

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2015-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2010-0114-03 (NPDES PERMIT NO. CA0077682)

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
SACRAMENTO REGIONAL WASTEWATER TREATMENT PLANT
SACRAMENTO COUNTY

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

1. On 9 December 2010, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2010-0114, prescribing waste discharge requirements for the Sacramento Regional Wastewater Treatment Plant. For the purposes of this Order, the Sacramento Regional County Sanitation District is hereafter referred to as "Discharger" and the Sacramento Regional Wastewater Treatment Plant is hereafter referred to as "Facility."
2. Waste Discharge Requirements Order R5-2010-0114 (NPDES Permit No. CA0077682) authorizes the discharge of up to 181 million gallons per day of disinfected secondary treated wastewater to the Sacramento River, a water of the United States and within the legal boundary of the Sacramento-San Joaquin Delta.
3. The Facility's treatment system consists of mechanical bar screens, aerated grit removal, primary sedimentation, pure oxygen activated sludge, secondary clarification, chlorine disinfection with dechlorination and a diffuser for river discharge. Solids handling consists of dissolved air flotation thickeners, gravity belt thickeners, anaerobic digesters and sludge stabilization basins with disposal on-site through land application or biosolids recycling facility. Wastewater is discharged to the Sacramento River at Freeport, a water of the United States.
4. Order R5-2010-0114 has been amended by the Central Valley Water Board on several occasions and is currently identified as Order R5-2010-0114-03. On 1 December 2011, Order R5-2011-0083 was adopted making changes to the Monitoring and Reporting Program, recycled water use, manganese effluent limitations, and interim effluent limitations for chlorpyrifos and diazinon. On 4 October 2013, Order R5-2013-0124 was adopted conforming the ammonia and nitrate effluent limitations to State Water Resources Control Board (State Water Board) Order WQ 2012-0013; incorporating the effect of the stays of certain time deadlines and schedules issued by the Sacramento County Superior Court; modifying final effluent limitations for chlorodibromomethane and dichlorobromomethane; and removing effluent limitations and revising monitoring requirements for N-nitrosodimethylamine (NDMA). On 8 August 2014, Orders R5-2014-0102 and R5-2014-0103 were adopted modifying the interim ammonia effluent limitation and revising total coliform requirements to seasonal total coliform requirements, respectively. Finally, on 9 October 2014, Order R5-2014-0122 was adopted adding Delta Regional Monitoring Program provisions.

5. This Order amends Order R5-2010-0114-03 to address a Sacramento Superior Court order. On ~~11 April~~ 29 October 2014, the Superior Court for Sacramento County entered a judgment and peremptory writ of mandate in the matter of *California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region* (Case No. 34-2013-80001358-CU-QM-GDS) (Regional San Decision), ruling that the Central Valley Water Board abused its discretion by 1) failing to use the equation set forth in the California Toxics Rule (CTR) and by using the hardness value of the effluent in the equations; 2) failing to establish a weekly effluent limitation for aluminum; and 3) continuing the Thermal Plan exceptions in effect without first concluding the permitted discharge, considered cumulatively with all other significant impacts on affected species, would "assure the protection and propagation of a balanced indigenous community of shellfish, fish and wildlife in and on" the Sacramento River. ~~The Court Therefore,~~ ordered the Central Valley Water Board ~~to shall~~ modify Order R5-2010-0114-03 (NPDES Permit No. CA0077682) to: 1) vacate the Thermal Plan exceptions in the Permit and to reconsider the issue of whether Thermal Plan exceptions may be granted in this case under the standards set forth in Code of Federal Regulations (CFR) at 40 CFR § 125.73(a); 2) vacate the portions of the Permit establishing effluent limitations for hardness-dependent metals, and to recalculate such effluent limitations using the equations set forth in 40 CFR § 131.38(b)(2), and without using the hardness value of the effluent in those equations; and 3) establish in the Permit a weekly effluent limitation for aluminum as required by 40 CFR § 122.45(d)(2). Order R5-2010-0114-03 is amended in accordance with the Regional San Decision.
6. The Discharger has also requested a modification of Order R5-2010-0114-03 to allow use disinfected secondary treated effluent for sewer line flushing. Currently potable water is used for this activity. Allowing the use of treated effluent for sewer flushing in lieu of potable water will comply with the Governor's mandate to conserve water during the significant drought conditions the State is experiencing.
7. Order R5-2010-0114-03 may be reopened and modified in accordance with 40 CFR § 122.62(a)(2).
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 modify 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 agencies and persons of its intent to amend Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

1. Effective immediately, ~~C~~consistent with the Regional San Decision, the Central Valley Water Board vacates the portions of Waste Discharge Requirements Order R5-2010-0114-03 (NPDES No. CA0077682) that established effluent limitations for CTR hardness-dependent metals, and recalculates the effluent limitations using the equations set forth in 40 CFR §131.38 (b)(2) without using the hardness value of the effluent in those equations. Additionally, the Central Valley Water Board vacates the Thermal Plan exceptions in Order R5-2010-0114-03, ~~and~~ adopts Thermal Plan exceptions in the amended Permit consistent with the standards set forth in 40 CFR §125.73 (a), and establishes a weekly effluent limitation for aluminum as required by 40 CFR § 122.45 (d)(2).
2. Effective immediately, Waste Discharge Requirements Order R5-2010-0114-03 (NPDES No. CA0077682) is amended as shown in underline/strikeout format in Attachment 1 to address the Regional San Decision, described in Finding 5, and allow use of treated effluent for sewer line flushing, described in Finding 6.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resource Control Board (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 (including mandatory furlough days), 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 XX July 2015.

PAMELA C. CREEDON, Executive Officer