

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0006

AMENDING CEASE AND DESIST ORDER NO. R5-2004-0029
NPDES NO. CA0081558

CITY OF MANTECA
WASTEWATER QUALITY CONTROL FACILITY
SAN JOAQUIN COUNTY

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

1. On 19 March 2004, the Regional Water Board adopted Waste Discharge Requirements Order No. R5-2004-0028, NPDES No. CA0081558 (Order), prescribing waste discharge requirements for the City of Manteca, City of Lathrop, and Dutra Farms at the Wastewater Quality Control Facility (WQCF) in San Joaquin County. For the purposes of this Resolution, the City of Manteca is hereafter referred to as “Discharger.”
2. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the City of Manteca and the City of Lathrop. Land disposal of effluent is maximized by discharging effluent at agronomic rates seasonally to property adjacent to the WQCF. Excess flow of treated municipal wastewater receives chlorine disinfection and dechlorination prior to discharge to the San Joaquin River.
3. In the Order, the Regional Water Board found that the discharge from the WQCF was unable to consistently comply with final effluent limitations for aluminum, ammonia, arsenic, copper, cyanide, iron, manganese, MBAS, nitrate, nitrite, temperature, and electrical conductivity, nor receiving water limitations for temperature or oil and grease. Therefore, at the time of adoption of the Order, the Regional Water Board also issued Cease and Desist Order No. R5-2004-0029 (CDO), pursuant to California Water Code Section 13301. The CDO includes requirements and time schedules to bring the discharge into full compliance with the final effluent and receiving water limitations. Resolution No. R5-2004-0142, adopted by the Regional Water Board on 15 October 2004, has subsequently amended the CDO, changing the interim effluent limitations for nitrate.
4. On 29 March 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R5-2005-0509 (Complaint) to the Discharger, pursuant to CWC section 13385. The Complaint was issued due to the Discharger’s failure to implement an industrial pretreatment program and non-compliance with time schedules required in the Order and CDO, and for the assessment of mandatory penalties for effluent violations. On 16 September 2005, the Regional Water Board issued Administrative Civil Liability Order No. R5-2005-0128 for \$463,000, with \$204,000 of the liability to be used for implementation of a supplemental environmental project.
5. As a requirement of the settlement of the Administrative Civil Liability, on 25 July 2005 the Discharger provided updated schedules for meeting the compliance time schedules required in the Order and CDO. One of the updated schedules was for compliance with the time schedule

to meet the final effluent limitations for temperature contained in the CDO. Item 5 of the CDO, reads in part:

“5. *The Discharger shall comply with the following time schedule to assure compliance with Effluent Limitation B.11 and Receiving Water Limitations F.8 and F.9 contained in Waste Discharge Requirements Order No. R5-2004-0028, as described in the Findings of this Order:*

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
<i>Submit Plans and Implementation Schedule</i>		1 July 2004
<i>Progress Reports¹</i>		1 July and 1 January of each year
<i>Submit Thermal Plan Exception Report</i>		1 October 2005
<i>Full Compliance</i>	1 February 2009	1 March 2009

¹ *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.”*

6. The Discharger expects full compliance by 1 February 2009, as required in the CDO. However, due to the need to perform thermal monitoring for development of a Thermal Plan Exception Report, compliance with the interim requirement to submit a Thermal Plan Exception Report by 1 October 2005 could not be met. The Discharger’s updated schedule indicated submittal of the report by the end of January 2006. In settling the Complaint, the Discharger requested Regional Water Board approval of the modified time schedule in order to maintain compliance and prevent possible additional enforcement action for violations of Effluent Limitations B.11 and Receiving Water Limitations F.8 and F.9. Extension of this interim compliance due date is not anticipated to delay full compliance in accordance with the CDO. This Resolution amends Cease and Desist Order No. R5-2004-0029 by changing the due date for submittal of a Thermal Plan Exception Report from 1 October 2005 to 1 February 2006. The final compliance date for the time schedule remains unchanged.
7. The action to adopt or amend a CDO 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, of the California Code of Regulations.
8. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with

an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

9. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
10. This Order shall amend CDO Order No. R5-2004-0029, NPDES No. CA0081558, pursuant to Section 402 of the CWA (33 U.S.C. section 1342), and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.
11. 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 on request.

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2004-0029 is amended solely to modify the due date for submittal of a Thermal Plan Exception Report required in Item 5. The City of Manteca, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with Amended Cease and Desist Order No. R5-2004-0029:

1. Item 5 of Cease and Desist Order R5-2004-0029 shall be amended to change the due date for submittal of a Thermal Plan Exception Report to **1 February 2006**.

I, KENNETH D. LANDAU, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 26 January 2006.

KENNETH D. LANDAU, Acting Executive Officer