

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2012-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2007-0133 (NPDES PERMIT NO. CA0079391)

CITY OF JACKSON
WASTEWATER TREATMENT PLANT
AMADOR COUNTY

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

1. On 25 October 2007, the Central Valley Water Board issued Waste Discharge Requirements Order R5-2007-0133, prescribing waste discharge requirements for the City of Jackson Wastewater Treatment Plant, Amador County. For the purposes of this Order, the City of Jackson is hereafter referred to as "Discharger" and the Wastewater Treatment Plant is hereafter referred to as "Facility."
2. Discharge Prohibition III.E of the Limitations and Discharge Requirements section of Order R5-2007-0133 states the following:

"Five years following the adoption date of this Order, the Discharger is prohibited from discharging wastewater into Jackson Creek in amounts that cause the downstream Lake Amador water to exceed greater than five percent volume of wastewater in Lake Amador (one part wastewater in 20 parts of Lake water, or 20:1 dilution)."

The adoption date of Order R5-2007-0133 is 25 October 2007; therefore, Discharge Prohibition III.E is effective 25 October 2012.

3. Section VI.C.2.b of the Limitations and Discharge Requirements section states that the Discharger work closely with the Department of Fish and Game (DFG), Department of Public Health, State Water Resource Control Board Division of Water Rights, and the Central Valley Water Board on a Jackson Creek Beneficial Use Attainment Work Plan and Study. The study report was submitted in July 2009 to DFG and the Central Valley Water Board for review. In a letter dated 10 September 2009, DFG commented that the work plan and study adequately addressed the beneficial use impacts of potential removal of wastewater from Jackson Creek.
4. Following the completion of the Jackson Creek Beneficial Use Attainment Study, the Discharger completed a detailed report that identified the best option available to meet the requirements of Discharge Prohibition III.E. The report was presented in July 2010

to the Jackson City Council and final revisions were completed in August 2010. The preferred option involves irrigating nearby pasture land with the City's treated wastewater effluent in dry seasons with dilution-based controlled discharges to Jackson Creek in wet seasons.

5. The Draft Environmental Impact Report (EIR) was completed in July 2012, and comments are due 27 August 2012. The Discharger is required to file a water rights petition with the State Water Resources Control Board's Division of Water Rights (Division of Water Rights) to cease discharging to Jackson Creek. This application process is currently in progress with the release of the Draft EIR. The Division of Water Rights determination is proposed to occur after the Discharge Prohibition III.E effective date of 25 October 2012 established with the adoption of Order R5-2007-0133.
6. The Discharger submitted a revised compliance project schedule dated 7 February 2011 proposing the Facility comply with Order R5-2007-0133 by 1 March 2015. The Central Valley Water Board adopted Time Schedule Order R5-2011-0909 that established a time schedule to 28 February 2015 to bring the Discharger into compliance with final effluent limitations for aluminum, copper, cyanide, dichlorobromomethane, nitrate, zinc, total coliform organisms, turbidity, and ammonia.
7. Delays encountered during the discharge option evaluation process and the California Environmental Quality Act (CEQA) process were unforeseen by the Central Valley Water Board at the time of adoption of R5-2007-0133 and establishment of the prohibition effective date. The proposed amended Discharge Prohibition III.E date of 1 March 2015 is as short as practicable taking into account time required to respond to the Draft Environment Impact Report comments, to complete the application process for a Water Rights Petition, and to determine, fund and implement a compliance project based on the Water Rights petition outcome. Per 40 CFR section 122.62 the Central Valley Water Board is reopening the permit to amend the Discharge Prohibition III.E effective date and related dates based on new information provided by the Discharger that was not known at the time of adoption.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
9. The Central Valley Water Board has notified the Discharger and interested parties of its intent to amend Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written comments and recommendations.
10. Any person aggrieved by this action of the Central Valley Water Board 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

or will be provided upon request.

IT IS HEREBY ORDERED THAT Waste Discharge Requirements Order R5-2007-0133 (NPDES No. CA0079391) is amended as shown in underline/strikeout format as follows:

Provision III.E of the Limitations and Discharge Requirements section:

- E. ~~Five years following the adoption date of this Order~~**Beginning 1 March 2015**, the Discharger is prohibited from discharging wastewater into Jackson Creek in amounts that cause the downstream Lake Amador water to exceed greater than five percent volume of wastewater in Lake Amador (one part wastewater in 20 parts of Lake water, or 20:1 dilution).

Provision VI.C.7.c. of the Limitations and Discharge Requirements section:

- c. **Compliance Schedule to Ensure Compliance with Prohibition to Discharge to Jackson Creek When Receiving Water Flows Do Not Provide a Minimum of 20:1 Dilution in Lake Amador.** The Discharger shall evaluate and implement alternative wastewater handling and disposal methods that will ensure compliance with Discharge Prohibition III.E of this Order, which prohibits the discharge of wastewater into Jackson Creek when a minimum of 20:1 dilution in Lake Amador is not available. The Discharger shall submit a work plan and time schedule for the evaluation of wastewater handling and disposal methods or alternative practices that would ensure compliance with Discharge Prohibition III.E, **within 3 months of the adoption date of this Order.** The evaluation of wastewater handling and disposal methods, or alternative practices to ensure compliance with Discharge Prohibition III.E, and a final work plan to ensure compliance with Discharge Prohibition III.E shall be completed and submitted to the Regional Water Board within **18 months following the adoption date of this Order.** Progress reports shall be submitted in accordance with Monitoring and Reporting Program (Attachment E, Section X.D.1.). Full implementation of the final work plan to ensure compliance with Discharge Prohibition III.E shall be achieved within 5 (five) years following the adoption date of this Order on 1 March 2015.

Provision IV.A.2. of Attachment F:

2. The Regional Water Board concurs with DPH's recommendation that discharges from wastewater treatment plants to municipal water supplies maintain a minimum of 20:1 dilution to ensure the protection of the downstream domestic beneficial use of Jackson Creek and public health. Discharge Prohibition III.E prohibits the discharge of wastewater by the Discharger to Jackson Creek, ~~five (5) years following the adoption date of the Order~~beginning 1 March 2015, when a minimum dilution of 20:1 is not provided by Lake Amador located downstream of the discharge location into Jackson Creek.

Provision IV.C.2.b of Attachment F:

- b. Discharge Conditions.** This Order includes a compliance schedule ~~of 5 years~~until 1 March 2015, after which, the Discharger shall be prohibited from discharging to Jackson Creek when a 20:1 dilution of the effluent in Lake Amador is not available. This prohibition has been established for protection of downstream domestic beneficial water supply uses in accordance with DPH site-specific guidance for this facility's discharge and impacts on existing downstream water user. In the interim period, the Discharger is permitted to discharge Title 22-quality effluent to the receiving water regardless of flow ratio. Current flow data indicate that, at times, Jackson Creek is dominated by effluent water downstream of the discharge. The criteria for constituents such as metals and ammonia that are dependent on pH, temperature, and hardness under this year-round discharge condition were calculated using effluent data. At the end of the compliance schedule, when the Discharger is prohibited from discharging to Jackson Creek at less than 20:1 dilution of the effluent in Lake Amador, mixing of the effluent with the receiving water will occur and downstream receiving water will not be dominated by the effluent. Under this condition, the most protective criteria for pH, temperature, and hardness dependent constituents are calculated using downstream receiving water data. Although the Discharger will be prohibited from discharging when 20:1 dilution is not available, due to the uncertainty of upstream assimilative capacity and sufficient flow data as described in Section IV.C.2.d. below, no dilution credits will be granted for the calculation of effluent limitations.

Paragraph four of Provision IV.C.2.c of Attachment F:

Effluent limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. In the absence of the option of including condition-dependent, "floating" effluent limitations that are reflective of actual conditions at the time of discharge, effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions. This Order establishes a compliance schedule ~~of 5 years~~until 1 March 2015 for the Discharger, after which the Discharger is prohibited from discharging to Jackson Creek when 20:1 dilution within Lake Amador is not available. For the period until the Discharger is prohibited to discharge unless 20:1 dilution for Facility effluent is available, WQBELs were calculated assuming that, at times, the receiving water is dominated by the effluent. Therefore, for purposes of establishing WQBELs until the Discharger is

prohibited from discharging to Jackson Creek without 20:1 dilution, the lowest reported hardness value in the effluent (44 mg/L as CaCO₃) was used for the calculation of all hardness-dependent metals.

Provision VII.B.7.e of Attachment F:

- e. Provision E.4 of the previous Order (No. 5-00-173), required the Discharger to study flows and dilution of Jackson Creek and Lake Amador and evaluate alternatives to the existing discharge to protect public health. Provision VI.C.7.c. is based on the Regional Water Board's concurrence with the California Department of Health Services (recently changed to Department of Public Health or DPH) recommendation that downstream domestic water supply uses must be protected by requiring discharges from this wastewater treatment plant to receive a minimum of 20:1 dilution. The Discharger was unable to determine a suitable alternative to the discharge to Jackson Creek during the term of the previous permit. Due to the requirement that discharges from wastewater treatment facilities receive a minimum of 20:1 dilution for the protection of drinking water supplies and public health, the Regional Water Board has established a Discharge Prohibition which prohibits the discharge of wastewater by the Discharger to Jackson Creek when a minimum dilution of 20:1 is not provided by Lake Amador. The Discharger is required to re-evaluate wastewater handling and disposal methods, and other alternative to ensure compliance with Discharge Prohibition III.E **within five (5) years of the adoption date of the Order** by 1 March 2015.

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 October 2012**.

PAMELA C. CREEDON, Executive Officer