

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2016-XXXX

AMENDING TIME SCHEDULE ORDER R5-2015-0003
(NPDES PERMIT CA0079391)

CITY OF JACKSON
WASTEWATER TREATMENT PLANT
AMADOR COUNTY

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

1. The City of Jackson (Discharger) owns and operates the Wastewater Treatment Plant (Facility). The Facility discharges up to 0.71 million gallons per day (MGD) of treated wastewater to Jackson Creek, a water of the United States, and a tributary to Amador Lake within the Mokelumne River watershed. On 5 December 2013, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2013-0146 (NPDES No. CA0079391), which included final effluent limitations for, *inter alia*, chlorodibromomethane, cyanide, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes.
2. On 5 February 2015, Time Schedule Order (TSO) R5-2015-0003 was adopted providing a time schedule for conversion to UV disinfection and addition of anoxic basins and requires compliance with the final effluent limitations for chlorodibromomethane, cyanide, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes by 1 March 2018.
3. Following the adoption of the Facility Pre-Design Report in April 2014, the Discharger's Ratepayer's Protection Alliance raised concerns over project costs. A rate increase process was initiated in September 2014 to allow for the project to proceed. In October 2014, a notice was issued through the Proposition 218 process for the new rates where a 40% protest was received, which was less than the 51% required to stop the rate increase. The Discharger moved to adopt the new rates in December 2014. In January 2015 a petition for referendum, which only requires 10% support, was presented to the Discharger in order to protest the rate increase and a lawsuit was filed against the Discharger. The Discharger opted to work with the Ratepayer's Protection Alliance to evaluate options for reducing project costs. By April 2015 it was determined that a competitive proposal approach would result in a new project implementation strategy to reduce overall project costs. The Discharger released a Request for Proposal for design services in May 2015 and selected a new design consultant in July 2015. Design services were initiated in August 2015. This process delayed the project a total of sixteen months.
4. On 23 September 2015, the Discharger requested to extend the compliance schedule in TSO R5-2015-0003 eight months for all dates excluding annual Progress Reports due to the delay described in Finding 3, which would extend the final compliance date from 1 March 2018 to 1 November 2018. This Order amends the compliance schedule in TSO R5-2015-0003 to require compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes by 1 November 2018.

5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to Water Code section 13389, since the adoption or modification of an 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.).
6. On XX February 2016, 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 amending TSO R5-2015-0003.

IT IS HEREBY ORDERED THAT pursuant to CWC Sections 13301 and 13267, TSO R5-2015-0003 is amended as shown in underline/strikeout format in Attachment I and the compliance schedule is extended to 1 November 2018 to allow time for design and construction of the compliance project. This Order is effective upon adoption.

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 **XX February 2016**.

PAMELA C. CREEDON, Executive Officer