

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0075

REQUIRING

PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 1

WASTEWATER TREATMENT PLANT

PLACER COUNTY

TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1 (hereafter Discharger), owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the unincorporated area, including much of the industrial area, of North Auburn in Placer County, which serves a population of approximately 15,000. The Wastewater Treatment Plant (WWTP or SMD1) is located at 11755 Joeger Road in Auburn.
2. SMD1 is currently able to achieve tertiary treatment levels when flow is less than or equal to 3.5 mgd. When flow is greater than 3.5 mgd, the level of treatment is some combination of tertiary and secondary. The treatment plant consists of influent flow meters, comminution, aerated grit removal, one primary clarifier, one primary clarifier/flow equalization basin, three Rotating Biological Contactors (RBCs), two trickling filters, four intermediate/final clarifiers, six gravity filters, three chlorine contact chambers, and dechlorination. Sludge is treated in Primary and Secondary Digesters and removed to a belt press or sludge drying beds for liquid removal. The dewatered sludge is disposed at a landfill. The treatment plant discharges to Rock Creek, which is eventually tributary to both the Bear River and the Sacramento River.
3. Prior to 1996, the Discharger had a history of noncompliance with Waste Discharge Requirements Order No. 92-116, National Pollution Discharge Elimination (NPDES) No. CA0079316, including violations of limits for pH, coliform organisms, BOD, Total Suspended Solids (TSS), turbidity, chlorine, and ammonia. The violations were due to a combination of bypasses, overflows, heavy flows into the facility, operations failures, and inadequate treatment units.
4. Cease and Desist Order No. 96-087 (CDO) was adopted at the 22 March 1996 meeting of the Regional Board for violations of Order 92-116.
5. Administrative Civil Liability Order No. 96-086 (ACLO) was adopted at the 22 March 1996 meeting of the Regional Board for violations of Order 92-116, described above and in conjunction with the CDO.

The Administrative Civil Liability Order (ACLO) required that the Discharger pay \$25,000 to the Cleanup and Abatement Account for the violations described above. The Order also required payment of an additional \$25,000 should the Discharger fail to achieve full compliance with the Cease and Desist Order and upon written demand of the Board's Executive Officer.

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The Discharger paid the first \$25,000 immediately. The Discharger made improvements to the collection system and the treatment facilities, and constructed the third Rotating Biological Contactor in an effort to reduce the discharge of ammonia. Unfortunately, the improvements were not adequate to achieve full compliance with the CDO.

In a letter, dated 16 December 1999, the Executive Officer demanded payment of the additional \$25,000, by 7 January 2000, for failure to complete corrective action and eliminate violations of the Receiving Water Limitation for ammonia within the time allotted by the Cease and Desist Order. The additional \$25,000 was paid 4 February 2000, four days late.

6. On 20 June 1997, the Board adopted Waste Discharge Requirements Order No. 97-113, prescribing waste discharge requirements for the Placer County Sewer Maintenance District No.1, Wastewater Treatment Plant, in Placer County. Order No. 97-113 was a renewal of NPDES No. CA0079316 and rescinded Waste Discharge Requirements Order No. 92-116. The CDO and ACLO remained in effect.
7. Due to additional violations of effluent and receiving water limitations and discharge prohibitions in Order No. 97-113, the Discharger was issued the following additional enforcement orders:
 - a. A Notice of Violation (NOV) was issued on 13 September 2000 for discharging foam to the receiving water, and for violations of effluent limitations for turbidity, total coliform organisms, BOD, and TSS, and receiving water limitations for fecal coliform, turbidity, and ammonia, and reporting requirements. (Between January and June 2000, there were 25 total effluent limitation violations and 12 ammonia violations.)
 - b. An Administrative Civil Liability Complaint (ACLC) for \$12,000 was issued on 16 April 2001 for violations of effluent limitations and reporting requirements under California Water Code Section 13385. The violations requiring mandatory minimum penalties included violations of the Effluent Limitations for Total Coliform Organisms, Settleable Solids, Methylene Blue Activated Substances (MBAS), Turbidity, Total Suspended Solids, pH, and Chlorine Residual between the months of January and October 2000. The Discharger disputed the Regional Board's assessment that several of the violations required mandatory penalties. Regional Board staff provided additional explanation that the mandatory penalties described in the ACLC do apply. After additional delays due to the next meeting of the Placer County Board of Supervisors, the Discharger paid the \$12,000; 73 days after the date specified in the ACLC.
 - c. A NOV was issued on 12 July 2001, for the period August 2000 through April 2001. The violations listed were for performing acute toxicity bioassays without the required certification, for failure to keep a log of receiving water conditions, report detection levels for all chlorine analyses, and monitor BOD on three occasions, for receiving water ammonia violations on 16 occasions, a pH violation, and an acute toxicity violation, and for an exceedance of the daily maximum chlorine limitation.

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8. Between May 2001 and December 2002 there have been additional violations of the Effluent and Receiving Water Limitations and reporting requirements of Order 97-113. There have been 31 violations of the Receiving Water Limitation for Ammonia, 1 violation of the Receiving Water Limitation for pH, 1 violation of the Effluent Limitation for Chlorine Residual, 1 violation of the Effluent Limitation for Total Coliform Organisms, 1 violation of the Effluent Limitation for pH, 14 failures to report effluent BOD, 6 failures to report effluent Total Coliform Organisms, and detected chronic toxicity effects in both 2001 and 2002.

9. On 23 June 2005, the Board adopted Waste Discharge Requirements Order No.R5-2005-0074, renewing NPDES No. CA0079316 for the Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1 WWTP and rescinding existing Order No. 97-113. Order No. R5-2005-0074 contains revised Effluent Limitations for Turbidity and new Effluent Limitations for Alachlor, Aluminum, Ammonia, Atrazine, Chloroform, MTBE, Manganese, Nitrate, Nitrite, Phthalate Acid Esters (PAEs), Persistent Chlorinated Hydrocarbon Pesticides, and Tributyltin in part, as follows:

“B. Effluent Limitations:

1. Effluent shall not exceed the following limits:

Constituents	Units	30-Day Average	4-Day Average ¹	1-Hour Average ²	Daily Average	Instantaneous Maximum
Alachlor	µg/l	2	---	---	---	---
	lbs/day ³	0.0364	---	---	---	---
Aluminum	µg/l	58			160	---
	lbs/day ³	1.1			2.9	---
Total Ammonia ⁴	mg/l	Attach. E ¹	Attach. D	Attach. C	---	---
	lbs/day ³	Calculate ⁵	Calculate ⁵	Calculate ⁵	---	---
Atrazine	µg/l	---	---	---	---	1.0
	lbs/day ³	---	---	---	---	0.0182
Chloroform	µg/l	1.1	---	---	---	---
	lbs/day ³	0.020	---	---	---	---
Manganese	µg/l	50	---	---	---	---
	lbs/day ³	0.910	---	---	---	---
MTBE	µg/l	5	---	---	---	---
	lbs/day ³	0.0910	---	---	---	---
Total Nitrate plus Nitrite (as N)	mg/l	10	---	---	---	---
	lbs/day ³	182	---	---	---	---
Nitrite	mg/l	1	---	---	---	---
	lbs/day ³	18.2	---	---	---	---
PAEs	µg/l	3.0	---	---	---	---
	lbs/day ³	0.055	---	---	---	---
Chlorinated Hydrocarbon Pesticides	µg/l	0.00	---	---		0.0
	lbs/day ³	0.0000	---	---		0.0
Tributyltin	µg/l	0.04			0.12	---
	lbs/day ³	0.00073			0.0020	---

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- ¹ Continuous Concentration (Chronic)
- ² Maximum Concentration (Acute)
- ³ Based upon the Design Dry Weather Flow Rate of 2.18 mgd ($x \text{ mg/l} \times 8.345 \times 2.18 \text{ mgd} = y \text{ lbs/day}$).
- ⁴ Temperature and pH must be determined concurrently.
- ⁵ Based upon the Design Dry Weather Flow Rate of 2.18 mgd ($x \text{ mg/l} \times 8.345 \times 2.18 \text{ mgd} = y \text{ lbs/day}$), where x is the value obtained from Attachment C, D, or E, as specified above.
- ⁶ Calculated from the Maximum Average Flow Rate of 2.56 mgd and maximum reported Mercury concentration of 0.00987 $\mu\text{g/l}$ ($0.00000987 \text{ mg/l} \times 8.345 \times 2.56 \text{ mgd}$) = 0.00021 lbs/day).

2. *When flow is less than or equal to 3.5 mgd:*

<i>Constituent</i>	<i>Units</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>7-Day Median</i>	<i>24-Hour Average</i>	<i>Daily Maximum</i>
<i>Turbidity</i>	<i>NTU</i>	---	---	---	2	5 to 10⁶
⁶ May not exceed 5 NTU more than 5% of the time in any 24-hour period and at no time exceed 10 NTU ⁶						

- 10. As described in the Findings above, the Discharger violated Effluent Limitations, Receiving Water Limitations, and Reporting Requirements in Order No. 97-113 and threatens to violate corresponding Effluent Limitations, Receiving Water Limitations, and Reporting Requirements prescribed in Order No. R5-2005-0074. Sampling of the wastewater treatment plant effluent, submitted as part of the Report of Waste Discharge, shows these constituents present a reasonable potential to exceed Effluent Limitations. Without a schedule for compliance, the Discharger threatens to violate the new and revised Effluent Limitations.
- 11. 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 Alachlor, Aluminum, Ammonia, Atrazine, Chloroform, MTBE, Manganese, Nitrate, Nitrite, Phthalate Acid Esters (PAEs), Persistent Chlorinated Hydrocarbon Pesticides, and Tributyltin effluent limitations. The Alachlor, Aluminum, Ammonia, Atrazine, Chloroform, MTBE, Manganese, Nitrate, Nitrite, Phthalate Acid Esters (PAEs), Persistent Chlorinated Hydrocarbon Pesticides, and Tributyltin 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

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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 Alachlor, Aluminum, Ammonia, Atrazine, Chloroform, MTBE, Manganese, Nitrate, Nitrite, Phthalate Acid Esters (PAEs), Persistent Chlorinated Hydrocarbon Pesticides, and Tributyltin limitations only, in accordance with California Water Code Section 13385(j)(3).

- 12. On 23 June 2005, in Sacramento, California, after due notice to the Discharger and all other affected persons, the 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.
- 13. 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.
- 14. Any person adversely affected by this action of the 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 Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days from the date that 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. 96-087 is rescinded.
- 2. By **1 March 2010**, Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1 shall cease and desist from discharging waste contrary to the Waste Discharge Requirements Order No. R5-2005-0074, Effluent Limitations for Nitrate and Nitrite. In order to achieve full compliance with Order No. R5-2005-0074, the Discharger shall comply with the following compliance schedule:

<u>Task</u>	<u>Compliance Date</u>
Begin Study	30 August 2005
Submit Study Report	30 January 2007
Full Compliance with Effluent Limitations	1 March 2010

The Discharger shall submit to the Board on or before each compliance date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Board by letter when it returns to compliance with the compliance schedule.

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3. By **1 March 2010**, Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1 shall cease and desist from discharging waste contrary to the Waste Discharge Requirements Order No. R5-2005-0074, Effluent Limitations for Alachlor, Aluminum, Atrazine, Chloroform, MTBE, Manganese, PAEs, Persistent Chlorinated Hydrocarbon Pesticides, Turbidity and Tributyltin. In order to achieve full compliance with Waste Discharge Requirements the Discharger shall comply with the following compliance schedule:

<u>Task</u>	<u>Compliance Date</u>
Submit Plan for Study	30 August 2005
Begin Study	30 October 2005
Complete Study	30 October 2006
Submit Report on Study	30 January 2007
Begin Implementation	30 January 2008
Full Compliance with Effluent Limitations	1 March 2010

The Discharger shall submit to the Board on or before each compliance date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Board by letter when it returns to compliance with the compliance schedule.

5. Placer County shall comply with the following time schedule to assure compliance with the Alachlor, Aluminum, Atrazine, Chloroform, MTBE, Manganese, Nitrate, Nitrite, Phthalate Acid Esters (PAEs), Persistent Chlorinated Hydrocarbon Pesticides, and Tributyltin Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2005-0074 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Progress Report/Implementation Schedule	1 May 2005
Submit Pollution Prevention Plan	1 August 2005
Progress Reports	1 June and 1 December of each year
Achieve Full Compliance	1 March 2010

6. As a means for determining progress toward compliance, Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1 shall submit semi-annual progress reports to the Regional Board on **1 June and 1 December each year** describing actions taken to achieve full compliance with Waste Discharge Requirements, Order No. R5-2005-0074.
7. 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.

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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 23 June 2005.

THOMAS R. PINKOS, Executive Officer