

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2005-0148

REQUIRING
VISALIA MEDICAL CLINIC, INC.
TULARE COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2005-0147
(NPDES PERMIT NO. CA0085154)

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

1. On **21 October 2005**, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2005-0147 prescribing waste discharge requirements for the Visalia Medical Clinic, Inc. (hereafter Discharger) in Tulare County.
2. Waste Discharge Requirements Order No. R5-2005-0147 contains Effluent Limitation B.1, which reads, in part, as follows:

“B. Effluent Limitations (Discharge 001):

1. *Effluent discharged from Discharge 001 shall not exceed the following limitations:*

<i>Constituents</i>	<i>Units</i>	<i>Average Monthly Limitation</i>	<i>Maximum Daily Limitation</i>
<i>Total Residual Chlorine</i>	<i>mg/L</i>	<i>0.01</i>	<i>0.02</i>

3. Effluent Limitation B.1, though based on a Basin Plan narrative toxicity objective, was not prescribed in WDRs Order No. 97-119, which WDRs Order No. R5-2005-0147 superseded.
4. 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.”*
5. Federal regulations, 40 CFR Part 122.44 (d)(1)(i), require that NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality.

- Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
6. Based upon results of effluent monitoring conducted by the Discharger on 21 May 2001 and 24 April 2003, the Discharger will not be able to consistently comply with the new Effluent Limitation B.1. Effluent Limitation B.1 became applicable to the discharge well after 1 July 2000 and requires new or modified control measures to comply that cannot be designed, installed, and put into operation within 30 calendar days.
 7. Immediate compliance is not possible or practicable. The Clean Water Act and the CWC authorize use of a time schedule in such circumstances that require compliance as soon as possible, up to a maximum of 5 years.
 8. A time schedule for the Discharger to develop, submit, and implement methods to comply with Effluent Limitation B.1 is reasonable and appropriate, up to one year.
 9. CWC Section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations unless they can be exempted, such as by CWC Section 13385(j). More specifically, CWC Section 13385(j)(3) exempts a 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.*”
 10. CWC Section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to CWC Section 13263.3 to be exempt from mandatory penalties for violations of Effluent Limitation B.1. Accordingly, this Order requires a pollution prevention plan.
 11. As the time schedule for completion of action necessary to bring the waste discharge into compliance does not exceed one year, interim effluent limitations for total residual chlorine are not necessary pursuant to CWC Section 13385(j)(3) and thus, not included in this Order. However, the discharge is subject to the receiving water limit specified in WDRs Order No. R5-2005-0147, Receiving Water Limitation No. C.17., which implements the Basin Plan narrative toxicity objective.
 12. CWC Section 13267 states, in part:
 - (a) A regional board, in establishing...waste discharge requirements... may investigate the quality of any waters of the state within its region. (b) (1) In conducting an investigation specified in [Section 13267] subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional

board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

13. After due notice to the Discharger and all other affected persons, a public hearing was held on **21 October 2005**, in Rancho Cordova, California, at which evidence was received to consider a time schedule to achieve compliance with waste discharge requirements.
14. 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 CWC Section 15321(a)(2), Title 14, of the California Code of Regulations.
15. Any person adversely affected by this action of the 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, pursuant to California Water Code Sections 13267 and 13300, Visalia Medical Clinic, Inc., shall comply with Effluent Limitation B.1 of WDRs Order No. R5-2005-0147 in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
1. Submit Method of Compliance Workplan and Time Schedule ¹	21 November 2005
2. Submit a Pollution Prevention Plan (PPP) ² pursuant to Section 13263.3 of the Water Code for total residual chlorine.	21 November 2005
3. Begin to implement approved Method of Compliance Workplan pursuant to the Time Schedule.	30 days following EO written approval of task 1
4. Submit written status report ³ .	3 months following completion of task 3
5. Full compliance with effluent limitations. Submit certification that the approved method is fully implemented.	23 October 2006

¹ The Method of Compliance Workplan and Time Schedule shall include an investigation of the source of chlorine in the facility effluent, an analysis of the methods that could be used to ensure compliance, proposed method(s) of compliance, and a proposed time schedule (not to exceed 12 months from the adoption of this Order) for implementing the proposed method(s) of compliance. The Method of Compliance Workplan and Time Schedule is subject to EO approval and Provision E.6 requirements in WDR Order No. R5-2005-0147.

- ² The PPP shall meet the requirements specified in CWC Section 13263.3.
- ³ The written status report shall detail what steps have been implemented towards achieving compliance with the Time Schedule and Effluent Limitation B.1.

If, in the opinion of the Executive Officer, Visalia Medical Clinic, Inc., fails to comply with the provisions of this Order, violations of Effluent Limitation B.1 will be subject to administrative civil liability under CWC Section 13385, and the Executive Officer may apply to the Attorney General for judicial enforcement.

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 21 October 2005.

THOMAS R. PINKOS, Executive Officer

MSS:fmc: 10/21/05