

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2003-0090

REQUIRING THE CITY OF GRASS VALLEY  
WASTEWATER TREATMENT PLANT  
TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as “Regional Board”) finds:

1. On 6 June 2003, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2003-0089, for the City of Grass Valley’s (Discharger) Wastewater Treatment Plant. WDR Order No. R5-2003-0089 regulates the discharge of approximately 2.1 million gallons per day (mgd) of treated domestic and industrial wastewater to Wolf Creek, which is tributary to the Bear River. The design flow of the facility is 2.78 mgd.
2. WDR Order No. R5-2003-0089 contains Effluent Limitations for discharges Wolf Creek for aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite as contained in B.1, which reads in part as follows:

| <u>Constituents</u>                        | <u>Units</u>         | <u>Average<br/>Monthly</u> | <u>Average<br/>4-Day</u> | <u>Average<br/>1-Hour</u> |
|--|----------------------|----------------------------|--------------------------|---------------------------|
| Aluminum <sup>1</sup>                      | µg/l                 | --                         | 87                       | 750                       |
|  | lbs/day <sup>2</sup> | --                         | 2.0                      | 17                        |
| Chloroform                                 | µg/l                 | 1.1                        | --                       | --                        |
|  | lbs/day <sup>2</sup> | 0.026                      | --                       | --                        |
| Iron<br>(total recoverable)                | µg/l                 | 300 <sup>5</sup>           | --                       | --                        |
|  | lbs/day <sup>6</sup> | 20                         | --                       | --                        |
| Manganese<br>(total recoverable)           | µg/l                 | 50 <sup>5</sup>            | --                       | --                        |
|  | lbs/day <sup>6</sup> | 1                          | --                       | --                        |
| Methyl tert butyl ether<br>(MTBE)          | µg/l                 | 5                          | --                       | --                        |
|  | lbs/day <sup>2</sup> | 0.1                        | --                       | --                        |
| Methylene blue active<br>substances (MBAS) | µg/l                 | 500 <sup>5</sup>           | --                       | --                        |
|  | lbs/day <sup>2</sup> | 10                         | --                       | --                        |

<sup>1</sup> Acid-soluble or total

<sup>2</sup> Based upon a design treatment capacity of 2.78 mgd [ $x \mu\text{g}/l \times (1 \text{ mg}/1000 \mu\text{g}) \times 8.345 \times 2.78 \text{ mgd} = y \text{ lbs}/\text{day}$ ]

<sup>3</sup> Based upon a design treatment capacity of 2.78 mgd ( $x \text{ mg}/l \times 8.345 \times 2.78 \text{ mgd} = y \text{ lbs}/\text{day}$ )

<sup>5</sup> To be ascertained by a 24-hour composite.

<sup>6</sup> Based upon a design equalized peak flow treatment capacity of 7 mgd ( $x \mu\text{g}/l \times (1 \text{ mg}/1000 \mu\text{g}) \times 8.345 \times 7 \text{ mgd} = y \text{ lbs}/\text{day}$ )

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| <u>Constituents</u> | <u>Units</u>         | <u>Average Monthly</u> | <u>Average 4-Day</u> | <u>Average 1-Hour</u> |
|---------------------|----------------------|------------------------|----------------------|-----------------------|
| Nitrite             | mg/l                 | 1                      | --                   | --                    |
| (as N)              | lbs/day <sup>3</sup> | 20                     | --                   | --                    |
| Nitrate + Nitrite   | mg/l                 | 10                     | --                   | --                    |
| (as N)              | lbs/day <sup>3</sup> | 200                    | --                   | --                    |

3. Maximum observed constituent concentrations in the effluent taken from analytical laboratory reports submitted by the Discharger are shown below:

| <u>Constituent</u> | <u>Sample Date</u> | <u>Concentration (µg/l)</u> | <u>Constituent</u>       | <u>Sample Date</u> | <u>Concentration (µg/l)</u> |
|--------------------|--------------------|-----------------------------|--------------------------|--------------------|-----------------------------|
| Aluminum           | 3/19/2002          | 112                         | MTBE                     | 12/17/2002         | 4.8                         |
| Chloroform         | 7/16/2002          | 24                          | MBAS                     | 3/19/2002          | 280                         |
| Iron               | 7/16/2002          | 264                         | Nitrite (as N) (mg/l)    | 12/17/2002         | 0.01                        |
| Manganese          | 4/16/2002          | 137                         | Nitrate + Nitrite (as N) | 8/7/02             | 22                          |
| Mercury            | 3/19/2002          | 0.01070                     | (mg/l)                   |                    |                             |

4. Based on the above Findings, this discharge represents a threatened discharge of waste in violation of WDR Order No. R5-2003-0089, Effluent Limitations for aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite.
5. In accordance with California Water Code (CWC) Section 13385(j)(3), the Regional Board finds that, based upon operational capabilities, the Discharger is not able to consistently comply with the aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite effluent limitations. The aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite limitations are new requirements that become applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 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.

Since the time schedules for completion of actions necessary to achieve full compliance exceed one year, interim requirements and dates for their achievement are included in this Order. This time schedule does not exceed five years. Treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

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. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of effluent aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite limitations only, in accordance with California Water Code Section 13385(j)(3).

6. On 17 April 1998, the Regional Board adopted Cease and Desist Order No. 98-061, for the City of Grass Valley (Discharger) Wastewater Treatment Plant (amended 7 December 2001).
7. Cease and Desist Order No. 98-061 required the Discharger to continue implementation of its Collection System Improvement Program and to comply with Receiving Water Limitations for ammonia contained in Order No. 98-060.
8. The Discharger has achieved compliance with Order No. 98-060 by completing a plant expansion, including nitrification and denitrification facilities, and has continued implementation of its Collection System Improvement Program.
9. On 6 June 2003, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.
10. 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 Section 15321 (a)(2), Title 14, California Code of Regulations.
11. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board Office of the Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

**IT IS HEREBY ORDERED THAT:**

1. Cease and Desist Order No. 98-061 is rescinded.
2. The City of Grass Valley shall cease and desist from discharging and threatening to discharge contrary to Waste Discharge Requirements Order No. R5-2003-0089, Effluent Limitations B.1 for aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite.
3. The City of Grass Valley shall comply with the following time schedule to assure compliance with the aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2003-0089 as described in the above Findings:

| <u>Task</u>                                   | <u>Compliance Date</u>                    |
|---|---|
| Progress Report/Implementation Schedule       | <b>1 January 2004</b>                     |
| Submit Pollution Prevention Plan <sup>1</sup> | <b>1 April 2004</b>                       |
| Progress Reports <sup>2</sup>                 | <b>1 June and 1 December of each year</b> |
| Achieve Full Compliance                       | <b>1 March 2008</b>                       |

<sup>1</sup> The Pollution Prevention Plan shall be prepared for all constituents listed above and shall meet the requirements specified in California Water Code Section 13263.

<sup>2</sup> The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

4. If, in the opinion of the Executive Officer, the Discharger 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.

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 6 June 2003.

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THOMAS R. PINKOS, Executive Officer