

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2014-XXXX
REQUIRING
CITY OF ROSEVILLE
DRY CREEK WASTEWATER TREATMENT PLANT
PLACER COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-XXXX
(NPDES PERMIT CA0079502)

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

1. On XX March 2014 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2014-XXXX, NPDES Permit No. CA0079502, prescribing WDRs for the City of Roseville (hereinafter Discharger), Dry Creek Wastewater Treatment Plant (hereafter Facility), Placer County.
2. WDR Order R5-2014-XXXX section IV.A.1.a. includes, in part, the following final effluent limitations applicable to discharges from the Facility at Discharge Point 001:

Table 4. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrate Plus Nitrite (as N)	mg/L	10	--	--	--	--

Need for Time Schedule and Legal Basis

3. On 6 January 2014 the Discharger submitted a request and justification for a compliance schedule for nitrate plus nitrite. For compliance with the final effluent limitations for nitrate plus nitrite, the Discharger has requested time to conduct a study of the existing secondary treatment process, complete operational changes, and, if necessary, design and construct physical treatment modifications.

Mandatory Minimum Penalties

4. California Water Code sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. California Water Code section 13385(j)(3) exempts the discharge from mandatory minimum penalties "*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...*".

5. Per the requirements of California Water Code section 13385(j)(3), the Central Valley Water Board finds that:
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to California Water Code sections 13385(h) and (i).
 - b. The Discharger has stated that 5 years is necessary to allow the time to comply with the final effluent limitations for nitrate plus nitrite. The Discharger proposed to conduct an assessment of the current treatment effectiveness at removing nitrate and nitrite to create a baseline and implement operational changes and process optimization. If operational changes do not result in compliance with the final effluent limitations for nitrate plus nitrite, the Discharger proposes to make physical modifications to the secondary treatment process.
 - c. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
6. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for nitrate plus nitrite found in WDR Order R5-2014-XXXX from <Date> until 27 March 2019. The Discharger has not previously been protected from mandatory minimum penalties for violations of the nitrate plus nitrite effluent limitations.
7. In accordance with CWC section 13385(j)(3)(C), the total length of protection from mandatory minimum penalties for the final effluent limitations for nitrate plus nitrite does not exceed five years.
8. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for nitrate plus nitrite contained in WDR Order R5-2014-XXXX. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.

9. This Order includes a new performance-based interim effluent limitation for nitrate plus nitrite. The interim effluent limitations are based on the current treatment plant performance. The interim effluent limitations consist of statistically calculated performance-based average monthly effluent limits derived using sample data provided by the Discharger. The interim effluent limitations were developed using the statistical based approach provided in EPA’s *Technical Support Document for Water Quality-Based Toxics Control* or TSD. The TSD provides guidance on estimating the projected maximum effluent concentration using a lognormal distribution of the observed effluent concentrations at a desired confidence level, as detailed in Section 3.3 of the TSD. The multipliers in Table 3-1 of the TSD were used to calculate the 99th percent confidence level and 99th percentile of the data set based on the number of effluent samples and the coefficient of variation. The multipliers from the table were multiplied by the highest observed effluent concentration (MEC) to estimate the maximum expected effluent concentration; this value was used as the interim effluent limitations for the average monthly effluent limit (AMEL).

Effluent data from 1 August 2008 through 30 April 2012 was used to calculate the interim effluent limitation in the table below. The following summarizes the calculations of the average monthly interim effluent limitation for nitrate plus nitrite:

Parameter	Units	MEC	Number of Data Points	Mean	Standard Deviation	Coefficient of Variation	Interim Average Monthly Effluent Limitation ¹
Nitrate plus nitrite	µg/L	15	57	9.1	2.6	0.29	20

¹ 99% confidence level upper limit value from the Technical Support Document for Water Quality-based Toxics Control used to calculate the maximum expected concentration in a dataset.

10. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitation included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim effluent limitation, however, establishes an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.
11. If an interim effluent limitation contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in CWC 13385(j)(3). It is the intent of the Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

Other Regulatory Requirements

12. California Water Code section 13300 states: *“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”*
13. Water Code section 13267 states in part: *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.*
14. The Discharger owns and operates the wastewater treatment facility which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
15. 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.).
16. On XX March 2014, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT:

- Pursuant to California Water Code Sections 13300 and 13267, the Discharger shall comply with the following time schedule to submit reports and ensure completion of the compliance project described in Finding 5.b, above:

Task	Compliance Date
Submit and implement a Pollution Prevention Plan (PPP) for nitrate plus nitrite that meets the requirements specified in California Water Code Section 13263.	1 September 2014
Complete assessment of nitrate plus nitrite removal in the aeration basins by performing treatment profiles of various operational parameters to establish baseline conditions.	1 June 2015
Submit a technical report documenting the results of the assessment of the treatment performance and work plan for future activities.	31 December 2015
Complete operational changes and perform monitoring to confirm if compliance with the nitrate plus nitrite final effluent limits is feasible without Facility upgrades.	31 December 2016
Submit a technical report documenting the results of the operational changes, and if necessary propose Facility upgrades including a time schedule	1 April 2017
If necessary, complete Proposition 218 requirements and acquire funding and complete CEQA requirements, design, and bid for construction of treatment modifications	27 March 2019
Progress Reports ¹	1 March, annually, until final compliance
Comply with the final effluent limitations for nitrate plus nitrite	27 March 2019

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

- Discharge from Discharge Point 001 shall not exceed the following interim effluent limitation. This interim effluent limitation for nitrate plus nitrite is effective upon adoption of this Order and shall apply in lieu of the corresponding final effluent limitations in WDR Order R5-2014-XXXX. The Discharger shall comply with the following interim effluent limitation through 26 March 2019, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Average Monthly Effluent Limit
Nitrate Plus Nitrite (as N)	mg/L	20

3. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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.

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 <Date>.

PAMELA C. CREEDON, Executive Officer