

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0031

REQUIRING THE CITY OF AUBURN  
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 17 March 2005, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2005-0030, for the City of Auburn's (Discharger) Wastewater Treatment Plant. WDR Order No. R5-2005-0030 regulates the discharge of approximately 1.34 million gallons per day (mgd) of treated domestic and commercial wastewater to Auburn Ravine, which is tributary to East Side Canal, Cross Canal, and the Sacramento River. The design flow of the facility is 1.67 mgd.
2. WDR Order No. R5-2005-0031 contains Effluent Limitations for discharges to Auburn Ravine for aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides as contained in B.1, B.2, and B.3, which read in part as follows:

<u>"Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Monthly Median</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
Organochlorine Pesticides	µg/l		--	--	--	ND <sup>6</sup>

<sup>6</sup> The non-detectable (ND) limitation applies to each individual pesticide. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use EPA standard analytical techniques with the lowest possible detectable level for organochlorine pesticides with a maximum acceptable detection level of 0.05 µg/l.

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Aluminum <sup>1</sup>	µg/l	71	--	140	--
	lbs/day <sup>2</sup>	0.99	--	2.0	--
Ammonia, Total (as N)	mg/l	Attachment B	Attachment C	--	Attachment D
	lbs/day <sup>3</sup>	4	4	--	4
Chloroform	µg/l	1.1	--	--	--
	lbs/day <sup>2</sup>	0.015	--	--	--

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

<sup>2</sup> Based upon a design treatment capacity of 1.67 mgd [ $x \text{ µg/l} \times (1 \text{ mg}/1000 \text{ µg}) \times 8.345 \times 1.67 \text{ mgd} = y \text{ lbs/day}$ ]

CEASE AND DESIST ORDER NO. R5-2005-0031  
 CITY OF AUBURN  
 WASTEWATER TREATMENT PLANT  
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<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Manganese	µg/l	50	--	--	--
(total recoverable)	lbs/day <sup>2</sup>	0.70	--	--	--
Methyl tert butyl ether	µg/l	5	--	--	--
	lbs/day <sup>2</sup>	0.070	--	--	--
Nitrite	mg/l	1	--	--	--
	lbs/day <sup>3</sup>	14	--	--	--
Nitrate + Nitrite	mg/l	10	--	--	--
	lbs/day <sup>3</sup>	140	--	--	--

<sup>3</sup> Based upon a design treatment capacity of 1.67 mgd ( $x \text{ mg/l} \times 8.345 \times 1.67 \text{ mgd} = y \text{ lbs/day}$ )

<sup>4</sup> The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 1.67 mgd and the unit conversion factor of 8.345 (see footnote 3 for equation).”

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	29-Jul-2002	495	Ammonia (mg/l)	12-Apr-2002	16.3
Chlordane	29-Jan-2002	0.01	Chloroform	12-Aug-2002	49
4,4'-DDE	29-Jan-2002	0.01	Endrin	24-Apr-2002	0.02
Lindane	30-Oct-2002	0.02	Manganese	24-Apr-2002	90
MTBE	26-Mar-2002	39	Nitrate (mg/l)	28-Feb-2002	0.13
Nitrite (mg/l)	20-Jun-2002	48			

4. Based on the above Findings, this discharge represents a threatened discharge of waste in violation of WDR Order No. R5-2005-0030, Effluent Limitations for aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides.
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, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides Effluent Limitations. The aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides 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. This Order does not include interim effluent limitations since the Discharger cannot identify and control the sources of aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides in the wastewater until implementation of the final compliance project.

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, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides limitations only, in accordance with California Water Code Section 13385(j)(3).

6. On 17 March 2005, in Rancho Cordova, 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.
7. 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.
8. 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. The City of Auburn shall cease and desist from discharging and threatening to discharge contrary to Waste Discharge Requirements Order No. R5-2005-0030, Effluent Limitations B.1, B.2, and B.3 for aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides.
2. The City of Auburn shall comply with the following time schedule to assure compliance with the aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2005-0030 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Progress Report/Implementation Schedule	<b>1 September 2005</b>
Submit Pollution Prevention Plan <sup>1</sup>	<b>1 December 2005</b>
Progress Reports <sup>2</sup>	<b>1 March and 1 September of each year</b>
Achieve Full Compliance	<b>1 December 2009</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.

3. 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 17 March 2005.

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THOMAS R. PINKOS, Executive Officer