

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**ORDER R5-2008-0054-02  
AS AMENDED BY ORDER R5-2014-0016**

**REQUIRING  
CITY OF PLACERVILLE  
HANGTOWN CREEK WATER RECLAMATION FACILITY  
EL DORADO COUNTY**

**TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS  
AND  
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0015  
(NPDES NO. CA0078956)**

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

1. On 25 April 2008, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2008-0053 (NPDES No. CA0078956), prescribing renewed WDRs for the City of Placerville (Discharger) Hangtown Creek Water Reclamation Facility.
2. WDRs Order R5-2008-0053, Section IV.A.1.a. contains effluent limitations that read, in part, as follows:

<i>Parameter</i>	<i>Units</i>	<i>Effluent Limitations</i>				
		<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
<i>Zinc, Total Recoverable</i>	<i>ug/L</i>	36.2	--	55.1	--	--

3. WDRs Order R5-2008-0053, Section V.A.2.b contains Interim Effluent Limitations for zinc as follows:

<i>Parameter</i>	<i>Units</i>	<i>Effluent Limitations</i>				
		<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Max. Daily</i>	<i>Inst. Min.</i>	<i>Inst. Max.</i>
<i>Zinc (Total Recoverable)</i>	<i>ug/L</i>	--	--	125	--	--

4. On 7 February 2014, the Regional Water Board adopted WDRs Order R5-2014-0015 (renewing NPDES No. CA0078956) prescribing waste discharge requirements for the Discharger.
5. WDRs Order R5-2014-0015, Section IV.A.1.a contains effluent limitations that read, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Zinc, Total Recoverable	µg/L	37	--	55	--	--

6. The Discharger remains in non-compliance with WDRs Order R5-2014-0015 Final Effluent Limitations IV.A.1.a. for total zinc.
7. As required in WDRs Order R5-2008-0053, in August 2008, the Discharger submitted a Pollution Prevention Plan pursuant to California Water Code section 13263.3 for several constituents including zinc.
8. On 2 October 2009, the Discharger submitted an infeasibility report and request for compliance schedule extensions for zinc. The Discharger reports that zinc can originate from several sources, including domestic water supplies, domestic and non-domestic wastewater, infiltration/inflow, sediment, and the wastewater treatment processes. The wastewater collection system receives wastewater from residential and commercial users. There are no significant industrial users. The Discharger proposed the following activities to address permit compliance for zinc:
  - a. Continued Treatment Plant Performance Testing and Optimization. The Facility requires 12 months of performance testing to optimize the treatment processes and determine the effect of the improvements on effluent quality.
  - b. Additional Effluent Quality Monitoring and Data Evaluation. Additional monitoring throughout all seasons is needed to confirm effluent concentrations and pollutant sources for zinc and determine whether additional operations or treatment modifications are needed to comply with limitations.
  - c. Compliance Response Planning and Implementation. If necessary, the Discharger would initiate options for compliance, including but not limited to development and implementation of:
    - i. alternative operational strategies; and
    - ii. discharge-specific water-effect ratio (WER) studies for adjustment of the zinc effluent limitations.

**Mandatory Minimum Penalties**

9. California Water Code Section 13301 states, in part: *“When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board, or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge*

*prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the Board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”*

10. In accordance with California Water Code section 13385(j)(3)(B)(i), the Regional Water Board finds that the Discharger is not able to comply consistently with Final Effluent Limitations IV.A.1.a for total zinc. The schedules for completing the actions necessary to achieve full compliance exceeded the 17 May 2010 compliance date in WDRs Order R5-2008-0053. New compliance schedules are necessary for the zinc effluent limitations discussed above. These limitations are new requirements that became applicable to the Order after the effective date of adoption of the 2008 WDRs, and after 1 July 2000 for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
11. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. The Discharger would accrue significant MMPs for violations of WDRs Order R5-2014-0015 since completion of its compliance project in 2009. However, California Water Code section 13385(j) exempts certain violations from the mandatory minimum penalties “*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, if all the [specified] requirements are met.*”
12. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years. Compliance with this Order exempts the Discharger from mandatory penalties for violations of Final Effluent Limitations IV.A.1.a for total zinc until 1 March 2015. California Water Code section 13385(j)(3) requires the Discharger to implement a pollution prevention plan pursuant to California Water Code section 13263.3 for zinc.
13. Since the time schedules for completion of actions necessary to bring the waste discharge into compliance exceeds 1 year, this Order includes interim requirements and dates for their achievement. The time schedule does not exceed 5 years.
14. The compliance time schedule in this Order includes interim effluent limitations for total zinc. Interim effluent limitations typically consist of a maximum daily effluent concentration derived using sample data provided by the Discharger. In developing the interim limitations, when there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row*).

Calculations were based upon Discharger self-monitoring data for the period 1 June 2004 through 30 June 2007.

15. The Regional Water Board finds that the Discharger can undertake source control and treatment plant operational measures to maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. 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 limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitation can be achieved.
16. Section 13267(b)(1) of the California Water Code provides that: *“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.”*

#### **Other Regulatory Requirements**

17. 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, California Code of Regulations.
18. On 7 February 2014, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order under California Water Code Section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.
19. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review this action in accordance with Title 23, CCR Sections 2050-2068. 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 are available at [www.waterboards.ca.gov/water\\_laws/index.html](http://www.waterboards.ca.gov/water_laws/index.html) and also will be provided upon request.

**IT IS HEREBY ORDERED** that pursuant to California Water Code Sections 13301 and 13267:

1. The City of Placerville shall comply with the following time schedule to ensure compliance with Order R5-2014-0015 Final Effluent Limitations Section IV.A.1.a for zinc:

<b>Task</b>	<b>Compliance Date</b>
Submit WER Study Work Plan	Submitted
Complete WER Study or Dilution/Mixing Zone Study	Completed
Submit Study Report	Submitted
Progress Reports	1 June, annually, until final compliance
Full Compliance	1 March 2015

2. For the compliance schedules required by this Order, the Discharger shall submit to the Regional Water Board on or before each compliance due date, the specified document or a written report detailing compliance with the specific date and task. If reporting noncompliance, the reasons for such noncompliance shall be stated and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.
3. The following interim effluent limitations for total zinc shall remain in effect through 28 February 2015, or when the Discharger is able to come into compliance with Final Effluent Limitations in Order R5-2014-0015, Section IV.A.1.a for total zinc, whichever is sooner.

<b>Parameter</b>	<b>Units</b>	<b>MEC</b>	<b>Mean</b>	<b>Range</b>	<b>Interim Effluent Limitation – Max Daily</b>
Zinc, Total Recoverable	µg/L	69	47	28 to 69	125

4. If, in the opinion of the Executive Officer, the City of Placerville fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

5. Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

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 25 April 2008, and amended on 7 February 2014, by Order R5-2014-0016.

*Original Signed by*

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PAMELA C. CREEDON, Executive Officer