

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2020-0901

REQUIRING
STALLION SPRINGS COMMUNITY SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY
KERN COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2017-0085-01
(NPDES PERMIT NO. CAG585001)

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. On 30 July 2020, the Central Valley Water Board Executive Officer issued a Notice of Applicability (NOA) authorizing Stallion Springs Community Services District (Discharger) Wastewater Treatment Facility (Facility) coverage under the Municipal Wastewater Dischargers That Meet Objectives/Criteria at the Point of Discharge to Surface Water Order R5-2017-0085 (Municipal General Order).
2. NOA R5-2017-0085-013 section VI. includes, in part, the following final effluent limitations applicable to discharges from the Facility at Discharge Point 001 with compliance measured at Monitoring Location EFF-001C:

Table 1. Effluent Limitations – Discharge Point 001 (Monitoring Location EFF-001C)

Parameter	Units	Average Monthly	Average Weekly	Instantaneous Minimum	Instantaneous Maximum	Municipal General Order Section Reference
pH	S.U.	--	--	6.5	8.3	V.A.1.c.iv.(c)
Ammonia Nitrogen, Total (as N) (1 April – 31 October)	mg/L	0.79	2.9	--	--	V.A.1.c.v
Ammonia Nitrogen, Total (as N) (1 November – 31 March)	mg/L	1.6	3.5	--	--	V.A.1.c.v

Need for Time Schedule Extension and Legal Basis

3. The Discharger is currently unable to consistently comply with final effluent limitations for total ammonia and pH at Monitoring Location EFF-001C. On 30 January 2020, the Discharger submitted a request and justification for a time schedule in an Infeasibility Report for total ammonia and pH. The request provided detailed information supporting the

infeasibility to immediately comply with the new effluent limitations. For compliance with the final effluent limitations for total ammonia and pH, the Discharger has requested time to:

- i. Monitor and evaluate ammonia and pH at Monitoring Location EFF-001C;
- ii. Develop and implement alternatives for total ammonia and pH control; and
- iii. Construct new treatment controls and/or modify the existing treatment process.

Mandatory Minimum Penalties

4. Water Code sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. Water Code section 13385(j)(3) exempts the discharge from 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...”*
5. Per Water Code section 13385(j)(3):
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to Water Code sections 13385(h) and (i).
 - b. Based upon results of effluent monitoring, the Discharger is not able to consistently comply with the effluent limitations for total ammonia and pH at Monitoring Location EFF-001C.
 - c. The final effluent limitations for total ammonia and pH are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of NOA R5-2017-0085-013, and after 1 July 2000. New and/or modified control measures are necessary in order to comply with the final effluent limitations for total ammonia and pH. New and/or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - d. To comply with the final total ammonia and pH effluent limitations, the Discharger requires additional time to develop and implement the actions presented in Finding 3.
 - e. This Order establishes a time schedule to bring the waste discharge into compliance with the final effluent limitations for total ammonia and pH that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
 - f. In accordance with Water Code section 13385(j)(3)(C)(i), the time schedule in this Order does not exceed five (5) years.

- g. Requiring the Discharger to prepare and implement a Pollution Prevention Plan for total ammonia and pH is unnecessary as it will not reduce pollution, so the Discharger has met the requirements of Water Code section 13263.3. There are no industrial sources of ammonia and pH within the Facility service area. Additionally, there are very few commercial establishments in Stallion Springs. Thus, the predominant source of wastes is human sewage. Ammonia and pH are components of human sewage and are not feasible to reduce by pollution prevention measures but are dependent on additional treatment and/or control measures at the Facility. This Order includes a time schedule for the Discharger to develop and implement those additional treatment and/or control measures.
6. Compliance with this Order exempts the Discharger from MMPs for violations of final effluent limitations found in NOA R5-2017-0085-013, as follows:
- a. Final effluent limitations for total ammonia became effective on 1 September 2020. This Order provides protection from MMPs for violations of the final effluent limitations for total ammonia at Monitoring Location EFF-001C from 1 September 2020 until 31 August 2025. The Discharger has not previously been protected from MMPs for violations of total ammonia effluent limitations. This time schedule is as short as possible and does not exceed five (5) years in length from the date the final effluent limitations became effective.
- b. Final effluent limitations for pH became effective 1 September 2020. This Order provides protection from MMPs for violations of the final effluent limitations for pH at Monitoring Location EFF-001C from 1 September 2020 until 31 August 2025. The Discharger has not previously been protected from MMPs for violations of pH effluent limitations. This time schedule is as short as possible and does not exceed five (5) years in length from the date the final effluent limitations became effective.
7. Since this Order's time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one (1) year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
8. This Order includes interim performance-based effluent limitations for total ammonia and pH. The interim average weekly effluent limitation (AWEL) and average monthly effluent limitation (AMEL) for total ammonia are based on the current treatment plant performance. From September 2016 through January 2020, there were 178 total ammonia samples reported at Monitoring Location 001A. The interim AWEL was determined by using the maximum effluent concentration (MEC) of 29 mg/L and setting it as the interim AWEL. The interim AMEL is based on the highest monthly average concentration of 22 mg/L and setting it as the interim AMEL.

For pH, this Order uses the final effluent limitations from Order R5-2014-0127 as interim effluent limitations, for which compliance is measured at Monitoring Location 001A. Based on monitoring data collected at Monitoring Location 001A between November 2016 and January 2020, the Discharger reported a MEC of 7.95 which is below the Basin Plan objective of 8.3 and the final effluent limitations in Order R5-2014-0127.

9. Based on current facility performance, 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. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.
10. If an interim effluent limitation 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 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an interim average monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim average weekly effluent limitation subjects the Discharger to one MMP for the week in which the sample was collected.

Other Regulatory Requirements

11. Water Code 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.”*
12. Water Code section 13267(b)(1) states in part: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*
13. The Discharger owns and operates the Facility which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with NOA R5-2017-0085-013 and with this Order.
14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source

is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

15. This Order is issued under authority delegated to the Executive Officer in accordance with Central Valley Water Board Resolution No. R5-2018-0057, and Water Code section 13223.
16. On 16 June 2020, Central Valley Water Board staff issued a notice of public hearing and provided a 30-day comment period for consideration of adopting this Order under Water Code section 13300, and to establish a time schedule for achieving compliance with waste discharge requirements. The notice stated that any member of the public may request an oral hearing before the Executive Officer, and if no hearing is requested, the Executive Officer's review of the administrative record, including any written comments received, shall constitute the public hearing.

IT IS HEREBY ORDERED THAT, pursuant to Water Code sections 13300 and 13267, the Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for total ammonia and pH in NOA R5-2017-0085-013.

1. The Discharger shall comply with the time schedule in the following table to ensure completion of the compliance project described in Finding 3:

Table 2. Time Schedule

Task	Description	Compliance Date
1	Submit Annual Progress Reports. The progress reports shall detail the steps taken to comply with this Order including documentation showing completion of tasks, construction progress (if applicable), evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.	1 July 2021 1 July 2022 1 July 2023 1 July 2024
2	Submit a technical report presenting the selected method of compliance along with the preliminary engineering and evaluation of alternatives. The report shall also include an implementation schedule.	1 September 2021
3	Comply with final effluent limitations for total ammonia and pH (compliance measured at EFF-001C).	1 September 2025

2. Discharge from Discharge Point 001 (compliance measured at Monitoring Location EFF-001A) shall not exceed the interim effluent limitations for total ammonia and pH specified in Table 3 below. The interim effluent limitations are effective beginning 1 September 2020 and shall apply in lieu of the corresponding final effluent limitations in NOA R5-2017-0085-013. The interim effluent limitations are effective until 31 August 2025, or when the

Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 3. Interim Effluent Limitations – Discharge Point 001 (EFF-001A)

Parameter	Units	Average Monthly	Average Weekly	Instantaneous Minimum	Instantaneous Maximum
Ammonia Nitrogen, Total (as N) (year-round)	mg/L	22	29	--	--
pH	S.U.	--	--	6.5	8.3

- 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.”

- In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with NOA R5-2017-0085-013 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 Resources Control 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 Resources Control 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,

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Sunday, or state holiday, the petition must be received by the State Water Resources Control 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.

This Order is effective upon the date of signature.

Original Signed by Clay L. Rodgers for
PATRICK PULUPA, Executive Officer

7/30/2020
Date