

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2005-0140

REQUIRING BEAR VALLEY WATER DISTRICT
BEAR VALLEY WASTEWATER TREATMENT PLANT
ALPINE COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2005-0139
(NPDES PERMIT NO. CA0085146)

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

1. On 21 October 2005, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2005-0139, prescribing waste discharge requirements for the Bear Valley Water District (hereafter Discharger), Bear Valley Wastewater Treatment Plant, Alpine County.
2. Waste Discharge Requirements (WDRs), Order No. R5-2005-0139, contains Effluent Limitation No. B.1, which reads, in part, as follows:

“B. Effluent Limitations - Discharge to Bloods Creek :

1. *Effluent discharged to Bloods Creek to occur only when necessary, and shall not exceed the following limits unless otherwise specified per footnote 6:*

| <u>Constituents</u> | <u>Units</u> | <u>Monthly Average</u> |
|---------------------|-----------------------------|------------------------|
| <i>Iron</i> | $\mu\text{g/L}$ | 300 |
| | <i>lbs/day</i> ¹ | 2.5 |
| <i>Manganese</i> | $\mu\text{g/L}$ | 50 |

¹ *The mass limits (lbs/day) under the Monthly Average column is based on the concentration limit multiplied by the monthly average flow 1.0 mgd and the unit conversion factor of 8.34*

3. The effluent limitations specified in Order No. R5-2005-0139 for *iron* and *manganese* are based on Basin Plan water quality objectives. Effluent limitations for these pollutants are new limitations that were not prescribed in the Land Disposal Requirements, Order No. 5-01-208.

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NEED FOR TIME SCHEDULE ORDER (TSO) AND LEGAL BASIS

4. California Water Code (CWC) Section 13300 states: “*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.*”
5. Federal regulations, 40 CFR Part 122.44 (d)(1)(i), require that NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
6. In accordance with CWC Section 13385(j)(3), the Regional Board finds that, based upon results of effluent monitoring and statistically projected effluent concentrations, the Discharger is not able to consistently comply with the new effluent limitations for *iron* and *manganese*. These limitations are new requirements that become applicable to the Order after the effective date of adoption of the waste discharge requirements, and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
7. Immediate compliance with these new effluent limitations for *iron* and *manganese* is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance as soon as possible, up to a maximum duration of 5 years, which is the maximum term of any NPDES permit.
8. This Order provides a time schedule for the Discharger to develop, submit, and implement methods of compliance, including but not limited to completing a mixing zone analysis, change water supplies, utilize pollution prevention activities, or construct necessary treatment facilities to meet these new effluent limitations.
9. CWC Section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC Section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC Section 13385(j)(3) exempts the discharge from mandatory minimum penalties “*where the waste discharge is in compliance with either a cease and desist order issued*

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pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met.”

10. Compliance with this TSO exempts the Discharger from mandatory penalties for violations of effluent limitations for iron and manganese only, in accordance with CWC Section 13385(j)(3). California Water Code Section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. Therefore, a pollution prevention plan will be necessary for iron and manganese in order to effectively reduce the effluent concentrations by source control measures.
11. Since the time schedule for completion of action necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim requirements and dates for their achievement. This time schedule does not exceed five years.

The compliance time schedule in this Order includes interim effluent limitations for *iron* and *manganese* based on previous performance of the facility. These interim effluent limitations consist of a maximum daily effluent concentration derived using sample data provided by the Discharger, and applying statistical methodologies for estimating maximum concentrations identified in Chapter 3 of USEPA’s Technical Support Document (TSD). Therefore, the interim daily maximum for each constituent is calculated by multiplying the maximum observed concentration by a factor of 7.4 from a 99% confidence level and 99% probability basis table (TSD Table 3.1), using the default coefficient of variation ($CV=\sigma/\mu$) of 0.6 (when data available is less than 10 samples) and number of samples ($n=2$, minimum number of samples available).

12. On 21 October 2005, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under California Water Code Section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with California Water Code Section 15321 (a)(2), Title 14, of the California Code of Regulations.
14. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

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IT IS HEREBY ORDERED THAT:

- Pursuant to California Water Code Section 13300, the Bear Valley Water District shall comply with the following time schedule to ensure compliance with the *iron* and *manganese* effluent limitations contained in WDRs Order No. R5-2005-____ as described in the above Findings:

| <u>Task</u> | <u>Date Due</u> |
|--|--|
| Submit Method of Compliance Workplan/schedule | 1 March 2006 |
| Submit Pollution Prevention plan (PPP) ¹ pursuant to Section 13263.3 of the Water Code for <i>iron</i> and <i>manganese</i> Progress Reports ² | 1 June 2006 1 January each year |
| Full compliance with effluent limitations | 1 October 2010 |

¹ *The PPP shall be prepared for all constituents listed above and shall meet the requirements specified in CWC Section 13263.3*

² *The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.*

- The following interim effluent discharge limitations for *iron* and *manganese* shall be effective until **1 October 2010** or when the Discharger is able to come into compliance, whichever is earlier:

| <u>Constituents</u> | <u>Units</u> | <u>Daily Maximum</u> |
|---------------------|----------------------|----------------------|
| Iron | µg/l | 2738 |
| | lbs/day ¹ | 23 |
| Manganese | µg/l | 644 |
| | lbs/day ¹ | 5.4 |

¹ Based upon an average discharge flow of 1.0 mgd.

- If, in the opinion of the Executive Officer, the Bear Valley Water District fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. If compliance with these effluent limitations is not achieved by the Full Compliance date of **1 October 2010**, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC Section 13301.

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I, THOMAS R. PINKOS, 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 20 October 2005

THOMAS R. PINKOS, Executive Officer

August 24, 2005