

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

ORDER NO. R5-2010-0033

**REQUIRING
QUINCY COMMUNITY SERVICES DISTRICT
QUINCY WASTEWATER TREATMENT PLANT
PLUMAS COUNTY**

**TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS**

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

1. On 15 October 2004, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2004-0152 prescribing waste discharge requirements for Quincy Community Services District (hereafter Discharger), Quincy Wastewater Treatment Plant (hereafter Facility). The Discharger discharges approximately 1.6 million gallons per day (mgd) of secondary treated domestic wastewater during the wet season to Spanish Creek, which is tributary to the North Fork of the Feather River. During the dry season, the Discharger discharges treated domestic wastewater to land.
2. WDRs Order No. R5-2004-0152 included Final Effluent Limitations for copper in Section B.1., which stated in part, as follows:

Constituent	Units	Monthly Average	Daily Maximum
<i>Copper,</i>	<i>ug/L</i>	<i>1.8⁶</i>	<i>3.6⁶</i>
<i>Total Recoverable⁵</i>	<i>lbs/day</i>	<i>0.024⁷</i>	<i>0.048⁷</i>

⁵ These limitations shall take effect 8 months after adoption of this Order, unless the Discharger submits a compliance schedule pursuant to Provision H.10. If the compliance schedule is submitted in accordance with this provision, and approved by the Executive Officer, the effluent limitations shall take effect 60 months after adoption of this Order. In the interim period, effluent limitations shown in B.2., will apply.

⁶ These limitations are derived for a receiving water hardness of 24 mg/L (see attachment C). For any other receiving water hardness, refer to Attachments D through F.

⁷ Limitations are based upon a design flow of 1.6 mgd.

3. WDRs Order No. R5-2004-0152 included Interim Effluent Limitations for Copper in Section B.2., which stated in part, as follows:

Constituent	Units	Monthly Average	Daily Maximum
<i>Copper,</i>	<i>ug/L</i>	<i>18.0</i>	<i>56</i>
<i>Total Recoverable</i>	<i>lbs/day²</i>	<i>0.24</i>	<i>0.75</i>

² Based on a design treatment capacity of 1.6 mgd.

4. WDRs Order No. R5-2004-0152 required the Discharger to submit a compliance schedule and justification for interim copper effluent limitations; the compliance schedule included a date for achieving compliance with the final effluent limitations for copper by

15 October 2009. The WDRs expired on 15 October 2009, however the Discharger submitted a complete Report of Waste Discharge by 29 May 2009, and therefore the permit was administratively extended.

5. The Discharger is not able to consistently comply with the final effluent limitations for copper by the compliance date of 15 October 2009. Additional time is necessary to complete site-specific studies and plant improvements that will improve the quality and consistency of the effluent.
6. On 18 March 2010, the Regional Water Board adopted Order No. R5-2010-0032 rescinding Order No. R5-2004-0152 and prescribing revised waste discharge requirements for the Facility. Order No. R5-2010-0032 contains requirements that read in part, as follows:

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Points D-001 and D-002

1. Final Effluent Limitations – Discharge Points D-001 and D-002

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point D-001 and D-002, with compliance measured at Monitoring Locations EFF-001 and EFF-002 as described in the Monitoring and Reporting Program:

Table 6. Effluent Limitations - Discharge Points D-001 and D-002

Constituent	Units	Monthly Average	Daily Maximum
<i>Copper, Total Recoverable</i>	<i>ug/L</i>	<i>4.6</i>	<i>6.4</i>

7. The Discharger has completed several efforts to achieve compliance, including: implementation of a pollution prevention plan, public outreach to reduce discharges of contaminants into the collection system, development and improvement of a wetlands area to remove contaminants, maximizing land discharge, and a mixing zone/dilution study. The most significant action was the cessation of septage receiving at the end of 2007. Septage consisted of roughly 0.5% of the WWTP's influent flow, yet it contained approximately 75% of the influent copper load.
8. On 21 January 2010, the Discharger submitted justification for a compliance schedule which included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollution minimization measures efforts currently underway or completed; (c) a proposal for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e. facility upgrades); and (d) a demonstration that the proposed schedule is as short as practicable. Therefore, this Order provides a time schedule for the Discharger to develop, submit, and implement methods of compliance, including utilizing pollution prevention activities, conducting site

specific studies to develop site specific water quality objectives, or constructing necessary treatment facilities to meet the effluent limitations.

9. Section 13301 of the California Water Code (CWC) 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 time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.*"
10. In accordance with CWC Section 13385(j)(3), the Regional Water Board finds that the Discharger is not able to consistently comply with the effluent limitations for copper. The schedule for completing the actions necessary to achieve full compliance exceeds the 15 October 2009 compliance date in Order No. R5-2004-0152. Additional time is necessary to complete site-specific studies and plant improvements. A new time schedule is necessary in a CDO for copper. The copper effluent limitations are new requirements that became applicable to the Order after the effective waste discharge requirements adoption date and/or 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.
11. CWC Section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC Section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC Section 13385(j)(3) exempts the discharge from 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. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of effluent limitations for copper in accordance with CWC Section 13385(j)(3). CWC Section 13385(j)(3) requires the preparation and implementation of a pollution prevention plan (PPP) pursuant to CWC Section 13263.3. Order No. R5-2004-0152 required the Discharger to submit a PPP for copper; this Order requires the Discharger to update and implement the existing PPP for copper.

13. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one 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 copper. Interim effluent limitations typically consist of a daily effluent concentration derived using sample data provided by the Discharger demonstrating actual treatment plant performance or previous interim effluent limitations established in Order No. R5-2004-0152. 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*). When there are less than ten sampling data points available, the *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001) (TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of ten data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine a daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant performance level. Thus, when there are less than ten sampling points for a constituent, interim limitations are based on 3.11 times the maximum observed effluent concentration (MEC) to obtain the daily interim limitation (TSD, Table 5-2). If the statistically projected interim limitation is less than the maximum observed effluent concentration, the interim limitation is established as the maximum observed concentration. The following table summarizes the calculation of the interim effluent limitation for copper:

Parameter	Units	MEC	Mean	Standard Deviation	Number of Samples	Interim Limitation
Copper	ug/L	6.1	4.9	1.2	16	8.9 ¹

¹The interim limitation is set as the larger of the mean plus 3.3 standard deviations and the MEC. For copper, the interim limitation calculated via the mean plus 3.3 standard deviations method is 8.9 ug/L and the MEC for the same sample set was 6.1 ug/L. Therefore, the interim effluent limitation is 8.9 ug/L.

15. The Regional Water Board finds that the Discharger can undertake source control and treatment plant 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. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) (CEQA), for the following reasons, each of which is an independent basis for exemption.
 - a. This Order does not have the potential to cause a significant impact on the environment (Title 14 CCR section 15061(b)(3)) and is not a "project" as defined by CEQA. This Order enforces preexisting requirements to improve the quality of ongoing discharges that are part of the CEQA "baseline"; and includes interim effluent limitations to ensure that discharges do not increase above the CEQA baseline while the Discharger attains compliance with the existing requirements. The PPP will identify source control measures in order to meet the preexisting effluent limitations. Since the compliance schedule is as short as possible and any actions to comply with the existing requirements are already required, this Order does not allow any environmental impacts to occur; those impacts would occur regard less of this Order.
 - b. Which source control measure the Discharger will identify or select for implementations as a result of source control review in the PPP is indefinite and uncertain. In addition, the Discharger is required to study alternatives and potential adverse impacts in its PPP, under Water Code Section 13263.3(d)(2).
 - c. This Order is exempt from CEQA under Water Code Section 13389, since the adoption or modification of a NPDES Permit for an existing source is exempt and this Order only serves to implement WDRs Order No. R5-2010-0032, which is such an NPDES permit.
 - d. This Order is exempt pursuant to CEQA Guidelines Section 15321. The discharges subject to this Order are not "hazardous materials." Even assuming for argument's sake that the facility discharges waste that could be considered "hazardous materials," it is questionable whether the Cortese List exception applies to enforcement orders intended to eliminate such discharges. Rather, the exception apparently was intended to apply only to permits for development projects located on a listed site.
17. The Discharger has complied with CEQA by preparing a mitigated negative declaration for the development of the wetlands and construction of the new outfall to Spanish Creek, which is currently being revised for circulation through the State Clearing house.
18. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review this action. 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 will be provided upon request.

IT IS HEREBY ORDERED THAT pursuant to CWC Section 13301:

1. Quincy Community Services District shall comply with the following time schedule to ensure compliance with Order No. R5-2010-0032 effluent limitations for copper:

Task	Compliance Date
Update and implement Pollution Prevention Plan as specified in CWC Section 13263.3 for copper	90 days after the effective date of this Order
Submit formal decisions for compliance	Within 1 year after the permit adoption date
Progress Reports ¹	1 January and 1 June of each year
Full compliance with copper limitations	Within 5 years after the permit adoption date

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. The following interim effluent limitations for copper shall be effective immediately, and shall remain in effect until the final compliance date, in accordance with Provision 1. above, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Parameter	Units	Daily Maximum Effluent Limitation
Copper, total recoverable	ug/L	8.9

3. The Discharger shall monitor the effluent for copper in accordance with Monitoring and Reporting Program No. R5-2010-0032.
4. For the compliance schedules required by this Order the Discharger shall submit to the Regional Water Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall 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.
5. 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.
6. 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 18 March 2010.

Original signed by

PAMELA C. CREEDON, Executive Officer