

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE TIME SCHEDULE ORDER **R5-2020-XXXX**

REQUIRING
THE CITY OF GALT
WASTEWATER TREATMENT PLANT AND RECLAMATION FACILITY
SACRAMENTO COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED IN
ORDER R5-2015-0123
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0081434

FINDINGS

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

1. On 11 December 2015, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2015-0123 prescribing waste discharge requirements for the City of Galt (hereinafter Discharger), Wastewater Treatment Plant and Reclamation Facility (hereinafter Facility).
2. On 11 December 2015, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2015-0124, which included, in part, a compliance schedule for meeting final effluent limitations prescribed in the WDR's for zinc. The WDR's contain Final Effluent Limitations IV.A.1.a, Table 4, which reads, in part, as follows:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Zinc, Total Recoverable	micrograms per liter ($\mu\text{g/L}$)	35	51

3. On 5 March 2015, the Discharger submitted a report entitled Infeasibility to Comply Report to the Central Valley Water Board requesting a compliance schedule for zinc. The Discharger requested a compliance schedule to conduct a Water Effects Ratio (WER) study in order to adjust the California Toxics Rule (CTR) zinc criteria to account for site-specific characteristics of the effluent and receiving water. The results were expected to demonstrate that the discharge does not have reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for zinc, thus necessitating the amendment of the WDR's in order to remove the effluent limitations for zinc. The Discharger requested a compliance schedule expiring on 1 December 2020 in the event the WER study did not result in compliance, and alternative treatment options must be evaluated and implemented.

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NEED FOR TIME SCHEDULE EXTENSION AND LEGAL BASIS

4. The Discharger owns and operates the Facility. The unit process for the Facility includes coarse bar screening, activated sludge extended aeration in two oxidation ditches that provide simultaneous nitrification and denitrification, two secondary clarifiers, tertiary filtration, and UV disinfection. The Facility has an average dry weather flow (ADWF) design capacity of 3.0 million gallons per day (MGD) and currently treats an ADWF of approximately 1.8 MGD. Tertiary-treated effluent from the Facility is discharged to Skunk Creek, which is tributary to Laguna Creek, which is tributary to the Cosumnes River, all waters of the United States.
5. On 3 August 2020, the Discharger submitted a Notice of Intent (NOI) for coverage of the discharge from the Facility under the Central Valley Water Board's Order R5-2017-0085-01, Waste Discharge Requirements for Municipal Discharges That Meet Objectives/Criteria as the Point of Discharge to Surface Waters (Municipal General Order). The NOI indicated that the Discharger conducted the proposed WER Study for Zinc and, on 30 November 2017, submitted the Zinc Water Effects Ratio Study Report, which found that the development of an adjusted WER was not a viable compliance strategy. On 7 October 2019, the Discharger submitted a Revised Zinc Compliance Workplan and Schedule which outlined a schedule for a plant scale study of magnesium hydroxide addition to improve treatment efficiency. The Discharger installed magnesium hydroxide addition facilities in October 2019 and completed an evaluation of magnesium hydroxide addition from October to December 2019. The study showed that a consistent dose of 30 to 60 milligrams per liter (mg/L) of magnesium hydroxide will provide several process control benefits to Facility operations including: increased sludge settleability, improved dewaterability of the lagoon solids, increased alkalinity and hardness through the Facility, and reduced zinc solubilization through the treatment facilities. Upon the success of the study, the Discharger has maintained the magnesium hydroxide dosing practices since the completion of the study period. The dosing is occurring at the Live Oak Lift Station, which is upstream of the Facility, and the City is currently maintaining a dosing rate between approximately 30 and 60 mg/L. The increased hardness of the effluent will result in new hardness-dependent criteria for zinc that will demonstrate that the discharge does not have reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for zinc, therefore, effluent limitations for zinc will not be included in the Facility's upcoming permit renewal and resulting coverage under the Municipal General Order.
6. At this time, the Discharger cannot consistently comply with the zinc effluent limitations in the 2015 Permit, however, the upcoming renewal of waste discharge requirements for the Facility will result in the removal of effluent limitations for zinc. While the renewed WDR's will not include effluent limitations for zinc, the WDR's will not be adopted until after the 1 December 2020 expiration of the existing compliance schedule for zinc. Therefore, This Order contains a time schedule for compliance with final effluent limitations, sets interim limitations for certain constituents, and is intended to provide protection from mandatory minimum penalties (MMP's) for zinc.

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MANDATORY MINIMUM PENALTIES

7. Per the requirements of California Water Code (CWC) 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 CWC section 13385(h) and (i).
 - c. The final effluent limitations for zinc are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of Order R5-2015-0123 and after 1 July 2000. New or modified control measures are necessary in order to comply with the final effluent limitations for zinc. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - d. 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.
8. TSO R5-2015-0124 provided protection from MMP's, for violations of effluent limitations for zinc from 11 December 2015 to 1 December 2020. The compliance schedule did not exceed five years.
9. Per the requirements of CWC Section 13385(j)(3)(C)(i), an individual Cease and Desist Order or Time Schedule Order may provide protection from MMP's for no more than five years, except as provided in Water Code section 13385(j)(3)(C)(ii).
10. Per the requirements of CWC Section 13385(j)(3)(C)(ii)(I) for the purpose of treatment facility upgrade, the time schedule shall not exceed 10 years. Per the requirements of 13385(j)(3)(C)(ii)(II) following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional five years beyond the initial five years, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation. In accordance with CWC Section 13385(j)(3)(C)(ii)(I) the total length of the compliance schedules is less than ten years. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence and is making diligent progress to bring the waste discharge into compliance with final effluent limitations.
11. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for zinc found in WDR Order R5-2015-0123 from **XX Month 2020** (the date of this Order) until **1 July 2021**.

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12. In accordance with CWC section 13385(j)(3), the total length of protection from MMPs for violations of the final effluent limitations for zinc is less than ten years.
13. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for zinc contained in WDR Order R5-2015-0123. 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.
14. This Order includes performance-based interim effluent limitations for zinc. The calculated interim effluent limitations are based on the current treatment plant performance. In developing effluent limitations, the United States Environmental Protection Agency (U.S. EPA) has developed a statistical approach in which the estimated maximum effluent concentration is calculated as the upper bound of the log normal distribution of effluent concentrations at a high confidence level. Table 3-1 Reasonable Potential Multiplying Factors: 99% Confidence Level and 99% Probability Basis, in U.S. EPA’s Technical Support Document For Water Quality-based Toxics Control, March 1991, (EPA/505/2-90-001) (TSD). The interim performance based average monthly effluent limitations (AMELs) in this Order are established as the estimated maximum effluent concentration determined through the above mentioned method. The interim performance-based maximum daily effluent limitation (MDEL) in this Order for zinc was established using the procedures described in Table 5-3. Multipliers for Calculating Maximum Daily Permit Limits From Average Monthly Permit Limits, in U.S. EPA’s TSD by multiplying the interim AMELs by the MDEL/AMEL multipliers.

In calculating interim effluent limitations for zinc data collected between December 2011 and November 2014 was used due to the availability of data at the time of the calculation of interim effluent limitations for zinc. The following table summarizes the calculation of the interim effluent limitations for zinc:

Table 1. Interim Effluent Limitations

Parameter	Units	Maximum Effluent Concentration	Mean	Standard Deviation	# of Samples	TSD Multiplier	Interim AMEL	Interim MDEL
Zinc, Total Recoverable	µg/L	53	36.4	10.5	12	1.69	90	168

15. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations 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

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uses of the receiving stream on a long-term basis. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

16. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMP's 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

17. CWC section 13300 states, in part:

“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.”

18. CWC 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.”

19. The Discharger owns and operates the Facility that is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in this Order and, WDR Order R5-2015-0123.

20. 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

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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.).

21. This Order is issued under authority delegated to the Executive Officer in accordance with Central Valley Water Board Resolution R5-2018-0057, and Water Code section 13223.
22. On 22 October 2020, Central Valley Water Board staff issued a notice of public hearing and provided a 30-day comment period for consideration of adopting a TSO under section 13300 of the Water Code to establish a time schedule for achieving compliance with waste discharge requirements. The notice stated that any member of the public may request an oral hearing before the Executive Officer, and if no hearing is requested, the Executive Officer’s review of the administrative record, including any written comments received shall constitute the public hearing. No adverse public comments were received during the 30-day public comment period as required pursuant to Water Code section 13167.5.

BOARD ACTION

IT IS HEREBY ORDERED THAT:

1. Pursuant to California Water Code Sections 13300 and 13267, the Discharger shall comply with the following time schedule:

Task	Compliance Date
Pollution Prevention Plan. Submit and implement an updated, or new as appropriate, Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3.	Complete
Submit WER Work Plan. The Discharger shall submit a WER Work Plan detailing the procedure to be followed in conducting the WER Study.	Complete
Submit Final WER Report. The Discharger shall submit the Final WER Study Report and reasonable potential analysis for zinc. If the RPA indicates the discharge continues to exhibit reasonable potential, the Discharger shall also submit a workplan and schedule to comply with the zinc effluent limitations.	Complete
Submit Report demonstrating Final Compliance with the final effluent limitations for zinc.	1 July 2021

2. The following interim effluent limitations for zinc shall be effective upon adoption of this Order. The Discharger shall comply with the following interim effluent limitations

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through **1 July 2021**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Interim Effluent Limitations

Parameter	Units	Interim AMEL	Interim MDEL
Zinc, Total Recoverable	µg/L	90	168

- Any person signing a document submitted under this TSO 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.”

- 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 WDR Order 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. Links to the laws and regulations

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applicable to filing petitions may be found on the [Water Quality Petitions Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

PATRICK PULUPA, Executive Officer

Date