

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2017-XXXX
AMENDING TIME SCHEDULE ORDER NO. R5-2010-0058-01

PARADISE IRRIGATION DISTRICT
PARADISE WATER TREATMENT PLANT
BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) finds:

1. On 27 May 2010 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2010-0057, NPDES Permit No. CA000083488, prescribing waste discharge requirements for the Paradise Irrigation District (hereinafter Discharger) at the Paradise Water Treatment Plant (hereafter Facility), Butte County.
2. WDR Order No. R5-2010-0057 included final effluent limits, in part, for dichlorobromomethane and aluminum as contained in Effluent Limitations VI.A.1.a. The Discharger was unable to immediately comply with the aluminum effluent limitations; therefore, WDR Order No. R5-2010-0057 provided a compliance schedule for meeting final effluent limitations for aluminum. Compliance with these limits was to be achieved by 1 May 2015.
3. On 27 May 2010, the Central Valley Water Board adopted Time Schedule Order (TSO) No. R5-2010-0058, which included an interim effluent limit for dichlorobromomethane and a time schedule that outlined tasks corresponding with interim compliance dates. Facility compliance with the final effluent limit for dichlorobromomethane was to be completed by 27 May 2015.
4. On 3 September 2014, the Discharger submitted a request for additional time to comply with final dichlorobromomethane and aluminum effluent limitations. The letter outlined measures taken by the Discharger throughout the current permit term in order to comply with Order No. R5-2010-0057 and TSO No. R5-2010-0058 and provided justification for requesting additional time to comply with final effluent limitations for dichlorobromomethane and aluminum. The Discharger has reviewed several design alternatives for achieving compliance with final effluent limits for dichlorobromomethane and aluminum and on 28 August 2014 made the decision to move forward with the design and construction of a process water recycling project.
5. The Discharger planned to eliminate Facility discharge to surface water and implement potable reuse of 100% of the filter backwash water by constructing a new custom clarification basin for the wastewater (filter backwash water) generated at the plant and a dewatering facility. The Discharger planned to have preliminary design of the project complete by the end of 2014, begin the California Environmental Quality Act (CEQA) environmental review process in early 2015, finalize design of the project by the end of 2015, and construct and complete the project by the end of 2017.

6. On 17 April 2015, the Central Valley Water Board adopted Order R5-2015-0050, which amended TSO R5-2010-0058 to TSO R5-2010-0058-01. TSO R5-2010-0058-01 extended the compliance deadline for dichlorobromomethane to 1 January 2018 and added a 1 January 2018 compliance deadline for aluminum.
7. On 31 August 2017 the Discharger submitted a request to extend the final compliance deadline for dichlorobromomethane and aluminum beyond the 1 January 2018 deadline established in TSO R5-2010-0058-01. Since adoption of TSO R5-2010-0058-01, the Discharger was making diligent progress towards coming into compliance by pursuing the filter backwash recycle project as described in Finding 5, however, the Discharger terminated the project because the complexity, scope, and cost of the project had grown significantly. Instead, the Discharger is planning to pursue renewal of their NPDES permit and analyze options (e.g., mixing zone and dilution study) for achieving compliance with limitations and requirements contained in the renewed NPDES permit. The Discharger has demonstrated that additional time is necessary in order to solicit and hire professional services, complete required technical studies (e.g., mixing zone and dilution study), and secure financing and construct treatment facilities, if necessary.
8. Immediate compliance with the final effluent limitations for dichlorobromomethane and aluminum is not possible or practicable. The Clean Water Act, 40 C.F.R. § 122.47, and Cal. Wat. Code § 13300 authorize time schedules for achieving regulatory compliance. This Order amends TSO No. R5-2010-0058-01 by extending the length of the time schedule for dichlorobromomethane and aluminum. The initial five year time schedule for dichlorobromomethane was from 27 May 2010 to 27 May 2015. In accordance with CWC section 13385(j)(3)(c)(ii)(II) and following a public hearing, the Central Valley Water Board may extend the time schedule for dichlorobromomethane for up to an additional five years. This Order amends TSO No. R5-2010-0085-01 to extend the time schedule for dichlorobromomethane and aluminum to 17 April 2020.
9. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, the compliance time schedule in the proposed Order (Attachment 1) includes interim requirements and dates for achievement for dichlorobromomethane and aluminum.
10. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.)(CEQA), pursuant to Cal. Wat. Code § 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, § 15321(a)(2).
11. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend TSO No. R5-2010-0058-01 for the discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

TSO No. R5-2010-0058-01 is amended as shown in underline/strikeout format in Attachment 1 to this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Cal. Wat. Code § 13320 and California Code of Regulations, title 23, § 2050 et seq. 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, 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 or will be provided upon request.

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 XX December 2017.

PAMELA C. CREEDON, Executive Officer