the nitrate limitations is closure of SMD3 WWTP. Additional correspondence, including a 30 January 2004 letter from the Discharger, did not discuss a proposed facility closure, or an achievable compliance date or compliance project completion date. Through a 7 April 2004 letter, the Regional Water Board requested the Discharger to provide a firm final compliance date for the nitrate limitations.

On 25 January 2007, a representative of the Placer County Department of Facility Services provided an informational presentation to the Regional Water Board regarding the County's wastewater regionalization efforts, which includes potentially delivering effluent from this facility to the City of Roseville Dry Creek WWTP. The Discharger's Infeasibility Analysis, dated January 2007, requests a four-year time schedule for the Discharger to comply with all nitrate limitations. Justification for this request includes a County final decision regarding regionalization in December 2007. If this facility is incorporated in the regionalization efforts, the existing discharge to Miner's Ravine will be eliminated. WDR Order No. R5-2007- XXX requires the Discharger to report the County's final decision regarding regionalization of this facility by 31 January 2008.

6. California Water Code (CWC) Section 13301 states, in part: *"When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board, or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the Board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action."*
7. Section 13267(b)(1) of the California Water Code provides that: *"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.”

8. Pursuant to CWC Section 13263.3(d)(1)(D), the Regional Water Board may require a discharger to complete and implement a pollution prevention plan if the Discharger is subject to a Cease and Desist order pursuant to Section 13301.
9. On XX May 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order under CWC Section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.
10. Issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15061(b)(3), Title 14, California Code of Regulations Section 15321 (a)(2), Title 14, and California Water Code Section 13389. This Order specifically addresses remedial actions necessary to cease and desist the effects of noncompliance with existing waste discharge requirements,
11. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review this action in accordance with Title 23, CCR Sections 2050-2068. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions are available at www.swrcb.ca.gov/water_laws/index.html and also will be provided upon request.

IT IS HEREBY ORDERED that pursuant to California Water Code, Sections 13301 and 13267, Placer County Department of Facility Services, Sewer Maintenance District No. 3, their agents, successors and assigns, shall cease and desist from violating the requirements of Waste Discharge Requirements Order No. R5-2007-XXXX forthwith, and in no case later than set forth in the following time schedule:

1. The Placer County Department of Facility Services shall cease and desist from discharging and threatening to discharge contrary to WDR Order No. R5-2007-XXX, Final Concentration Effluent Limitations for nitrate.

2. The Discharger shall develop and implement a Pollution Prevention Plan (Plan), pursuant to California Water Code (CWC) Section 13263.3(d)(1)(D), to identify and prevent/minimize nitrate discharged within the collection systems for the facility. The Discharger shall comply with the following compliance schedule to develop and implement the Plan:

<u>Task</u>	<u>Compliance Date</u>
Submit Work Plan and Time Schedule	60 Days from the date of WDR Order ¹ adoption
Begin Plan	60 Days from the date of WDR Order ¹ adoption
Submit Final Decision Regarding Regionalization of Facility Complete Plan	31 January 2008
Submit Plan	24 months from the date of WDR Order ¹ adoption
	27 months from the date of WDR Order ¹ adoption
Achieve Full Compliance with Final Nitrates Concentration Effluent Limitation	4 Years from the date of WDR Order ¹ adoption

¹ WDR Order No. R5-2007-XXX

The Discharger shall submit to the Regional Water Board on or before each compliance date, the specified document or a written report detailing compliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board when it returns to compliance with the time schedule.

Pending the results of the Plan, this Order may be reopened in accordance with WDR No. R5-2007-XXX, Section VI.C.1.d.

3. Until full compliance with the final effluent nitrate limitation in WDR No. R5-2007-XXX is achieved; the Discharger shall comply with an interim maximum daily effluent nitrate limitation of 32 mg/L as N.
4. If, in the opinion of the Executive Officer, the Placer County Department of Facility Services 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, 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 XX May 2007.

PAMELA C. CREEDON, Executive Officer