

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2018-0013

AMENDING TIME SCHEDULE ORDER R5-2015-0003-02
(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 in part final effluent limitations for: 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. On 6 August 2015, at a kickoff meeting, the Discharger and design consultant made decisions to reduce the project scope. During the pre-design phase which lasted from August 2015 to May 2016, additional reductions in the project scope were made. Changes to the project scope consist of the following items:
 - Use of simultaneous nitrification and denitrification within the oxidation ditches instead of separate denitrification.
 - Use of disk filters instead of sand filters.
 - Removal of new chemical feed, mixing, and flocculation facilities.
 - Removal of compressors and overhead crane for the UV facility.
 - Use of a canopy for the UV facility instead of a building.
 - Use of a screw press for biosolids dewatering which was previously undetermined.
4. On 18 February 2016, TSO R5-2015-0003 was amended to TSO R5-2015-0003-01 by Amending Order R5-2016-0003 to extend milestone dates by eight months and the final compliance date from 1 March 2018 to 1 November 2018 for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes due to a delay in design completion.
5. After completion of the design, the Discharger needed to receive conditional approval of the project funding through the Clean Water State Revolving Fund (SRF) program administered by

the State Water Resources Control Board (State Water Board) prior to bidding the project. Securing the final Finance Agreement and awarding the bid was delayed by approximately four months due to the changes listed in Finding 3 and the following events:

| Date | Activity |
|--------------------|--|
| 27 July 2016 | State Water Board SRF staff requested an addendum to CEQA documentation due to the reduction in project scope. |
| 29 August 2016 | Addendum #2 to the Final Environmental Impact Report (EIR), which addressed the project scope changes contained in Finding 4 and confirmed that a supplemental EIR was not required, was certified by the Discharger. The Discharger filed a Notice of Determination with Amador County. |
| Mid-October 2016 | SRF staff completed review of the environmental portion of the SRF loan. |
| 28 October 2016 | The Discharger issued a Request for Bids. The 6-week bidding period ended on 9 December 2016. |
| 5 December 2016 | The draft Finance Agreement from SRF was issued. |
| 5 January 2017 | Review of the bids was completed and a recommendation was made by the Discharger's consultant. |
| Early January 2017 | SRF staff requested that the Discharger obtain a letter from the U.S. Army Corps of Engineers stating that a Clean Water Act section 404 Permit was no longer necessary due to the changes in planned activities. SRF staff also questioned the Discharger's ability to repay the SRF loan due to negotiations with the Central Valley Water Board over a fine imposed for sanitary sewer overflows. |
| 1 February 2017 | The final Finance Agreement was signed after the Discharger submitted a letter to SRF staff explaining why the 404 Permit is no longer applicable. A separate letter to SRF staff from the Discharger's attorney certified the Discharger's ability to repay the loan. |
| 13 February 2017 | The bid was awarded by the Discharger at the City Council meeting. |

6. In a letter dated 26 May 2017, after an initial construction schedule was provided to the Discharger at the end of April 2017, the Discharger requested to extend all remaining milestone dates and the date for compliance with the final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes in TSO R5-2015-0003-01 by seven months excluding annual Progress Reports due to the delay described in Finding 4, plus consideration of the construction schedule and any additional unforeseen delays. TSO R5-2015-0003-02 includes amendments to the compliance schedule in TSO R5-2015-0003-01 that extend the applicable milestone dates by seven months and the date for compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes to 1 June 2019.

7. This Order amends the compliance schedule in TSO R5-2015-0003-02 to include a date for compliance with the final effluent limitations for total coliform organisms to 1 June 2019 because Discharger cannot consistently comply with final total coliform organisms effluent limits. Facility upgrades, including replacing the tertiary filtration system and replacing the chlorine disinfection system with UV disinfection are being constructed to address this issue. This extension coincides with the date for compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes.
8. 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.).
9. On 5 April 2018, in Fresno, California, after due notice to the Discharger and all other interested persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider amending TSO R5-2015-0003-02.

IT IS HEREBY ORDERED THAT pursuant to CWC Sections 13301 and 13267, TSO R5-2015-0003-02 is amended as shown in underline/strikeout format in Attachment I and the compliance schedule for total coliform organisms is extended to 1 June 2019 to allow time for 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 **5 April 2018**.

Original signed by

PAMELA C. CREEDON, Executive Officer

ATTACHMENT I

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2015-0003-0203 REQUIRING CITY OF JACKSON WASTEWATER TREATMENT PLANT AMADOR COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2013-0146-01
(NPDES PERMIT NO. CA0079391)

The California Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board or 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.
2. On 25 October 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2007-0133 (NPDES No. CA0079391), which included final effluent limitations for, *inter alia*, aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, zinc, and turbidity. Finding that the Discharger could not comply with many of the final effluent limitations in WDRs Order R5-2007-0133, the Central Valley Water Board granted the Discharger a compliance schedule in the WDRs that required compliance with the final effluent limits for ammonia, copper, cyanide, dichlorobromomethane, and zinc by 18 May 2010, and with the final effluent limit for aluminum by 1 October 2012.
3. The Discharger subsequently requested additional time beyond the compliance dates in WDRs Order R5-2007-0133 to complete Facility upgrades, and requested that the Board provide it with protection from mandatory minimum penalties (MMPs) by issuing a Time Schedule Order (TSO) pursuant to Water Code sections 13300 and 13385. On 3 November 2011, the Central Valley Water Board issued TSO R5-2011-0909, which provided additional time for the Discharger to come into compliance with the final effluent limitations for aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, zinc, and turbidity. The TSO required that the Discharger complete the following upgrades by 1 March 2015:
 - pH, DO, SCADA Monitoring, Recording, Controls, and Alarms systems,
 - Alkalinity Adjustment System and the Prefilter Coagulation/Flocculation improvements, and
 - the mechanisms to increase the Chlorine Mixing Energy system.
4. The Discharger found that it could not consistently comply with the interim limits in TSO R5-2011-0909. The Central Valley Water Board therefore revised TSO R5-2011-0909 on 13 November 2013, granting the Discharger higher interim limits based on the Facility's current performance.
5. On 5 December 2013, the Central Valley Water Board adopted WDRs Order R5-2013-0146, which imposed Final Effluent Limitations IV.A.1, which reads, in part, as follows:

Table 6. Effluent Limitations

| Parameter | Units | Effluent Limitations | | | | |
|------------------------------------|------------|----------------------|------------------|-----------------|-----------------------|-----------------------|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Ammonia Nitrogen (total as N) | mg/L | 2.3 | -- | 5.5 | -- | -- |
| | lbs/day | 14 | -- | 3.3 | -- | -- |
| Cyanide Total | µg/L | 4.2 | -- | 8.8 | -- | -- |
| Copper, Total Recoverable | µg/L | 3.9 | -- | 6.2 | -- | -- |
| Chlorodibromomethane | µg/L | 0.41 | -- | 0.82 | -- | -- |
| Dichlorobromomethane | µg/L | 0.56 | -- | 1.4 | -- | -- |
| Nitrate Plus Nitrite (as N) | mg/L | 10 | -- | -- | -- | -- |
| Total Coliform Organisms | MPN/100 mL | -- | 2.2 ¹ | 23 ² | -- | 240 |
| Total Trihalomethanes ³ | µg/L | 80 | -- | -- | -- | -- |
| Zinc, Total Recoverable | µg/L | 42 | -- | 57 | -- | -- |

1. Applied as a 7-day median effluent limitation
2. Not to be exceeded more than once in any 30-day period
3. Applies to the sum of bromoform, chlorodibromomethane, chloroform, and dichlorobromomethane

6. The final effluent limitations for cyanide, copper, dichlorobromomethane, and zinc in WDRs Order R5-2013-0146 varied slightly from the applicable effluent limitations in the previous WDRs due to the statistical variance in the effluent dataset, but were based upon the same numeric water quality standard and are thus not considered more or less stringent limits. The ammonia limit was calculated using a pH limit of 8.0, which equated to a less stringent ammonia limit than in the previous WDRs, since ammonia is less toxic to aquatic life at lower pH values. WDRs Order R5-2013-0146 did not contain final aluminum effluent limitations because aluminum effluent concentrations were below the applicable water quality standard and thus the discharge no longer demonstrated reasonable potential to cause an exceedance in Jackson Creek. However, the final effluent limitation for nitrate plus nitrate is more stringent, based on modified regulatory requirements for nitrate. Additionally, WDRs Order R5-2013-0146 contains turbidity operational specifications in lieu of, but equivalent to, the previous turbidity effluent limitations in WDRs Order R5-2007-0133.
7. Also on 5 December 2013, the Central Valley Water Board adopted TSO R5-2013-0147 and Amending TSO R5-2013-0148, which provided the Discharger time to comply with the new final effluent limitations for chlorodibromomethane and total trihalomethanes by replacing the chlorine disinfection system with an ultraviolet (UV) deactivation system. The Discharger was to complete the upgrades by 1 March 2018.
8. On 19 December 2013, the Discharger submitted a request to the Central Valley Water Board to remove the compliance project element to construct Chlorine Mixing Energy system since the Facility will replace the existing chlorine disinfection system with UV deactivation. In a letter dated 28 January 2014, the Assistant Executive Offer approved the Discharger's request.
9. In December 2014, the Discharger completed the Facility upgrades specified in TSO R5-2011-0909, except for the mechanisms to increase the Facility's Chlorine Mixing

Energy system (as approved by the Central Valley Water Board Assistant Executive Officer). Based on new monitoring data, the Facility's discharge ~~complies~~complied with the final effluent limitations contained in WDRs Order R5-2013-0146 for ammonia and total coliform organisms. However, data collected after December 2014 indicates the Facility's discharge does not consistently comply with the final effluent limitations contained in WDRs Order R5-2013-0146 for total coliform organisms.

10. Based on new effluent monitoring data, Facility performance, and a site-specific Copper Water-Effect Ratio Study conducted on 26 September 2014 in accordance with United States Environmental Protection Agency's *2001 Streamlined Water-Effect Ratio Procedure for Discharges of Copper* (EPA 822-R-01-005), the Facility's effluent discharge no longer demonstrated reasonable potential to cause an exceedance of applicable copper and zinc objectives in Jackson Creek. Therefore, on 6 February 2015, the Central Valley Water Board amended WDRs Order R5-2013-0146 to remove the copper and zinc final effluent limitations.

NEED FOR TIME SCHEDULE EXTENSION AND LEGAL BASIS

11. On 11 January and 20 May 2010, the Discharger submitted an infeasibility analysis requesting additional time to comply with final effluent limitations for aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, turbidity and zinc through construction of a suite of Facility upgrades.
12. On 1 November 2012, the Discharger submitted a Pollution Prevention Plan that:
 - Proposed improvements to increase dissolved oxygen levels to comply with ammonia limits,
 - Documented a point disinfection relocation to comply with dichlorobromomethane and cyanide limits, and
 - Proposed to stabilize the wastewater treatment process with the addition of lime to stabilize wastewater pH at (or above) 7.0 to bring effluent nitrate concentrations into compliance.
13. On 20 August 2013, the Discharger submitted an Infeasibility Analysis Report requesting additional time to comply with the new final effluent limitations for chlorodibromomethane and total trihalomethanes in WDRs Order R5-2013-0146-01, and requested an extension of the compliance schedule in TSO R5-2011-0909-02 for cyanide, dichlorobromomethane, and nitrate plus nitrite. The Discharger proposed facility upgrades of UV disinfection from chlorine disinfection to comply with the chlorodibromomethane, dichlorobromomethane, total trihalomethanes, and cyanide final effluent limitations, and the addition of anoxic basins to comply with nitrate plus nitrite final effluent limitation. The Discharger projected that all construction would be completed by 30 November 2017 and proposed to achieve compliance with the final effluent limitations by 1 March 2018. As discussed in Finding 7 of this Order, on 5 December 2013 the Central Valley Water Board adopted TSO R5-2013-0147 (requiring compliance with final effluent limits for chlorodibromomethane and total trihalomethanes by 1 March 2018), but TSO R5-2011-0909-02, which set a compliance deadline of 1 March 2015 for the remaining constituents, remained in effect.

14. On 24 November 2014, the Discharger submitted an updated Infeasibility Analysis requesting additional time beyond the time schedule of 1 March 2015 in TSO R5-2011-0909-02 to complete the UV disinfection system and the anoxic basins to comply with the final effluent limitations for cyanide, dichlorobromomethane, and nitrate plus nitrite. The Infeasibility Analyses meet the requirements of the State Water Resources Control Board's Compliance Schedule Policy (Resolution No. 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*). The Discharger's submittal included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollution minimization measures efforts currently underway or completed; and (c) a proposal for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e., Facility upgrades) with projected time schedules to achieve compliance with final effluent limitations.
15. On 6 February 2015, the Central Valley Water Board adopted TSO R5-2015-0003 which implements a time schedule to complete construction of the UV disinfection system and anoxic basins for compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes by 1 March 2018. TSO R5-2015-0003 sets interim limitations and provides protection from MMPs for these constituents.
16. In a letter dated 23 September 2015, the Discharger informed the Board of the selection of a new design consultant and requested an extension for the compliance schedule included in TSO R5-2015-0003 for eight months for all dates excluding annual Progress Reports in order to complete design and construction of the UV disinfection system and improvements to achieve denitrification via simultaneous nitrification and denitrification with final compliance achieved by 1 November 2018.
17. On 23 November 2015, the Discharger provided additional information to support the request for a revised compliance schedule. 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.
18. On 6 August 2015, at a kickoff meeting, the Discharger and design consultant made decisions to reduce the project scope. During the pre-design phase which lasted from August 2015 to May 2016, additional reductions in the project scope were made. Changes to the project scope consist of the following items:

- Use of simultaneous nitrification and denitrification within the oxidation ditches instead of separate denitrification.
- Use of disk filters instead of sand filters.
- Removal of new chemical feed, mixing, and flocculation facilities.
- Removal of compressors and overhead crane for the UV facility.
- Use of a canopy for the UV facility instead of a building.
- Use of a screw press for biosolids dewatering which was previously undetermined.

~~18-19.~~ On 18 February 2016, the Central Valley Water Board adopted Amending Order R5-2016-0003 to extend milestone dates contained in TSO R5-2015-0003 by eight months and the final compliance date to 1 November 2018 due to the delay described in Finding ~~47~~18.

19. On 6 August 2015, at a kickoff meeting, the Discharger and design consultant made decisions to reduce the project scope. During the pre-design phase which lasted from August 2015 to May 2016, additional reductions in the project scope were made. Changes to the project scope consist of the following items:

- ~~Use of simultaneous nitrification and denitrification within the oxidation ditches instead of separate denitrification.~~
- ~~Use of disk filters instead of sand filters.~~
- ~~Removal of new chemical feed, mixing, and flocculation facilities.~~
- ~~Removal of compressors and overhead crane for the UV facility.~~
- ~~Use of a canopy for the UV facility instead of a building.~~
- ~~Use of a screw press for biosolids dewatering which was previously undetermined.~~

20. After completion of the design, the Discharger required the State Water Resources Control Board's initial approval of the project funding through the Clean Water State Revolving Fund (SRF) program prior to awarding the bid for the project. Securing the final Finance Agreement (initial approval) and awarding the bid was delayed by approximately four months due to the changes listed in Finding ~~49~~18 and the following events:

| Date | Activity |
|----------------|---|
| 27 July 2016 | SRF staff requested an addendum to CEQA documentation due to the reduction in project scope. |
| 29 August 2016 | Addendum #2 to the Final Environmental Impact Report (EIR), which addresses the project scope changes contained in Finding 4 and confirms that a supplemental EIR is not required, is certified by the Discharger. The Discharger files a Notice of |

| Date | Activity |
|--------------------|---|
| | Determination with Amador County. |
| Mid-October 2016 | SRF staff complete review of the environmental portion of the SRF loan. |
| 28 October 2016 | The Discharger issues a Request for Bids. The 6-week bidding period ended on 9 December 2016. |
| 5 December 2016 | The draft Finance Agreement from SRF is issued. |
| 5 January 2017 | Review of the bids is completed and a recommendation is made by the Discharger's consultant. |
| Early January 2017 | SRF staff request that the Discharger obtain a letter from the U.S. Army Corps of Engineers stating that a 404 Permit is no longer necessary due to the changes in planned activities. SRF staff also question the Discharger's ability to repay the SRF loan due to negotiations with the Central Valley Water Board over a fine imposed for sanitary sewer overflows. |
| 1 February 2017 | The final Finance Agreement is signed after the Discharger submitted a letter to SRF explaining why the 404 Permit is no longer required. A separate letter to SRF from the Discharger's attorney certified the Discharger's ability to repay the loan. |
| 13 February 2017 | The bid is awarded by the Discharger at the City Council meeting. |

21. In a letter dated 26 May 2017, after an initial construction schedule was provided to the Discharger at the end of April 2017, the Discharger requested to extend all remaining milestone dates and the date for compliance with the final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus, nitrite, and total trihalomethanes in TSO R5-2015-0003-01 by seven months excluding annual Progress Reports due to the delay described in Finding 19, plus consideration of the construction schedule and any additional unforeseen delays. ~~This Order amends the compliance schedule in TSO R5-2015-0003-01 to extend the applicable milestone dates by seven months and the date for compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrate, and total trihalomethanes to 1 June 2019.~~
22. On 20 October 2017, the Central Valley Water Board adopted Amending Order R5-2017-0103 which amended the compliance schedule in TSO R5-2015-0003-01. Amended TSO R5-2015-0003-02 extended applicable construction milestone dates by seven months and the date for compliance with final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrate, and total trihalomethanes to 1 June 2019 due to the delayed construction schedule.

~~22-23.~~ The Discharger cannot consistently comply with the cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, ~~and total trihalomethanes,~~ and total coliform organisms effluent limitations in WDRs Order R5-2013-0146-01 and must implement additional actions to reach compliance. This Order, TSO R5-2015-0003-~~0203~~, contains an amended time schedule for compliance with final effluent limitations, set interim limitations for certain constituents, and is intended to provide protection from MMPs for these constituents.

MANDATORY MINIMUM PENALTIES

~~23-24.~~ Water Code section 13385, subdivisions (h) and (i), requires the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. Water Code section 13385(j)(3) exempts discharges from these 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...for the purposes of this subdivision, the time schedule may not exceed five years in length...

~~24-25.~~ Per the requirements of Water Code section 13385, subdivision (j)(3), the Central Valley Water Board finds that new or modified control measures are necessary in order to comply with new or more stringent effluent limitations, and that the Discharger could not have designed, installed, and put into operation the new or modified control measures within 30 calendar days of the date that the final effluent limitations went into effect. The proposed time schedule is needed to complete designs, award bids, and begin construction of upgrades. Several phases of construction have been completed. However, additional proposed improvements include (1) conversion to UV disinfection to reduce chlorination byproducts and total coliform organisms in the effluent, and (2) improvements to achieve denitrification via simultaneous nitrification and denitrification to improve compliance with nitrate put nitrite effluent limitations.

~~25-26.~~ TSOs generally may only provide protection from MMPs for up to five years. However, Water Code section 13385, subdivision (j)(3)(C)(ii)(II), authorizes the Board to grant an additional five years if the Board finds, following a public hearing, that a Discharger is making diligent progress towards bringing the waste discharge into compliance and that the additional time is necessary to comply with the effluent limitations.

~~26-27.~~ Compliance with this TSO provides protection for the Discharger from MMPs as follows:

- a. Chlorodibromomethane and total trihalomethanes (the sum of bromoform, chloroform, chlorodibromomethane, and dichlorobromomethane): WDRs Order R5-2013-0146-01 imposed new final effluent limits for chlorodibromomethane and total trihalomethanes that went into effect on 24 January 2014. TSO R5-2013-0147 provided the Discharger with MMP protection for chlorodibromomethane and total trihalomethanes violations from 24 January 2014 until 28 February 2018. This TSO carries forward MMP protections for these constituents through 31 May 2019. The total time of MMP protection is 5 years, 4 months, and 7 days. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.

- b. Cyanide and dichlorobromomethane: WDRs Order R5-2007-0133 imposed final effluent limitations for cyanide and dichlorobromomethane that became effective 18 May 2010; these limits were carried forward as final effluent limitations by WDRs Order R5-2013-0146-01. TSO R5-2011-0909-02 provided the Discharger with MMP protection for cyanide and dichlorobromomethane violations from 3 November 2011 through 28 February 2015. This TSO extends MMP protections for these constituents through 31 May 2019. The total time of MMP protection is 7 years and 7 months. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.
- c. Nitrate plus nitrite: WDRs Order R5-2013-0146-01 imposed a final effluent limitation for nitrate plus nitrite that became effective on 24 January 2014 and that was more stringent than the final effluent limitation imposed by WDRs Order R5-2007-0133 (TSO R5-2011-0909-02 provided the Discharger with MMP protection for nitrate violations from 3 November 2011 until 24 January 2014, when the more stringent nitrate plus nitrite effluent limitation became effective). After being amended, TSO R5-2011-0909-02 provided protection for nitrate plus nitrite from 24 January 2014 through 28 February 2015. This TSO extends MMP protections for this constituent through 31 May 2019. The total time of MMP protection is 5 years, 4 months, and 7 days. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.
- d. Total Coliform Organisms: WDRs Order R5-2007-0133 imposed new final effluent limits for total coliform organisms that became effective on 25 October 2007 and that were more stringent than the final effluent limitation imposed by WDRs Order 5-00-173. TSO R5-2011-0909 provided the Discharger with MMP protection for total coliform organism violations from 3 November 2011 until 28 February 2015, after the more stringent total coliform organisms effluent limitation became effective. This TSO extends MMP protections for this constituent from 5 April 2018 through 31 May 2019. The total time of MMP protection is 4 years, 5 months, and 24 days. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.

~~27.~~ 28. The Board finds that the time schedules in Finding No. ~~26~~27 are as short as possible, considering 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. The Board further finds that the Discharger is making diligent progress towards bringing the waste discharge into compliance, that the additional time is necessary to comply with the effluent limitations, and that the time schedule does not exceed ten (10) years in length from the date the final effluent limitations became effective.

~~28.~~29. This TSO provides a time schedule for completing the actions necessary to ensure compliance with final effluent limitations. Since the time schedule for the completion of these actions exceeds one (1) year, this TSO includes interim effluent limitations and interim requirements and dates for their achievement.

~~29.~~ 30. This TSO includes performance-based interim effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes, which consist of average monthly and maximum daily interim effluent limits carried forward from TSOs R5-2011-0909-02 and R5-2013-0147.

| Parameter | Units | Interim AMEL | Interim MDEL |
|-----------------------|-------|--------------|--------------|
| Cyanide | µg/L | 23 | 49 |
| Chlorodibromomethane | µg/L | 3.4 | 6.8 |
| Dichlorobromomethane | µg/L | 21 | 51 |
| Nitrate plus Nitrite | mg/L | 151 | 355 |
| Total Trihalomethanes | µg/L | 720 | 1450 |

31. This TSO includes 7-day median and 30-day period interim performance-based effluent limitations for total coliform organisms carried forward from TSO R5-2011-0909-02.

| Parameter | Units | 7-day Median | More Than Once In Any 30-Day Period |
|--------------------------|------------|--------------|-------------------------------------|
| Total coliform organisms | MPN/100 mL | 23 | 240 |

30.32. The Central Valley Water Board expects 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 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.

34.33. If an interim effluent limit 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 Central Valley Water 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.

REGULATORY BASIS

32.34. Water Code 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.

33.35. Water Code section 13267 states, in part:

In conducting an investigation ... 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 ... 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.

- ~~34-36.~~ The Discharger owns and operates the Facility. The technical and monitoring reports required by TSO R5-2015-0003-~~0203~~ are necessary to determine compliance with WDRs Order R5-2013-0146-01 and with TSO R5-2015-0003-~~0203~~.
- ~~35-37.~~ Issuance of TSO R5-2015-0003-~~0203~~ 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.)
- ~~36-38.~~ On 5 February 2015, 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 a Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
- ~~37-39.~~ On 18 February 2016 in Rancho Cordova, California; 20 October 2017 in Redding, California, and 5 April 2018 in Fresno, 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 Time Schedule Orders ~~R5-2015-0003~~, and R5-2013-0003-01, and R5-2015-0003-02, respectively, under Water Code Section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT, Time Schedule Order R5-2015-0003-~~0402~~ is amended as shown in Amending Order ~~R5-2017-0403~~ R5-2018-0013, and pursuant to Water Code sections 13300 and 13267, in order to ensure compliance with the requirements of WDRs Order R5-2013-0146-01:

- The Discharger shall comply with the following time schedule to ensure completion of the compliance projects described in Finding ~~4413~~:

| Task | Compliance Date |
|--|----------------------|
| Submit Progress Reports ¹ | 31 January, annually |
| Submit documentation that the design is complete | 31 July 2016 |
| Submit documentation that bid has been awarded | 31 October 2016 |
| Submit documentation that conversion to UV disinfection and improvements for denitrification have begun | 28 February 2017 |
| Submit documentation that construction has completed | 28 February 2019 |
| Submit documentation of enhanced treatment process startup | 31 May 2019 |
| Submit documentation showing that the discharge fully complies with the final effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes, | 1 June 2019 |

and total coliform organisms.

¹ The progress reports shall detail the steps taken to comply with this Order, including documentation showing completion of tasks, construction progress, evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.

2. The following interim effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, ~~and total trihalomethanes,~~ and total coliform organisms shall be effective upon adoption of this Order, and shall apply in lieu of the corresponding final effluent limitations in WDRs Order R5-2013-0146-01. The Discharger shall maintain compliance with the following interim effluent limitations through 31 May 2019, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

a. Cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes. Cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethanes in the effluent shall not exceed:

| Parameter | Units | Interim Average Monthly Effluent Limitation | Interim Average Daily Effluent Limitation |
|-----------------------|-------|---|---|
| Cyanide | µg/L | 23 | 49 |
| Chlorodibromomethane | µg/L | 3.4 | 6.8 |
| Dichlorobromomethane | µg/L | 21 | 51 |
| Nitrate plus Nitrite | mg/L | 151 | 355 |
| Total Trihalomethanes | µg/L | 720 | 1450 |

b. Total coliform organisms. Total coliform organisms in the effluent shall not exceed:

- i. 23 MPN/100 mL, as a 7-day median; and
- ii. 240 MPN/100 mL, more than once in any 30-day period.

3. 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."

4. 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 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 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. 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 signed by the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, on 5 February 2015 and amended by the California Regional Water Quality Control Board, Central Valley Region, on 18 February 2016, 20 October 2017, and 5 April 2018.

PAMELA C. CREEDON, Executive Officer