

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CEASE AND DESIST ORDER NO. R7-2009-0061
ISSUED TO
CITY OF HOLTVILLE, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
City of Holtville — Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Board) finds that:

1. The City of Holtville (hereinafter, Discharger), 121 West Fifth Street, Holtville, CA 92250, owns and operates a sewage collection system and wastewater treatment plant that provides services to the community of Holtville. The wastewater treatment plant (WWTP) has a total design capacity of 0.85 million gallons per day (MGD). The treatment system consists of an influent bar screen, grit chamber, three circular primary clarifiers operated in parallel, a trickling filter, three secondary clarifiers operated in parallel, effluent flow meter, three sand filters, an ultraviolet (UV) disinfection system, an aerobic digester, and three sludge drying beds. The Discharger accepts septic tank and portable toilet wastes and introduces the wastes at the WWTP's headworks, prior to primary treatment.
2. The Discharger also operates a recreational vehicle (RV) dump station that services winter residents. The resultant RV wastewater is brought to the WWTP through the collection system, prior to primary treatment. Leachate from the sludge drying beds is returned to the plant headworks for treatment. Sludge is pumped to drying beds, dried, and is hauled away annually to Arizona for disposal.
3. The Discharger's WWTP is a publicly owned treatment works (POTW) and discharges its effluent to the Pear Drain that flows to the Alamo River, which is a tributary to the Salton Sea. The Pear Drain, Alamo River, and Salton Sea are waters of the United States.
4. The designated beneficial uses of waters in the Imperial Valley Drains are:
 - a. Fresh Water Replenishment of Salton Sea (FRSH)
 - b. Industrial Service Supply (IND)¹
 - c. Water Contact Recreation (REC I)²
 - d. Non-Contact Water Recreation (REC II)
 - e. Warm Water Habitat (WARM)
 - f. Wildlife Habitat (WILD)
 - g. Preservation of Rare, Threatened, or Endangered Species (RARE)³
5. On June 21, 2006, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R7-2006-0050 (NPDES Permit No. CA0104361) for the Discharger to regulate discharges of treated wastewater. On May 21, 2009, the Regional Board adopted Special Board Order No. R7-2009-0016 amending WDRs Order No. R7-2006-0050 for the City of Holtville WWTP. WDRs Orders No. R7-2006-0050 and No. R7-2009-0016 specify effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial

¹ Potential use

² Although some fishing occurs in the downstream reaches, the presently contaminated water in the river makes it unfit for any recreational use. An advisory has been issued by the Imperial County Health Department warning against the consumption of any fish caught from the river and the river has been posted with advisories against any body contact with the water.

³ Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

uses of the surface and ground waters within the Colorado River Basin Region. WDRs Orders No. R7-2006-0050 and No. R7-2009-0016 became effective on June 21, 2006 and May 21, 2009 respectively, and will expire on June 21, 2011.

6. Effluent Limitation A.1 of WDRs Order No. R7-2006-0050 established interim and final effluent limitations for ammonia. The effluent concentrations below were calculated and based on monitoring results and by using the California Toxics Rule (CTR).

Constituent	Units	Date Effluent Limit Becomes Effective	Average Monthly Effluent Limit	Maximum Daily Effluent Limit
Ammonia (Interim)	mg/L lbs/day ¹	June 21, 2006 June 21, 2006	23 160	34 240
Ammonia, Total (as N) (Final)	mg/L lbs/day ¹	May 19, 2010 May 19, 2010	1.9 13	3.6 26

¹ The mass-based effluent limitations are based on a design capacity of 0.85 MGD

7. WDRs Order No. R7-2006-0050 states in Special Provision C.1.a: "The Discharger shall submit data sufficient to determine if a water quality-based effluent limitation is required in the discharge permit as required under the State Implementation Policy (SIP). It is the Discharger's responsibility to provide all information requested by the Regional Water Board for use in the analysis. The permit shall be reopened to establish WQBELs, if necessary."

Based in part on the Discharger's letter submitted on April 11, 2006, WDRs Order No. R7-2006-0050 provided the following compliance schedules under Special Provision C.7:

Table 9: Compliance Schedule for Ammonia

Activity	Description	Due Date
Task 1	Monitor and test monthly the influent and effluent waters for ammonia. Report findings to your office on a quarterly basis.	Ongoing
Task 2	As part of the Wastewater Treatment Plant Expansion Report currently being prepared, include ammonia removal technology as part of the report. Identify the source control measures, operating practices, design features, and/or treatment technologies, which may be implemented by the City of Holtville to attain compliance with final effluent limitations of this Order for ammonia. The Report shall include a time schedule, which will be subject to Regional Board approval, to implement the chosen alternative(s). The time schedule shall be as short as reasonable to fully implement the chosen alternative(s).	Within 12 months of the effective date of the Order
Task 3	Fund appropriation for capital expenditures. Prepare Engineering Design Report. Obtain permits, prepare bid package, perform bidding and procurement and commence construction of facilities if necessary. Perform operating changes if necessary.	Within 3 years of the effective date of the Order
Task 4	Continue construction if necessary to implement the chosen alternative(s) to meet effluent limitations for ammonia.	Within 4 years of the effective date of the Order

8. On October 23, 2008 the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2008-0053 against the Discharger for violations of biochemical oxygen demand (BOD), *E. coli*, nickel, copper, ammonia, and bis(2-ethylhexyl)phthalate that occurred between October 28, 2003 and March 22, 2006.
9. On May 19, 2009, Regional Board received a letter dated May 13, 2009 from the Discharger. The letter states in part that the existing City of Holtville WWTP is not capable of attaining the more stringent ammonia final effluent limitations in Board Order No. R7-2006-0050. Therefore, "The City of Holtville is requesting the California Regional Water Quality Control Board Colorado River Basin Region issue a Cease and Desist Order (CDO) for the City of Holtville Municipal Wastewater Treatment Plant regarding any outstanding priority pollutants and the final effluent ammonia limits until such time as the City of Holtville completes improvements to the Wastewater Treatment Facility".
10. Based on the information in the letter and their monthly Self Monitoring Reports (SMRs), the Discharger has violated current interim effluent limits of Board Order No. R7-2006-0050 in Finding No. 6 above and threatens violation of the final effluent limitations for ammonia in Board Order No. R7-2006-0050.
11. Section 13301 of the CWC states in relevant parts:

"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."

"In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order."
12. CWC Section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. 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 mandatory penalties for violations of effluent limitations in accordance with CWC Section 13385(j)(3) from the date of this Order's adoption by the Regional Board.
14. Specifically, pursuant to CWC Section 13385(j)(3)(B)(i), mandatory minimum penalties under 13385 (h) and (i) will not apply to violations of effluent limitations for ammonia established in the WDRs where the waste discharge is in compliance with a CDO issued pursuant to CWC Section 13301 if:

- a. The effluent limitations are new;
 - i. The effluent limitations for ammonia were new parameters established in WDRs Order R7-2006-0050, which rescinded WDRs Order No. 01-002
 - b. The effluent limitations have become effective after the effective date of the WDRs and after July 1, 2000;
 - c. New or modified control measures are necessary in order to comply with the effluent limitations; and
 - d. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
15. CWC Section 13385(j)(3)(D) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the CWC. Therefore, a pollution prevention plan will be necessary for ammonia in order to effectively reduce the effluent concentrations by source control measures.
16. CWC Section 13263.3(d)(1) states in relevant part:
- “The state board, a regional board, or a POTW may require a discharger subject to its jurisdiction to complete and implement a pollution prevention plan if:
- (D) The discharger is subject to a cease and desist order issued pursuant to Section 13301...”
17. Issuance of this CDO to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 (“Enforcement Actions by Regulatory Agencies”), Title 14, California Code of Regulations (CCRs).
18. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with CWC Section 13320 and CCRs, Title 23, Section 2050 and following. The State Board must receive the petition no later than 5:00 p.m., thirty (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. Copies will also be provided upon request.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the CWC and regulations adopted there under, the discharger shall comply with the following:

1. The Discharger is required to prepare and implement a Pollution Prevention Plan pursuant Section 13263.3(d)(3), which includes all of the elements specified in section 13263.3(d)(3)(A)-(I), and shall take specific actions as indicated in the following time schedule to achieve compliance with all requirements of Board Order No. R7-2006-0050:

Milestone	Milestone Description	Milestone Submittal	Completion Date
1	Obtain and secure funding for the design, bidding, and construction of the City of Holtville WWTP including Engineering, Administration, and Construction costs	Submit a Copy of the design and construction plan to the Regional Board	October 9, 2009
2	Complete Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Board	December 31, 2009
3	Complete the Design of the Plant Improvements	Submit a Copy of Final Design Drawings to the Regional Board	September 1, 2010
4	Construct the Wastewater Treatment Plant Improvements	Submit Summary and Verification of Construction Completion	December 31, 2011

2. Wastewater to Pear Drain shall not exceed the interim effluent limit for ammonia. The interim effluent limit is based on plant performance data, reference data from representative wastewater treatment facilities, and Best Professional Judgment (BPJ):

<u>Constituent</u>	<u>Unit</u>	<u>Date Interim Effluent Limit Becomes Effective</u>	<u>Average Monthly Effluent Limit</u>	<u>Maximum Daily Effluent Limit</u>
Ammonia, Total (as N)	mg/L	September 17, 2009	23	34
	lbs/day ¹	September 17, 2009	160	240

¹ The mass-based effluent limitations are based on a design capacity of 0.85 MGD

3. The Discharger shall submit quarterly reports, due by the 15th of January, April, July, and October of each year, on the status of the preparation and implementation of the Pollution Prevention Plan and associated Milestones listed in the Table above.
4. As an alternative option to achieve compliance with all requirements of Board Order No. R7-2006-0050, the Discharger may submit a report in the form of an engineering report describing alternative methods of treatment and disposal to phase out the discharge to waters of the United States. The report shall be submitted to the Regional Board by December 31, 2009. In addition to the requirements stated in Section 13263.3(d)(3), the report shall also include:
- A description of potential alternative methods of treatment and disposal,
 - A description of the environmental benefits of the chosen alternative method of treatment and disposal compared to the WWTPs current method,
 - A description of the plan to implement the chosen alternative method of treatment and disposal, and
 - A time schedule setting deadlines or milestones for each phase of implementation of the chosen alternative method of treatment and disposal to phase out the discharge to surface waters of the United States by November 30, 2011.

5. After the engineering report described in paragraph 4 above is submitted to the Regional Board by December 31, 2009, the Discharger shall submit quarterly reports, due by the 15th of January, April, July, and October of each year, on the status and progress of the preparation and implementation of the chosen alternative of treatment and disposal described above in paragraph 4(c).
6. Plans and schedules are subject to the prior approval of the Executive Officer. Failure to comply with the terms of this Order may result in administrative civil liability of up to \$10,000 per day for each violation pursuant to Sections 13263.3(g), 13385(c)(1), and/or 13308 of the CWC.
7. In accordance with California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.
8. In addition, if in the opinion of the Regional Board's Executive Officer, the Discharger fails to comply with this Order, the Executive Officer may issue a complaint against the Discharger under Article 2.5, Chapter 5, Division 7 of the CWC, and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate action against the Discharger, including seeking injunctive relief and civil monetary liability as deemed appropriate.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on September 17, 2009.

ROBERT PERDUE
Executive Officer