

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2008-0011

REQUIRING SPX CORPORATION
MARLEY COOLING TOWER COMPANY
GROUNDWATER EXTRACTION AND TREATMENT SYSTEM
SAN JOAQUIN COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2003-0030
(NPDES PERMIT NO. CA0081787)

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

1. On 13 March 2003, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2003-0030 (NPDES No. CA0081787) to SPX Corporation (hereafter Discharger), for the discharge of approximately 0.7 million gallons per day (mgd) of treated groundwater from the former SPX-Marley Stockton facility to the Stockton Diverting Canal, a water of the United States and a tributary to the Calaveras River. The maximum design flow of the groundwater treatment system is 0.94 million gallons per day. The Order has an expiration date of 1 March 2008, however the Discharger has submitted a complete Report of Waste Discharge to renew the WDRs, and therefore the current WDRs are administratively extended.
2. The former SPX-Marley Stockton facility has significant chromium contamination in groundwater on and offsite. Groundwater is extracted from several wells in order to maintain hydraulic control over the chromium plume. Order No. R5-2003-0030 authorizes the discharge to surface waters of groundwater treated to remove chromium.
3. Order No. R5-2003-0030 includes effluent limitations B.5, which states in part:

| <u>Constituents</u> | <u>Units</u> | <u>Daily Maximum</u> | <u>Monthly Average</u> |
|------------------------|--------------|--------------------------|----------------------------|
| Total dissolved solids | mg/l (ppm) | 1,000 | 500 ¹ |
| | lbs/day | 7,840 ² | 3,002 ^{1,3} |

¹ This effluent limitation will become effective 1 February 2008.

² Based upon a maximum daily design treatment capacity of 0.94 mgd.

³ Based upon monthly average flow limitation of 0.72 mgd.

4. Provision G.3 of Order R5-2003-0030 provides a compliance time schedule for meeting the monthly average TDS effluent limitation scheduled to take effect on 1 February 2008. The Discharger met this requirement by considering four alternatives for meeting the final TDS limitation and selecting an alternative based on efficacy, cost effectiveness, and community acceptance. The alternatives considered were:

- Discharge of treated water to water bodies other than the Stockton Diverting Canal (SDC);
- Dilution within the treatment system by pumping wells with low TDS and chromium concentrations before discharge to SDC;
- Identification and removal of TDS-producing streams within the ion exchange and electrical precipitation systems; and
- Modification of the ion exchange system through replacement of anionic resins that could be regenerated using a brine solution instead of acid, thus eliminating the need for TDS-producing neutralization.

A pilot study was conducted in September 2004 that showed the last alternative to be effective at reducing TDS concentrations below the final TDS effluent limitation. Accordingly, the Discharger selected this alternative.

5. The Discharger is now pursuing an aggressive in situ groundwater treatment program that will remove the chromium plume in about four years. Once the chromium plume is removed, there will be no need to hydraulically control the plume or treat and discharge wastewater. Discharge to surface waters will therefore cease.
6. In December 2006 and on 22 October 2007, the Discharger submitted requests to postpone the compliance date for the final effluent limitations for TDS. The Discharger's requests are based on an analysis showing that implementation of the in situ groundwater treatment program will reduce TDS mass loads by about 88 percent by reducing the wastewater discharge time from an estimated 17 years to about four years. This analysis also showed that meeting the final TDS limitations would only reduce the TDS pollutant load by an additional 0.7 percent, compared with implementing the in situ groundwater treatment program.
7. Implementation of full-scale in situ groundwater treatment at the former SPX-Marley Stockton facility is a new development that was not known when the current NPDES permit was adopted. The in situ groundwater treatment program will significantly improve both groundwater and surface water quality. Requiring the Discharger to meet the final TDS limitations on 1 February 2008 will not significantly increase the benefit to water quality.

8. This Order extends the full compliance date for the final TDS limitations for four years, from 1 February 2008 to 1 February 2012.

9. California Water Code (CWC) section 13300 states:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

10. This Time Schedule Order is issued in accordance with CWC Section 13300 and establishes a time schedule for compliance.

11. In accordance with CWC Section 13385(j)(3), the Regional Water Board finds that the Discharger is not able to consistently comply with the monthly average Effluent Limitations B.5 for TDS. These limitations are new requirements that became applicable to the Order after the effective date of adoption of the waste discharge requirements, and after 1 February 2008, for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

12. CWC sections 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. The Discharger may accrue significant penalties for violations of monthly average Effluent Limitations for TDS pending completion of its compliance project. However, 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.”*

13. Compliance with this Order exempts the Discharger from future mandatory penalties for violations of monthly average Effluent Limitations B.5 for TDS only, in accordance with CWC section 13385(j)(3). CWC 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.

14. 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 to meet the schedule. The time schedule does not exceed five years.
15. Monthly average TDS concentrations in the SPX-Marley facility's effluent discharge have averaged about 670 mg/l over the current permit term. Analysis of effluent monitoring results indicates that the Discharger's groundwater treatment system cannot meet the final monthly average effluent limitations of 500 mg/l (3002 lbs/day). However, effluent monitoring data indicate that the groundwater treatment system can consistently meet a monthly average TDS effluent limit of 850 mg/l. This Order therefore requires the Discharger to meet an interim monthly average TDS effluent limit of 850 mg/l (5,107 lbs/day).
16. 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.
17. Any person adversely affected by this action of the Regional Water 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 pursuant to CWC Section 13300 :

1. SPX Corporation shall comply with the following time schedule to ensure compliance with Order No. R5-2003-0030 monthly average Effluent Limitations B.5 for TDS:

| <u>Task</u> | <u>Compliance Date</u> |
|--|------------------------|
| Provide Documentation of Adequate Funding For Groundwater Treatment System Upgrade, If Discharge Continues Beyond January 2012 | 1 August 2008 |
| Submit Design for Treatment System Upgrade | 1 February 2011 |
| Complete Treatment System Upgrade/ Full Compliance | 1 February 2012 |

The Discharger shall submit to the Regional Water Board on or before each compliance 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.

2. Interim monthly average effluent TDS limitations of 850 mg/l and 5,104 pounds per day shall be effective until **1 February 2012**.
3. The Discharger shall prepare and implement a pollution prevention plan for total dissolved solids in accordance with CWC section 13263.3(d)(3). The pollution prevention plan shall be completed and submitted to the Regional Water Board **within six months of adoption of this Order**.
4. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports required herein shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist (as applicable) and shall be signed by the registered professional.
5. 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 25 January 2008.

PAMELA C. CREEDON, Executive Officer