

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2010-0908

REQUIRING THE TUOLUMNE UTILITIES DISTRICT  
SONORA REGIONAL WASTEWATER TREATMENT PLANT  
AND JAMESTOWN SANITARY DISTRICT  
JAMESTOWN WASTEWATER TREATMENT PLANT  
TUOLUMNE COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2008-0162  
(NPDES PERMIT NO. CA0084727)

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

1. On 24 October 2008, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2008-0162, NPDES Permit No. CA0084727, prescribing waste discharge requirements for the Tuolumne Utilities District at the Sonora Regional and Jamestown Wastewater Treatment Plant, Tuolumne County. For the purposes of this Order, the Tuolumne Utilities District is hereafter referred to as "Discharger" and the Sonora Regional and Jamestown Wastewater Treatment Plants are hereafter referred to as "Facility".
2. WDR Order No. R5-2008-0162 allows seasonal discharge by the Facility from Quartz Reservoir into Woods Creek, a water of the United States.
3. WDR Order No. R5-2008-0162 contains Final Effluent Limitations IV.A.1.a, which reads, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper, Total Recoverable	µg/L	5.6	--	9.3	--	--
Zinc, Total Recoverable	µg/L	38	--	89	--	--

4. The final effluent limitations for copper and zinc as described above became effective on 18 May 2010.
5. On 7 December 2009, the Discharger submitted a Pollution Prevention Plan (PPP) for achieving compliance with the final effluent limitations for copper and zinc. The PPP proposed source investigations for each constituent to determine potential source control actions necessary to achieve compliance with the applicable final effluent limitations in WDR Order No. R5-2008-0162.
6. On 5 January 2010, the Discharger submitted justification for a compliance schedule for copper and zinc. The Discharger's submittal 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; and (c) a proposal for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e., facility upgrades) with projected time schedules to achieve compliance with final effluent limitations. The Discharger indicated that the proposed schedule is as short as practicable, and that full compliance by 18 May 2010 may not provide adequate time for the Discharger to implement actions for the Facility to consistently comply with the final effluent limits for copper and zinc.

7. WDR Order No. R5-2008-0162 contains, in part, the following interim limits that were in effect through 18 May 2010:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper, Total Recoverable	µg/L	--	--	21.4	--	--
Zinc, Total Recoverable	µg/L	--	--	172	--	--

8. Final effluent limitations for copper and zinc prescribed in WDR Order No. R5-2008-0162 prompted the Discharger to conduct a Regional Wastewater Treatment and Land Application Feasibility Study (Feasibility Study) in February 2009. Through the Feasibility Study, the Discharger determined that increasing land application and storage facilities to eliminate the need for a surface water discharge is the cost effective project. Eliminating the surface water discharge will allow the rescission of the NPDES permit and solve the compliance issue with the final copper and zinc effluent limitations, while at the same time meet future population growth through 2050. This project will be accomplished in two phases, with Phase 1 to include lining Rosasco Pond to add 21 acre-feet of storage, installing a deadpool pumping station at Quartz Reservoir to add 218 acre-feet of storage, and adding 51 acres of additional land application sites and appurtenances. Phase 2 includes a construction of a reservoir at the Betty West Ranch site to provide up to 656 acre-feet of additional operational storage capacity. Phase 1 improvements will provide interim capacity while Phase 2 is being implemented.
9. The Discharger requests time to design, obtain appropriate environmental documentation and right-of-way, and construct Phase 1 to expand the land application and storage facilities to solve the compliance issue with the new final effluent limits for copper and zinc contained in WDR Order No. R5-2008-0162.
10. The Central Valley Water Board finds that the Discharger can undertake measures through the Phase 1 improvements, which would result in ceasing discharge to surface water by 1 January 2014.
11. Immediate compliance with the new effluent limitations for copper and zinc is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.

## Mandatory Minimum Penalties

12. California Water Code (CWC) Section 13301 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 a time schedule set by the Board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”*
13. In accordance with CWC section 13385(j)(3)(B)(i), the Executive Officer finds that the Discharger is not able to comply consistently with Effluent Limitations IV.A.1.a of WDR Order No. R5-2008-0162 for copper and zinc. The final effluent limitations for these constituents are new requirements that became applicable after the effective date of adoption of the WDRs, and after 1 July 2000, and 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.
14. CWC section 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. However, CWC section 13385(j) exempts certain violations from the 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.”* For purposes of this subdivision the time schedule may not exceed five years in length.
15. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years. A Time Schedule Order has not previously been issued for copper and zinc. Therefore, compliance with this Order exempts the Discharger from mandatory penalties for violations of Final Effluent Limitations IV.A.1.a. for copper and zinc until 1 January 2014.
16. CWC section 13385(j)(3) requires the Discharger to implement the pollution prevention plan submitted on 7 December 2009, pursuant to CWC section 13263.3. Therefore, until the Phase 1 project is completed, continued implementation of the pollution prevention plan will be necessary for copper and zinc.
17. The compliance time schedules in this Order include interim effluent limitations for copper and zinc. The interim effluent limitations are carried over from WDR Order No. R5-2008-0162, as shown in Finding 7, and remain in effect pursuant to this Order.
18. The Executive Officer finds that the Discharger and Facility operators, until the surface water discharge is terminated, can undertake source control and treatment

plant operational 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 final effluent limitation can be achieved. The Executive Officer finds that the time schedules contained herein are as short as possible, taking into account the technological, operational and economic factors that affect the development, and implementation of control measures that are necessary to comply with the final effluent limitations.

### **Other Regulatory Requirements**

19. On 10 December 2009, the Central Valley Water Board adopted Resolution R5-2009-0114 authorizing the Executive Officer to issue or modify time schedule orders that meet the requirements of Water Code section 13385, subdivision (j)(3).
20. The Executive Officer has provided a 30-day public comment period and addressed all pertinent comments.
21. 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.

**IT IS HEREBY ORDERED THAT:**

1. The Discharger shall comply with the following time schedule to expand land application and storage capacity and cease all discharges to surface waters as described in the above Findings. The Discharger shall continue to implement the Pollution Prevention Plan submitted on 7 December 2009, as described in Finding 5, above.

<b><u>Task</u></b>	<b><u>Date Due</u></b>
Submit Workplan and Time Schedule	<b>1 February 2011</b>
Annual Progress Reports <sup>1</sup>	<b>1 July, annually</b>
Submit Report of Waste Discharge for revisions to WDR Order R5-2002-0202 (for Land disposal)	<b>1 September 2011</b>
Completion of Phase 1 Project, as described in Finding No. 8	<b>1 January 2014</b>
Submit Request to rescind WDR Order R5-2008-0162 (NPDES Permit No. CA0084727)	<b>1 January 2014</b>

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<sup>1</sup> 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 maximum daily effluent limitations shall be effective immediately and remain in effect until 1 January 2014, or when the Discharger and Facility operators are able to come into compliance, whichever is sooner.

<b>Parameter</b>	<b>Units</b>	<b>Maximum Daily Effluent Limitation</b>
Copper, Total Recoverable	µg/L	21.4
Zinc, Total Recoverable	µg/L	172

3. For the compliance schedules required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the 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 Central Valley Water Board by letter when it returns to compliance with the time schedule.

4. If, in the opinion of the Executive Officer, the Discharger and Facility operators fail to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. If compliance with these effluent limitations is not achieved by the Full Compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.

Any person aggrieved by this action of the Executive Officer may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

*Signed by Kenneth Landau for:*

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PAMELA C. CREEDON, Executive Officer

\_\_\_\_\_  
13 December 2010

Date