

ITEM: 11

SUBJECT: City of Colfax, Wastewater Treatment Plant, Placer County

BOARD ACTION: *Consideration of Cease and Desist Order.*

BACKGROUND: The City of Colfax (Discharger) Wastewater Treatment Plant (WWTP) provides sewerage service for the City of Colfax, serving a population of approximately 1800. The Discharger constructed a new WWTP capable of discharging up to 0.5 million gallons per day (mgd), which was in full operation and discharging by 1 January 2009. Currently, the WWTP is permitted to discharge an average daily dry weather flow (ADDWF) up to 0.275 mgd. The new WWTP discharges Title 22 tertiary treated effluent to an unnamed tributary to Smuthers Ravine, which is a tributary to the North Fork of the American River.

On 25 October 2007 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2007-0130 that contains a time schedule, in part, for the Discharger to comply with the final copper effluent limitation by 1 January 2009. The Discharger believed the new WWTP upgrades would allow compliance with the final copper effluent limits; however, since operation of the new WWTP, the Discharger remains unable to consistently comply, and therefore has submitted a request for extension of the 1 January 2009 compliance date. The proposed Cease and Desist Order (CDO) provides a compliance schedule, interim limit, and interim requirements.

WDR Order No. R5-2007-0130 also contains, in part, Discharge Prohibition III.A that prohibits discharges of wastewater that are not permitted by the Order, and an Average Daily Dry Weather Flow (ADDWF) effluent limit of 0.275 mgd (based on the daily average effluent discharge of three consecutive dry weather months). The Discharger was unable to immediately comply with these requirements, and therefore, on 25 October 2007 the Central Valley Water Board also adopted CDO No. R5-2007-0131 (Existing CDO) that contains compliance schedules and interim requirements.

The Existing CDO required, in part, full compliance with Discharge Prohibition III.A by 1 October 2009 and submission of a workplan/schedule to cease wastewater seepages from the unlined storage reservoir, where the suspect discharges originate. To comply, the Discharger submitted a workplan that proposed lining of the storage reservoir; however, the Discharger has not completed the measures necessary to comply. The Existing CDO also requires compliance with the ADDWF effluent limitation by 1 October 2012 and submission/implementation of a Capital Improvement Program that provides for repairs of its collection system to reduce excessive infiltration and inflow. The Discharger is in compliance with the ADDWF effluent limitation, has submitted a capital improvement program plan, and initial repairs to the collection system are projected to begin February 2010.

The proposed CDO contains requirements and compliance schedules to keep the Discharger on task to ultimately ensure compliance with Discharge Prohibition III.A, and continues annual reporting to determine the Discharger's progress in repairing the collection system.

ISSUES: Public comments on the proposed CDO were received from Friends of the

North Fork, California Sportfishing Protection Alliance (CSPA), and Sierra Club Placer Group. Friends of the North Fork, CSPA, and Allen and Nancy Edwards, residents located downstream of the WWTP, were granted status as Designated Parties during the Board hearing.

Friends of the North Fork requested the CDO contain descriptions of the storage reservoir dam and the sources of funding the collection system repairs. The proposed CDO was modified to include descriptive language.

CSPA suggested using a design peaking factor; instead of the peaking factor goal in the proposed CDO. The design peaking factor is higher than the proposed peaking factor, and therefore, is not a good indicator either. The proposed CDO was modified to remove the peaking factor goal.

Sierra Club contends that the proposed CDO exempts enforcement of the Discharger's violations of the existing CDO, which the proposed CDO will replace. The proposed CDO was modified to clarify that the Existing CDO is rescinded "except for enforcement purposes."

Friends of the North Fork and Sierra Club contend that the copper interim limit and time schedule in the proposed CDO borders on negligence, and that it should contain specific methods of compliance. The proposed CDO requires the Discharger to submit a workplan for additional methods of compliance and contains a time schedule, because monitoring results obtained since operation of the new WWTP indicate that the tertiary-level treated effluent does not comply with the final copper effluent limits. The proposed CDO interim limit of 6.7 µg/L (based on the new WWTP performance) is more stringent than the existing CDO interim limit of 17.7 µg/L.

Friends of the North Fork, CSPA, and Sierra Club contend that the proposed CDO should address specific solutions to cease seepage from the unlined storage reservoir. The Central Valley Water Board cannot specify the method of compliance. Thus, instead, the proposed CDO requires the Discharger to assess viable solutions, to submit and implement a comprehensive workplan/schedule to comply, and to provide annual progress reports.

Friends of the North Fork and Sierra Club contend that the proposed CDO should contain a deadline for completion of collection system repairs. Currently, only about 20% of the collection system has been surveyed; thus, it is unknown what state of disrepair the collection system is in. The proposed CDO requires the Discharger to repair the known areas of disrepair, and complete surveillance of the entire collection system. Subsequently, the Discharger is required to annually report the completed repairs, and projected repairs and budget for the next fiscal year.

Mgmt. Review \_\_\_\_\_  
Legal Review SLC

28 January 2010  
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