

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION  
ORDER NO. R4-2012-xx

AMENDING WASTE DISCHARGE REQUIREMENTS  
in ORDER Nos. R4-2007-0028 and R4-2010-0074 and  
MONITORING AND REPORTING PROGRAM CI No. 9259

FOR  
NEW SANTA PAULA WATER RECYCLING PLANT  
CITY OF SANTA PAULA DEPARTMENT OF PUBLIC WORKS  
(File No. 06-189)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds:

1. The City of Santa Paula (Discharger) discharges to the groundwater through a percolation pond and recycled water system at the new Santa Paula Wastewater Recycling Plant. The Waste Discharge Requirements (WDRs) for this plant are contained in Order No. R4-2007-0028 and Monitoring and Reporting Program CI No. 9259, adopted by the Regional Board on May 3, 2007 and amended by Order No. 2010-0074 on May 6, 2010.
2. Currently, all disposal is to an unlined pond and thence to the Sulphur Springs sub-basin of the Santa Paula Basin under the Santa Clara River. The water table is known to intersect the channel of the Santa Clara River and surface water quality may be affected by the groundwater quality beneath the site, under some conditions. Historical groundwater discharge had an annual average of millions of gallons per day<sup>1</sup> at 2 miles downstream from the Plant. Additional disposal to a reclaimed water system with irrigation on public land is planned.
3. The old Santa Paula Wastewater Reclamation Plant operated under National Pollution and Discharge Elimination System (NPDES) Order No. 97-041 for discharge to the Santa Clara River, adopted on April 7, 1997. More than 3000 violations at the old plant lead the Regional Board to engage in settlement discussion with the City of Santa Paula resulting in a Stipulated Consent Judgment and Final Order. As a result, the new Santa Paula Wastewater Recycling Facility was built to discharge to groundwater and began accepting partial flow in April 2010 and then accepting all the flow from the City of Santa Paula on May 12, 2010.
4. The NPDES permit for the old Santa Paula Reclamation Facility had been amended to include pretreatment requirements with WDR Order No. R4-2007-0032 on June 7, 2007. On February 17, 2004, the Santa Paula City Council adopted Ordinance No. 1309 including the pretreatment Local Limits. Based on legal authority provided by Ordinance 1039 and amended by Ordinance 1156, adopted on October 2, 2006, an Enforcement Response Plan was also prepared by the Discharger.

<sup>1</sup> Department of Water Resources, Southern District, Final Project Report and Update of Basin Plan for Piru, Sespe, and Santa Paula Hydrologic Areas, June 1989, page 76. The annual average is for recorded flows before 1989,

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5. The Discharger's pretreatment program identified five industrial facilities discharging to the old Santa Paula Wastewater Reclamation Plant. The amendment to the NPDES permit, WDR Order No. R4-2007-0032, required the Discharger to ensure effluent from the industrial sources did not disrupt the treatment plant processes. The Discharger had to meet the pretreatment requirements described in Title 40 of the *Code of Federal Regulations* (CFR) section 403, Water Code section 13263 and Title 23 California Code of Regulations section 2233.
6. The potential disruption to the new Santa Paula Wastewater Recycling Plant from these industrial sources remains. The five sources described in the September 2000 report titled "Local Limits Development" are three fruit packing houses, an aluminum caster, and a portable toilet service. City representatives report that these industrial classes still discharge to the new Wastewater Recycling Plant and a new industrial source, a silicon application facility, is in operation. The material safety data sheets prepared for the new facility, Applied Silicon Corporation, describe human health and fire hazards from xylene and formaldehyde. The existing pretreatment program requires control of organic compounds, such as xylene and formaldehyde, as well as management of the flammability of the influent.
7. Pretreatment Compliance Inspections were completed by a representative of the United States Environmental Protection Agency (EPA) and the Regional Board in June 2009 and March 2007. In October 2010 and May 2007, the Regional Board sent the Discharger letters identifying areas that need to be addressed. Both inspections note that the permit and monitoring and reporting program for Aurora Casting and Engineering (the aluminum caster) lacked appropriate limits. In addition, the 2009 inspection found that the aluminum caster compliance problem persisted and that the quarterly reports submitted by the Saticoy Lemon Plant #3 contained incomplete information and described samples collected at the wrong location. Also, the industrial wastewater discharge permit for Saticoy Lemon Plant #3 and Aurora Casting and Engineering expired on May 31, 2009.
8. Local evidence of aquifer contamination demonstrates that chemicals used in these industries are present in the subsurface, and beneficial uses need continued protection. Adjacent drinking water wells operated by the City of Santa Paula contain chloride, barium, sulfate, selenium, total dissolved solids, aluminum, cadmium, manganese, silica, and iron. In addition, groundwater monitoring for the New Santa Paula WRF shows that groundwater requirements were violated eighteen times in the first quarter of 2011 for chloride, aluminum, chromium, nitrate and nitrite, and sulfate.
9. Pursuant to California Water Code section 13263 and Title 23 California Code of Regulations section 2233, the Regional Board has authority to include pretreatment requirements into WDR Order No. R4-2007-2008. Section 2233 sets forth other terms and conditions to be included in WDRs, including pretreatment requirements. Section 2233 specifically states:
  - (a) A condition shall be included for a publicly owned treatment works, treating or designed to treat, an average dry weather flow of 5 million gallons per day (mgd) or more of community wastewater that the operating entity shall have and enforce an adequate pretreatment program approved by the appropriate regional board. A condition requiring a local pretreatment program may be included for a publicly owned treatment

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works treating or designed to treat an average dry weather flow of less than 5 mgd of community wastewater where deemed appropriate by the state board or regional board.

(b) In cases where an operating entity does not have an adequate pretreatment program, a time schedule shall be included with the waste discharge requirements for adoption and implementation of the necessary program.

(c) The Regional Board in prescribing waste discharge requirements for a publicly owned treatment works shall require an annual report of effectiveness of the local pretreatment program.

10. While the new Santa Paula Wastewater Recycling Plant is designed for an average daily flow of 4.2 million gallons per day (mgd), less than 5 mgd, Regional Board staff deems a pretreatment program appropriate because:

(a) There is a possibility of system upset from the industrial sources addressed by the old plant's pretreatment requirements.

(b) The pretreatment program is designed to minimize effluent and groundwater violations for the Discharger, adding responsibility for compliance to industrial sources.

(c) An additional industry and other unknown sources now discharge to the new Plant. The potential for impact to the groundwater is not known.

(d) Despite regular inspections of the existing pretreatment program, the Discharger did not completely conform to the federal requirements.

11. The pretreatment language described here and amended to WDR Orders No. R4-2007-0028 and R4-2010-0074 and Monitoring and Reporting Program CI No. 9259, is based on federal pretreatment regulations (Part 403 in the CFR), and the original pretreatment requirements for Santa Paula Wastewater Reclamation Facility.

12. The 2007 pretreatment language amended to the NPDES permit on June 7, 2007 defined local limits for industrial discharge to ensure the plant could comply with the limits in Order No. 97-041 for the old Santa Paula wastewater Reclamation Plant. Waste Discharge Requirements (WDR) Order No. R4-2007-0028 adopted by this Regional Water Board on May 3, 2007 for the new Santa Paula Wastewater Recycling Plant specifies that effluent may not exceed limits designated for Priority Pollutants by EPA, California Drinking Water Standard, California Code of Regulations (CCR) title 22, section 64431 and 64444, and radioactivity in CCR title 22, chapter 15, section 64441 et seq. The WDR limits include most of those in the NPDES permit..

#### **Applicable law, Plan and Policies and Regulations**

13. The Discharger shall implement and enforce a Pretreatment Program pursuant to Section 2233, Title 23, California Code of Regulations.

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14. In 1990, the Santa Paula City Council adopted Ordinance 928, providing legal authority for implementing the Industrial Pretreatment Program. On February 17, 2004, the Santa Paula City Council adopted, after a public hearing, Ordinance No. 1309- *Sewer System and Wastewater Disposal*, amending the Municipal Code Chapter 51 and providing the old Santa Paula Wastewater Reclamation Plant the legal authority to implement and enforce a Pretreatment Program. Ordinance 1039 contains the pretreatment Local Limits. Based on the findings of a Pretreatment Compliance Inspection (PCI) performed by the EPA and the Regional Board in August 2004, that identified a number of areas in need of updating, the Santa Paula City Council amended the Municipal Code through Ordinance No. 1156, on October 2, 2006, to address the issues identified in the 2004 PCI. Based on legal authority provided by Ordinance 1039 and amended by Ordinance 1156, an Enforcement Response Plan was also prepared by the Discharger. The Regional Board determined that the Discharger pretreatment program met the conditions identified in federal and state regulations. The NPDES permit for the old Santa Paula Reclamation Plant was amended to include pretreatment requirements with WDR Order No. R4-2007-0032 on June 7, 2007.
15. If the City determines it is necessary, the existing Pretreatment Program for the old Santa Paula Wastewater Reclamation Plant shall be updated based upon subsurface receiving water quality. A current list of industrial sources to the sewer system shall be maintained. Any modified program shall be approved by the Regional Board. If necessary, the Santa Paula Municipal Code will be amended to provide additional legal authority to implement and enforce the revised Pretreatment Program.
16. The requirements contained in this Order, as they are met, shall be in conformance with the goals and objectives of the Basin Plan and policies of this Regional Water Board, and comply with the requirements of the Water Code.
17. Any person aggrieved by this action may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 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://waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.
18. Amending waste discharge requirements for an existing facility is a project exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 et seq.) in accordance with California Code of Regulations, Title 14, Chapter 3, section 15301.
19. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend the waste discharge requirements and has provided them with an opportunity to submit their written views and recommendations. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the tentative Order amending the water recycling requirements.

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IT IS HEREBY ORDERED that Order Nos. R4-2007-0028, Monitoring and Reporting Plan CI No. 9259 and R4-2010-0074 adopted by this Regional Water Board on May 3, 2007, and May 6, 2010, respectively, are amended as follows:

1. On page 26 of WDR Order No. R4-2007-0028, under H. Provisions, a new item 29 as follows:

“29. Pretreatment Program Requirements

- a. Existing Pretreatment Program: The Discharger established a regional pretreatment program for its NPDES Order No. 97-041 (CI 1759). The program and its components such as City Ordinances and local limits, and control mechanisms, among others, are hereby made an enforceable condition of this Order until such time as they are revised.
- b. Program Revision: Any update to the City's pretreatment program shall be submitted for approval by the Regional Board's Executive Officer. . Until the new pretreatment program is approved, the Discharger shall implement the existing pretreatment program.
- c. Authority: The Discharger shall update as necessary the appropriate contractual agreements with all governmental agencies within one year of approval of an updated pretreatment program. The contractual agreements shall give the Discharger the authority to implement and enforce the approved pretreatment program within the sewer service areas of the treatment facility. The Discharger shall assure that any other steps necessary to provide this implementation and enforcement authority (e.g. adoption of ordinances, etc.) are taken by all governmental agencies. If a governmental agency has an approved pretreatment program for any portion of the service area of the treatment facility, the Discharger's pretreatment program shall contain provisions ensuring that that governmental agency's program is implemented. In the event that any agency discharging to Discharger's facility fails to effectively implement its individual approved pretreatment program, the Discharger shall implement and enforce its approved program within that agency's service area.
- d. Enforcement: The Discharger shall ensure that the pretreatment program for all contributory agencies discharging to the Discharger's treatment facility are implemented and enforced. The Discharger shall be responsible and liable for the performance of all pretreatment requirements. For violations of pretreatment requirements, the Discharger shall be subject to enforcement actions, penalties, fines and other remedies by the Regional Board as described in this WDR. The Regional Water Board may also initiate enforcement action against an industrial user for non-compliance with applicable standards and requirements as described in this WDR.
- e. The Discharger shall perform the pretreatment functions which are equivalent to those described in 40 CFR Part 403 including, but not limited to:

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- i. Enforce the pretreatment requirements equivalent to that described in 40 CFR 403.5 and 403.6;
  - ii. Implement the necessary legal authorities equivalent to that described in 40 CFR 403.8
  - iii. Implement the programmatic functions equivalent to that described in 40 CFR 403.8(f) (2);
  - iv. Publish a list of significant non-compliance equivalent to that described by 40 CFR 403.8(f) (2) (vii); and
  - v. Provide the requisite funding and personnel to implement the pretreatment program equivalent to that described in 40 CFR 403.8(f) (3).
- f. The following wastes shall not be introduced into the treatment works:
  - i. Wastes which create a fire or explosion hazard in the treatment works;
  - ii. Wastes which will cause corrosive structural damage to treatment works, but, in no case, wastes with a pH lower than 5.0 unless the works are designed to accommodate such wastes;
  - iii. Wastes at a flow rate and/or pollutant discharge rate which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;
  - iv. Solid or viscous wastes in amounts that would cause obstruction to the flow in sewers or otherwise interfere with the proper operation of the treatment works.
- g. Update: The Discharger shall ensure compliance with any existing or future pretreatment requirements adopted by the Regional Board for any discharge to the municipal system.
- h. Protect Standards: The Discharger shall comply with effluent standards adopted by the Regional Board, or prohibitions equivalent to that described under Section 307(a) of the CWA for toxic pollutants, even if this Order has not yet been modified to incorporate the requirement.
- i. Reporting: The Discharger shall require each user not in compliance with any pretreatment standard to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed as part of the pretreatment requirements or amendments thereto. The Discharger shall forward a copy of such notice to the Regional Board.

2. On page T- 3 of the Monitoring and Reporting Program CI-9259, Reporting Requirements, Section I delete the sentence that begins “The data shall be submitted to the Regional Board...” and the following sentence that begins “The Regional Board may require....”
3. On page T- 3 of the Monitoring and Reporting Program CI-9259, Reporting Requirements, Section I, after the first sentence, add the following language:

“The Discharger shall comply with the Electronic Submittal of Information (ESI) requirements by submitting all reports required under the MRP, including groundwater monitoring data, discharge location data, and pdf monitoring reports to the State Water Resources Control Board GeoTracker database under Global ID WDR100000849.”

4. . On page T- 6 of the Monitoring and Reporting Program CI-9259, Add a new Section C with the following language:

**C. Pretreatment Monitoring and Reporting**

1. The Discharger shall submit to the Regional Water Board and the EPA Region 9, a quarterly compliance status report. This quarterly reporting requirement shall commence for the first full quarter following issuance of this Order. The reports shall identify:
  - a. All significant industrial users (SIUs) which violated any standards or reporting requirements during that quarter;
  - b. The violations committed;
  - c. The enforcement actions undertaken; and
  - d. The status of active enforcement actions from previous periods, including closeouts (facilities under previous enforcement actions which attained compliance during the quarter).
2. By January 30<sup>th</sup> of each year, beginning January 30, 2013, the Discharger shall submit an annual summary report to the Regional Board describing the pretreatment activities within the service area during the previous year. In the event that any control authority within the service area is not in compliance with any conditions or requirements of this Order or their approved pretreatment program (such as due to industrial user discharges, interjurisdictional agency agreement implementation issues, or other causes,) then the Discharger shall also include the reasons for non-compliance and state how and when the Discharger and the control authority shall comply with such conditions and requirements. The report shall contain, but not be limited to, the following information:
  - a. A summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the POTW's influent and effluent wastewaters for

those pollutants which are known or suspected to be discharged by industrial users (IUs) as identified by the pretreatment program.

- b. The summary will include the result of annual full priority pollutant scan, with quarterly samples analyzed only for those pollutants detected in the full scan.
- c. The Discharger shall also provide any influent or effluent monitoring data for non-priority pollutants which the Discharger believes may be causing or contributing to Interference, Pass Through or adversely impacting sludge quality.
- d. Sampling and analysis shall be performed in accordance with the techniques prescribed in pretreatment program and amendments thereto.
- e. A discussion of any upset, interference, or pass-through incidents at the treatment plant (if any), which the Discharger knows or suspects were caused by IUs of the Publically Owned Treatment Works (POTW) system. The discussion shall include the following:
  - (1) The reasons why the incidents occurred, the corrective actions taken, and, if known, the name and address of the Industrial Users IU(s) responsible.
  - (2) A review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent pass through, interference or noncompliance with sludge disposal requirements, if any.
- f. A complete and updated list of the Discharger's significant industrial users (SIUs), including names, Standard Industrial Classification (SIC) code(s) and addresses, and a list of any SIU deletions and/or additions.
- g. The Discharger shall provide a brief explanation for each deletion. The SIU list shall identify the SIUs equivalent to Federal Categorical Standards by specifying which standards are applicable to each SIU. The list shall also indicate which SIUs are subject to local limitations and those, which are not subject to local limits.
- h. A list or table characterizing the industrial compliance status of each SIU, including:
  - (1) SIU name and address
  - (2) Industrial category;
  - (3) The type (processes) of wastewater treatment in place;



- (4) Number of samples taken by the POTW during the year;
  - (5) Number of samples taken by the SIU during the year;
  - (6) Whether all needed certifications (if allowed) were provided by SIUs which have limits for total toxic organics;
  - (7) Regional Standards violated during the year, reported separately;
  - (8) Whether the SIU at any time in the year was in Significant Noncompliance (SNC), equivalent to that defined in 40 CFR 403.12 (f)(2)(vii); and
  - (9) A summary of enforcement actions against the SIU taken during the year, including the type of action, final compliance date, and amount of fines assessed/collected (if any). Proposed actions, if known, should be included.
  - (10) Number of inspections conducted at each SIU during the year.
- i. A compliance summary table which includes:
- (1) SIU's which were in SNC at any time during the year;
  - (2) The total number of SIUs which are in SNC with pretreatment compliance schedules during the year
  - (3) The total number of notices of violation and administrative orders issued against SIUs during the year;
    - a. The total number of civil and criminal judicial actions filed against SIUs during the year;
    - b. The number of SIUs which were published as being in SNC during the year; And
    - c. The number of IUs from which penalties were collected during the year.
- j. A short description of any significant changes in operating the pretreatment program which differ from the previous year including, but not limited to changes concerning:
- a. The program's administrative structure
  - b. Local industrial discharge limitations;

- c. Monitoring program or monitoring frequencies;
- d. Legal authority or enforcement policy;
- e. Funding mechanisms; and
- f. Resource requirements and/or staffing levels.

k.A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

l. A summary of public participation activities to involve and inform the public.

m.A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

n. The cumulative number of industrial users that the Discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.

o. The Discharger shall submit the quarterly compliance status reports and the annual pretreatment report to the Regional Water Board.

All other requirements, limitations, and provisions of Orders No. R4-2007-0028 and R4-2010-0074 and Monitoring and Reporting Program No. 9259 are not affected by the foregoing amendments shall remain in full force and effect.

This Order takes effect upon its adoption.

I, Samuel Unger, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on February 2, 2012.

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Samuel Unger, P.E.  
Executive Officer

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