CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE CEASE AND DESIST ORDER R5-2026-XXXX

REQUIRING CITY OF ALTURAS
CITY OF ALTURAS WASTEWATER TREATMENT PLANT
MODOC COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS PRESCRIBED
IN ORDER R5-2020-0004 (NPDES PERMIT NO. CA0078921)

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

1. The City of Alturas (Discharger) owns and operates the Alturas Wastewater Treatment Plant (Facility). The Facility discharges up to an average dry weather flow of 0.5 million gallons per day of treated municipal wastewater to the Pit River, a water of the United States.

2. On 20 February 2020, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2020-0004 (NPDES Permit No. CA0078921) prescribing WDRs for the Facility, which included, in part, final effluent limitations for aluminum. The Discharger could not immediately comply with these final effluent limitations and, therefore, on 20 February 2020, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2020-0005 with a compliance schedule and interim effluent limitations, in part, for aluminum.

3. The Facility's exceedances of the final effluent limitations for aluminum are attributed to the use of an aluminum-based coagulant, which was introduced, in part, to address past noncompliance with copper and zinc effluent limitations.

4. To come into compliance with final effluent limitations contained in WDRs Order R5-2020-0004, the Discharger has been working diligently to complete planning phase work through a grant from the State Water Resources Control Board, Division of Financial Assistance (DFA), to convert from a surface water discharge to a land discharge.

5. WDRs Order R5-2020-0004 contains Final Effluent Limitations IV.A.1.a., which reads, in part, as follows:

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Aluminum, Total Recoverable	µg/L	290	370	--

Need for Time Schedule and Legal Basis

6. On 8 September 2025, the Discharger submitted a letter that requested additional time beyond that provided in CDO R5-2020-0005 to complete Facility improvements necessary to comply with final effluent limitations for aluminum. The Discharger is in the process of using grant money from DFA to upgrade the Facility and transition from a surface water discharge to a land discharge. Additional time is required for the Discharger to complete upgrades to the Facility in order to move to land discharge, cease its discharge to surface water, and terminate their NPDES permit coverage. This Order contains a time schedule for compliance with final effluent limitations for aluminum contained in Order R5-2020-0004, sets interim limitations for aluminum, and is intended to provide protection from mandatory minimum penalties (MMPs) for potential exceedances of the final effluent limitation for aluminum.

Mandatory Minimum Penalties

7. Water Code section 13385, subdivisions (h) and (i), require the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. Water Code section 13385, subdivision (j)(3), exempts the discharge from MMPs "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." Section 13385, subdivision (j)(3)(C), provides that a CDO or TSO may generally only provide protection from MMPs for up to five years unless the Board grants an extension of up to five additional years pursuant to subdivision (j)(3)(C)(ii)(II), which states,

> *Following a public hearing, and upon showing that the discharger is making diligent progress toward bringing the waste discharge into compliance with the [final] effluent limitation, the regional board may extend the time schedule for an additional period not exceeding five years in, if the discharger demonstrates that the additional time is necessary to comply with the [final] effluent limitation.*

Prior CDO R5-2020-0005, pursuant to section 13385, subdivision (j)(3), established a five year compliance schedule for the Discharger to meet the final effluent limit for aluminum. The Discharger complied with all requirements of the prior CDO other than the final effluent limitation and has demonstrated that, despite its diligent efforts, additional time is necessary to meet the final effluent limitation for aluminum. Therefore, this CDO R5-2026-XXXX, pursuant to subdivision (j)(3)(C)(ii)(II), extends the compliance schedule for an additional five years.

8. Compliance with this Order exempts the Discharger from MMPs for violations of the final effluent limitation for Aluminum, Total Recoverable, found in WDRs Order R5-2020-0004 or any subsequently adopted WDRs Order, until 31 March 2030. In accordance with Water Code section 13385, subdivision (j)(3), the total length of protection from MMPs for aluminum does not exceed ten years in length.

9. 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 (See Wat. Code, § 13385, subd. (j)(3)(C)(iii)). Interim effluent limitations consist of an average monthly effluent limitation (AMEL) and an average weekly effluent limitation (AWEL) or maximum daily effluent limitation (MDEL) concentration derived using sample data provided by the Discharger demonstrating actual treatment plant performance. In developing the performance-based interim AMEL, where there are 10 data points or more and only once per month sampling is required, sampling and laboratory variability is accounted for by establishing interim effluent limitations that are based on normally distributed data where 99.9 percent of the data points will lie within 3.3 standard deviations (SD) of the mean (*Basic Statistical Methods for Engineers and Scientists*, Kennedy and Neville, Harper and Row, 3rd Ed., January 1986). When at least 80 percent of the data points are reported as non-detect (ND) values, or if there are less than 10 data points available, the interim AMEL is based on 3.11 times the maximum observed effluent concentration (MEC) when once per month sampling is required. Additionally, if either of these procedures result in an interim AMEL less than the MEC, the MEC is sometimes established as the interim AMEL. The interim AWEL is calculated by multiplying the calculated interim AMEL by the MDEL/AMEL multiplier. The following table summarizes the calculation of the interim effluent limitations:

Parameter	Units	# Effluent Samples	Mean	MEC	Interim AMEL	Interim AWEL	Interim MDEL
Aluminum, Total Recoverable	µg/L	37	920	1,310	1,691	2,322	--

10. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. 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 limitations, however, establish 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 Water Code section 13385, subdivision (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 limitation subjects the Discharger to one MMP for the day in which the sample was collected.

Other Regulatory Requirements

12. This Order implements Water Code section 13301, which states, in part:

> *When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. . . . Cease and desist orders may be issued directly by a board, after notice and hearing.*

13. This Order includes requirements pursuant to Water Code section 13267, which 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.

The Discharger owns and operates the Facility subject to this Order. The technical reports required by this Order are necessary to assure that compliance with applicable WDRs will be achieved. The actions and reports required by this Order are directly related to the Discharger's compliance with its WDRs and do not require expenses that are not already required pursuant to the WDRs. The expenses will not affect the Discharger's ability to operate the Facility. The burden of these actions and reports bears a reasonable relationship to the need for the actions and reports.

14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.) 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.)

15. On XX February 2026, after due notice to the Discharger and all other interested persons, the Central Valley Water Board conducted a public hearing to consider adoption of this CDO pursuant to Water Code section 13301 to establish a time schedule to achieve compliance with WDRs.

IT IS HEREBY ORDERED THAT:

1. CDO R5-2020-0005 is rescinded upon the effective date of this Order, except for enforcement purposes.

2. Pursuant to Water Code section 13301, the Discharger shall cease and desist from discharging, or threatening to discharge, in violation of WDRs Order R5-2020-0004 in accordance with the schedule below:

Task	Compliance Date
Pollution Prevention Plan. Submit and implement a Pollution Prevention Plan (PPP) for aluminum pursuant to Water Code section 13263.3.	**<6 months after adoption date of CDO>**
Final Compliance Achieve compliance with final aluminum effluent limitations.	**31 March 2030**

Task	Compliance Date
Annual Progress Reports Submit annual progress reports documenting the steps taken to comply with this Order, describing the completion of tasks, evaluation of the effectiveness of the implemented measures of the PPP, and an assessment of whether additional measures are necessary to meet the final compliance date.	**1 February 2027** **1 February 2028** **1 February 2029** **1 February 2030**

3. Discharge from Discharge Point 001 shall not exceed the following interim effluent limitations. The interim effluent limitations shall apply in lieu of the corresponding final effluent limitation for aluminum, total recoverable, in WDRs Order R5-2020-0004. The following interim effluent limitations shall be effective until **31 March 2030.**

Parameter	Units	Interim AMEL	Interim AWEL	Interim MDEL
Aluminum, Total Recoverable	µg/L	1691	2322	--

4. During the term of this Order, the Discharger shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations, and requirements identified in WDRs Order R5-2020-0004 and any successor order(s) thereto.

5. 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."*

6. In accordance with 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 assessment of Administrative Civil Liability of up to $10,000 per violation, per day, depending on the violation, pursuant to Water Code 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 (http://www.waterboards.ca.gov/public_notices/ petitions/water_quality) applicable to filing petitions may be found on the Waterboards webpage, or will be provided upon request.

I, PATRICK PULUPA, 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 2026. This Order shall become effective upon the effective date signed below.

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PATRICK PULUPA, Executive Officer

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Date