

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2011-0056-01
REQUIRING
LINDA COUNTY WATER DISTRICT
WASTEWATER TREATMENT PLANT
SUTTER AND YUBA COUNTIES

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2006-0096
(NPDES PERMIT NO. CA0079651)

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

1. On 22 September 2006, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2006-0096 and Time Schedule Order (TSO) R5-2006-0097, prescribing waste discharge requirements and compliance time schedules, for the Linda County Water District (Discharger) Wastewater Treatment Plant (Facility), in Sutter and Yuba Counties.
2. The Facility treats 1.8 million gallons per day (mgd) through a process that includes headworks, primary clarification, trickling filter, secondary clarification, disinfection and dechlorination, and sludge digesters. Treated and disinfected wastewater is normally discharged at Discharge Point No. 002 to land using a series of seven percolation/evaporation ponds that lie within the Feather River floodplain. Portions of the Facility are in both Sutter and Yuba Counties. The Discharger maintains a wastewater outfall pipeline at the discharge point to the Feather River at Discharge Point No. 001.
3. WDRs Order R5-2006-0096 contains, in part, Final Effluent Limitations IV.A.1.a, with compliance schedules for bis (2-ethylhexyl) phthalate, copper, dibenzo (a,h) anthracene, lead, and zinc, and requires compliance with final effluent limitations upon commencement of discharge from the proposed diffuser or by **18 May 2010**, whichever is sooner, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Inst Min	Instantaneous Maximum
Bis (2-ethylhexyl) Phthalate	µg/L	1.8	--	4.1	--	--
	lbs/day	0.075	--	0.17	--	--
Copper, Total Recoverable	µg/L	3.4	--	6.5	--	--
	lbs/day	0.14	--	0.27	--	--
Dibenzo(a,h)anthracene	µg/L	0.0044	--	0.0088	--	--
	lbs/day	0.00018	--	0.00037	--	--
Lead, Total Recoverable	µg/L	0.43	--	1.2	--	--
	lbs/day	0.018	--	0.052	--	--
Zinc, Total Recoverable	µg/L	21	--	43	--	--
	lbs/day	0.88	--	1.8	--	--

4. WDRs Order R5-2006-0096 also contains, in part, Final Effluent Limitations IV.A.1.b, with compliance schedules for biochemical oxygen demand (BOD), total suspended solids (TSS), settleable solids, aluminum, manganese, nitrite, electrical conductivity (EC), ammonia, total coliform organisms, and mercury, and requires compliance with final effluent limitations upon commencement of discharge from the proposed diffuser or **21 September 2011**, whichever is sooner, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Inst Min	Instantaneous Maximum
Biochemical Oxygen Demand, 5-day @ 20°C	mg/L	10	15	20	--	--
	lbs/day	420	630	830	--	--
Total Suspended Solids	mg/L	10	15	20	--	--
	lbs/day	420	630	830	--	--
Settleable Solids	ml/l-hr	0.1	--	0.2	--	--
Aluminum	µg/L	74	--	140	--	--
Manganese, Total Recoverable	µg/L	50	--	--	--	--
Nitrite (as N)	mg/L	1	--	--	--	--
	lbs/day	40	--	--	--	--

ii. **Electrical Conductivity:** The 30-day 90th percentile effluent electrical conductivity shall not exceed 780 µmhos/cm.

iv. **Total Ammonia:** Effluent total ammonia (as N) shall not exceed the following:

- a) 0.546 mg/L as a monthly average;
- b) 22.8 lbs/day as a monthly average;
- c) 2.14 mg/L as a one-hour average; and
- d) 89.2 lbs/day as a one-hour average.

vi. **Total Coliform Organisms:** Effluent total coliform organisms concentrations shall not exceed the following:

- a) 2.2 MPN/100 ml as a seven-day median;
- b) 23 MPN/100 ml more than once in any 30-day period; and
- c) 240 MPN/100 ml at any time.

vii. **Mercury:** The total monthly mass discharge of total mercury shall not exceed 0.016 pounds/month.

5. Additionally, WDRs Order R5-2006-0096 and accompanying TSO R5-2006-0097 contain interim effluent limitations for bis (2-ethylhexyl) phthalate, copper, dibenzo (a,h) anthracene, lead, zinc, BOD, TSS, settleable solids, aluminum, manganese, EC, ammonia, total coliform organisms, nitrite, and mercury. The Discharger proposed to upgrade the Facility to comply with the final effluent limitations in WDRs Order R5-2006-0096.
6. On 29 June 2010, the Central Valley Water Board issued amended TSO R5-2006-0097-01 to include interim effluent limitations for aluminum, ammonia, manganese, bis (2-ethylhexyl) phthalate, copper, lead, zinc, and dibenzo (a,h) anthracene, and to include compliance schedules to comply with the final effluent limitations by 21 September 2011.

The Discharger proposed \$28.9 million in expansion and upgrades to full nitrification-denitrification and tertiary filtration to comply with WDRs Order R5-2006-0096. The 5 mgd facility currently under construction (New Facility), includes a new headworks, primary clarifiers, secondary biological treatment using air activated sludge for nitrification and denitrification, secondary clarifiers, and tertiary filters with chemical addition. The New Facility will discharge tertiary treated effluent to the Feather River.

7. On **7 June 2012**, the Central Valley Water Board adopted WDRs Order R5-2012-0034 rescinding WDRs Order R5-2006-0096 and prescribing renewed WDRs for the Facility. WDRs Order R5-2012-0034 contains Final Effluent Limitations IV.A.1 effective immediately for discharges from the existing Facility to the percolation/evaporation ponds at Discharge Point No. 002 and Final Effluent Limitations IV.A.2 effective 31 December 2012 for discharges from the New Facility to the percolation/evaporation ponds at Discharge Point No. 002 and to the Feather River at Discharge Point No. 001 for nitrate plus nitrite, ammonia, BOD, copper, nitrite, total coliform organisms, and TSS.

Need for Time Schedule Extension and Legal Basis

8. Construction of the New Facility was scheduled to begin in December 2009 and projected to be completed in September 2011. However, funding delayed construction of the New Facility until 2010, and therefore, completion is projected by 31 December 2012.
9. On 4 May 2011, the Discharger submitted "Linda County Water District Request to Extend NPDES Permit (Order No. R5-2006-0096; NPDES No. CA0079651) and Time Schedule Order (R5-2010-0097)" that included a request for an extension of the compliance schedule from 21 September 2011 until 31 December 2012 for the final effluent limitations for copper, lead, zinc, bis (2-ethylhexyl) phthalate, dibenzo (a,h) anthracene, aluminum, manganese, ammonia, EC, and mercury. In an Additional Infeasibility Analysis dated 23 June 2011, the Discharger requested interim limitations and new compliance schedules for the final effluent limitations for BOD, TSS, settleable solids, total coliform organisms, and nitrite.
10. WDRs Order R5-2012-0034 discontinues effluent limitations for aluminum, dibenzo (a,h) anthracene, lead, settleable solids, and zinc and includes revised, less stringent effluent limitations based on allowable dilution credits and treatment plant performance for bis (2-ethylhexyl) phthalate, EC, and manganese with which the Discharger is able to comply. WDRs Order R5-2012-0034 also includes a performance-based monthly mass loading effluent limitation for mercury which is retained from WDRs Order R5-2006-0096 with which the Discharger can comply. Therefore, compliance schedules and interim limitations are no longer necessary. However, compliance schedules and interim limitations continue to be necessary for the final effluent limitations in WDRs Order R5-2012-0034 for nitrate plus nitrite, ammonia, BOD, copper, nitrite, TSS, and total coliform organisms.
11. On 22 November 2011, the Discharger submitted "Linda County Water District Wastewater Treatment Plant Infeasibility Analysis" that included a request for an

extension of the compliance schedule from 31 December 2012 until 1 June 2015 for the final effluent limitations for copper. While the New Facility is expected to achieve some removal of copper, the Discharger is concerned that the effluent from the New Facility may still be unable to comply with the final effluent limitations and has requested additional time to determine the evaluate the ability of the New Facility to comply, conduct a source identification study, and perform a translator or water effects ratio (WER) study, if necessary.

12. On 20 April 2012, the Discharger submitted "Linda County Water District Wastewater Treatment Plant Infeasibility Analysis" that included a request for an extension of the start-up compliance schedule seven months from May 2012 for the nitrate plus nitrite final effluent limitations. While the New Facility is expected to achieve compliance with nitrate plus nitrite, the Discharger is concerned that the 90-day start-up period is not sufficient enough time to complete the optimization of the New Plant. Between start-up on 7 February 2012 and April 2012 the Discharger has been consistently reducing the amount of nitrate plus nitrite in the effluent but has not been able to consistently achieve compliance with the proposed 10 mg/L final limit. Therefore, this Order amends TSO R5-2011-0056 to add a compliance schedule for nitrate plus nitrite from adoption of this Order until 31 December 2012.

Mandatory Minimum Penalties

13. CWC sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. 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 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length..*"
14. Per the requirements of 13385(j)(3) of the California Water Code (CWC), the Central Valley Water Board finds that:
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to CWC section 13385(h) and (i).
 - b. To protect municipal and domestic supply beneficial uses, tertiary treatment was proposed by the Discharger. Reasonable Potential to exceed water quality objectives was noted for nitrate plus nitrite, ammonia, copper, and nitrite. Tertiary treatment is capable of achieving more stringent BOD and TSS limits than secondary treatment. The effluent limitations for nitrate plus nitrite, copper, ammonia, BOD, TSS, total coliform organisms, and nitrite in WDRs Order R5-2006-0096 were new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of WDR Order R5-2006-0096 (22 September 2006) and after 1 July 2000. New or modified control measures are necessary in order to

comply with the new effluent limitations. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

- c. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
15. Per the requirements of CWC Section 13385(j)(3)(C)(i), an individual Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years, except as provided in 13385(j)(3)(C)(ii). WDRs Order R5-2006-0096 and TSO R5-2006-0097 provided protection from MMPs to 18 May 2010 or 21 September 2011, as described above. Amended TSO R5-2006-0097-01 extended the compliance schedule from 18 May 2010 to 21 September 2011. None of the compliance schedules exceed five years.
 16. Per the requirements of CWC Section 13385(j)(3)(C)(ii)(I) for the purpose of treatment facility upgrade, the time schedule shall not exceed 10 years. Per the requirements of 13385(j)(3)(C)(ii)(II) following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional five years, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation. In accordance with CWC Section 13385(j)(3)(C)(ii)(I) the total length of the compliance schedules is less than ten years. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence and is making diligent progress to bring the waste discharge into compliance with final effluent limitations. The Central Valley Water Board also finds that because of the Discharger's construction schedule, additional time is necessary to comply with the final effluent limitations.
 17. Compliance with this TSO exempts the Discharger from mandatory minimum penalties for violations of certain Final Effluent Limitations found in WDRs Order R5-2012-0034, as follows:
 - a. Ammonia: Previous Orders provided protection from mandatory minimum penalties from 22 September 2006 through 21 September 2011. This Order provides protection from 4 August 2011 through 31 December 2012.
 - b. Copper: Previous Orders provided protection from 29 June 2010 through 21 September 2011. This Order, as amended by Order R5-2012-0035, provides protection from mandatory minimum penalties from 4 August 2011 through 1 June 2015.
 - c. BOD, TSS, total coliform organisms, and nitrite: These constituents have not previously been protected from mandatory minimum penalties. This Order provides protection from mandatory minimum penalties from 4 August 2011 through 31 December 2012.

- d. Nitrate plus nitrite has not previously been protected from mandatory minimum penalties. This Order provides protection from mandatory minimum penalties from adoption of this Order through 31 December 2012.
18. In accordance with CWC section 13385(j)(3), the total length of protection from mandatory minimum penalties for the constituents listed in Finding 13 above, is less than ten years.
19. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for nitrate plus nitrite, copper, ammonia, BOD, TSS, total coliform organisms, and nitrite contained in WDRs Order R5-2012-0034. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds 1-year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
20. This Order includes the interim effluent limitations for nitrate plus nitrite, BOD, TSS, total coliform organisms, and nitrite established in WDRs Order R5-2006-0096. This Order includes the interim effluent limitations for copper and ammonia established in amended TSO R5-2006-0097-01.
21. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. 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 effluent limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

Other Regulatory Requirements

22. 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.”*
23. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) (“CEQA”) for the following reasons, each of which is an independent basis for exemption.
 - a. This Order does not modify any compliance dates or other requirements of NPDES Order R5-2012-0034, which requires compliance with the effluent limitations

addressed by this Order. This Order serves to enforce Order R5-2012-0034. This Order is exempt from CEQA under Water Code Section 13389, since the adoption or modification of a NPDES permit for an existing source is 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.).

- b. This Order does not have the potential to cause a significant impact on the environment (Title 14 CCR section 15061(b)(3)) and is not a "project" as defined by CEQA. This Order enforces preexisting requirements to improve the quality of ongoing discharges that are part of the CEQA "baseline"; and includes interim effluent limitations to ensure that discharges do not increase above the CEQA baseline. This Order imposes requirements that will maintain the CEQA baseline while the Discharger attains compliance with the existing requirements. The pollution prevention plan will identify source control measures in order to meet the preexisting effluent limitations. Since the compliance schedule is as short as possible and any actions to comply with the existing requirements are already required, this Order does not allow or cause any environmental impacts to occur; those impacts would occur regardless of this Order.
- c. This Order is exempt pursuant to CEQA Guidelines Section 15321. The discharges subject to this Order are not "hazardous materials." Also, the discharges occur offsite and do not occur at the site itself.

- 24. On 10 December 2009, the Central Valley Water Board adopted Resolution No. R5-2009-0114 to provide explicit authority to the Executive Officer to issue or modify time schedule orders, and to make this authority known to the public and regulated community. This Order may be adopted by the Central Valley Water Board at its June 2012 meeting or may be issued by the Executive Officer of the Central Valley Water Board if no adverse comments are received during the 30-day public comment period.
- 25. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to adopt a new Time Schedule Order for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT amended Time Schedule Order R5-2006-0097-01 is rescinded, except for enforcement purposes, and pursuant to California Water Code Section 13300:

- 1. The Linda County Water District shall comply with the following time schedule to ensure compliance with the nitrate plus nitrite, copper, ammonia, BOD, TSS, total coliform organisms, and nitrite effluent limitations contained in WDRs Order No. R5-2006-0096, and subsequent amendments, as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Complete Construction of Facility upgrades and expansion	30 June 2012
Progress Reports for ammonia, BOD, TSS, total coliform organisms, and nitrite ¹	1 July 2011 1 January 2012 1 July 2012 1 January 2013
Progress Reports for copper ¹	1 July and 1 January, annually
Progress Reports for nitrate plus nitrite ¹	1 July 2012 1 January 2013
Achieve Full Compliance with Final Effluent Limitations for nitrate plus nitrite, copper, ammonia, BOD, TSS, total coliform organisms, and nitrite	31 December 2012
Achieve Full Compliance with Final Effluent Limitations for copper	1 June 2015

1. The progress reports 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.

2. Discharge from the Linda County Water District WWTP shall not exceed the following interim, performance-based effluent limitations at Discharge Point Nos. 001 and 002. These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this Order when discharging at Discharge Point Nos. 001 and 002.

Constituent	Units	Interim Effluent Limitations			
		Average Monthly	Average Weekly	Maximum Daily	Derivation
Biochemical Oxygen Demand	mg/L	45	65	--	²
	lbs/day ¹	680	980	--	²
Total Suspended Solids	mg/L	45	65	--	²
	lbs/day ¹	680	980	--	²
Nitrite	mg/L	60	--	--	²
	lbs/day ¹	900	--	--	²
Nitrate plus Nitrite	mg/L	60	--	--	²
	lbs/day ¹	900	--	--	²
Copper, Total Recoverable	ug/L	44	--	84	³
	lbs/day ¹	0.67	--	1.3	³
Ammonia (as N)	mg/L	46.8	--	--	³
	lbs/day ¹	703	--	--	³

1. Based on a design treatment capacity of 1.8 mgd.
2. Existing Interim Effluent Limitation from WDRS Order R5-2006-0096.
3. Existing Interim Effluent Limitation from amended TSO R5-2006-0097-01.

- a. **Percent Removal:** The average monthly percent removal of BOD 5-day 20°C and TSS shall not be less than 65 percent. (Existing Interim Effluent Limitation from WDRs Order R5-2006-0096.)

- b. **Total Coliform Organisms:** Effluent total coliform organisms concentrations shall not exceed the following:
 - i. 240 MPN/100 m/ as a 30-day median; and
 - ii. 500 MPN/100 m/ at any time.

(Existing Interim Effluent Limitations from WDRS Order R5-2006-0096.)

3. 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.
4. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

5. 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 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 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 4 August 2011, as amended on 7 June 2012.

Original signed by

PAMELA C. CREEDON, Executive Officer