

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2003-0032-R01

REQUIRING THE CITY OF WOODLAND
WATER POLLUTION CONTROL FACILITY
TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 13 March 2003, the Regional Board adopted Waste Discharge Requirements Order No. R5-2003-0031, for the City of Woodland Water Pollution Control Facility (hereafter Discharger). On 16 September 2005, the Regional Board revised Waste Discharge Requirements Order No. R5-2003-0031, which is now numbered as Waste Discharge Requirements Order No. R5-2003-0031-R01. Waste Discharge Requirements Order No. R5-2003-0031-R01 regulates the discharge of 7.8 million gallons per day (mgd) of treated domestic and industrial wastewater to Tule Canal, within the Yolo Bypass.
2. Waste Discharge Requirements Order No. R5-2003-0031-R01, includes Effluent Limitations for mercury and aluminum as contained in Section B.1, which reads in part as follows:

“1. Effluent shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
Mercury	µg/l	0.051	--
	lbs/12 months ²	--	--
Aluminum	µg/l	43	87
	lbs/day ¹	2.8	5.7

¹ Based upon a design treatment capacity of 7.8 mgd.

² The mass-based Effluent Limitation is 1.06 lbs/12 months calculated using the maximum detected effluent concentration of 0.058 µg/l and the average daily flow of 6.03 mgd.

3. The Discharger currently cannot consistently comply with the Effluent Limitations for mercury and aluminum contained in the Waste Discharge Requirements Order No. R5-2003-0031-R01. All revisions to this Order are retroactive to 13 March 2003.

CEASE AND DESIST ORDER NO. R5-2003-0032-R01
CITY OF WOODLAND
WATER POLLUTION CONTROL FACILITY
YOLO COUNTY

4. Based on the above findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for mercury and aluminum included in Waste Discharge Requirements Order No. R5-2003-0031-R01.
5. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Regional Board finds that, based upon the current condition of the wastewater treatment plant, the Discharger is not able to consistently comply with the aluminum limitations. The aluminum Effluent Limitations are new requirements that become applicable to the permit after the effective date of adoption of the waste discharge requirements, and 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.

Source control and treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code (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. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures. Aluminum can be reduced significantly through source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of aluminum limitations only, in accordance with California Water Code (CWC) Section 13385 (j)(3).

Compliance with this Order does not exempt the Discharger from mandatory minimum penalties for violations of effluent mercury limitations.

6. On 13 March 2003, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements and adopted Cease and Desist Order No. R5-2003-0032. On 16 September 2005, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider modifications to Cease and Desist Order to comply with the order of the Alameda County Superior Court in *City of Woodland v. California Regional Water Quality Control Board, Central Valley Region, et al.*, Alameda Cty Sup. Ct No. RG04-188200.

CEASE AND DESIST ORDER NO. R5-2003-0032-R01
CITY OF WOODLAND
WATER POLLUTION CONTROL FACILITY
YOLO COUNTY

7. 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.
8. Any person adversely affected by this action of the Regional Board may petition the State CA 95812-0100, within 30 days of the date in 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:

1. The City of Woodland Water pollution Control Facility shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2003-0031-R01, Effluent Limitation No.1 for mercury and aluminum.
2. The City of Woodland Water Pollution Control Facility shall comply with the following time schedule to assure compliance with mercury and aluminum Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2003-0031-R01 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Submit a Workplan to Achieve Compliance ¹	1 November 2003
Submit Progress Report ²	1 December, annually
Pollution Prevention Plan	1 December 2003
Achieve Full Compliance	30 March 2008

¹ The Workplan shall include the Implementation Schedule to achieve compliance with waste discharge requirements.

3. The Progress Report 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.
4. 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.

CEASE AND DESIST ORDER NO. R5-2003-0032-R01
CITY OF WOODLAND
WATER POLLUTION CONTROL FACILITY
YOLO COUNTY

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 16 September 2005.

THOMAS R. PINKOS, Executive Officer