

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER R5-2013-XXXX

REQUIRING
PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT 3
WASTEWATER TREATMENT PLANT
PLACER COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2013-XXXX
(NPDES PERMIT NO. CA0079367)

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

1. On XX May 2013, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2013-XXXX (NPDES Permit No. CA0079367) that replaced Order R5-2007-0070. Also on XX May 2013, the Central Valley Water Board adopted CDO R5-2013-XXXX to provide a compliance schedule for new waste discharge requirements contained in Order R5-2013-XXXX.
2. The Placer County Department of Facility Services (Discharger) Sewer Maintenance District 3 Wastewater Treatment Plant (Facility) began operation in 1961. Most of the original treatment units still exist and are operational including a chemical feed system for flocculation, a primary clarifier, a secondary clarifier, a trickling filter, and the chlorination process. In November 2009, the Discharger added a magnesium hydroxide feed system for improved trickling filter operation. In 1998, a liquid dechlorination system replaced the existing gaseous dechlorination system. In March 2011, the Discharger added a denitrification filtration unit to the Facility’s treatment system. The Facility discharges up to 0.3 million gallons per day (MGD) of treated wastewater to Miners Ravine under average dry weather flow conditions. Miners Ravine is a tributary to Dry Creek, the Natomas East Main Drainage Canal, Bannon Slough, and the Sacramento River. Bannon Slough enters the Sacramento River immediately upstream of the confluence with the American River.
3. CDO R5-2012-0005 contained in part, the following interim effluent limitations:

Parameter	Units	Interim Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily ³	Instantaneous Minimum	Instantaneous Maximum
Copper (Total)	µg/L	7 ²	--	23.0	--	--
	lbs/day ¹	0.02	--	0.058	--	--
Dibromochloromethane	µg/L	4 ²	--	6.5	--	--
	lbs/day ¹	0.01	--	0.016	--	--
Dichlorobromomethane	µg/L	23 ²	--	59.0	--	--
	lbs/day ¹	0.06	--	0.15	--	--

¹ Based upon an average dry weather flow of 0.3 mgd.

² Based on the monthly average maximum effluent concentration in recent permit period

³ From WDR Order R5-2007-0070

4. CDO R5-2012-0005 also contained the following compliance schedule:

<u>Task</u>	<u>Due Date</u>
a. <i>Complete Final Engineering Design and submit Design Status Report that summarizes the contents of the project design documents.</i>	30 April 2012
b. <i>Submit a Regionalization Financing Plan approved by the Placer County Board of Supervisors.</i>	30 September 2012
c. <i>Complete final CEQA and NEPA documentation and submit an Environmental Document Update showing that the environmental documents have been approved by the Lead Agency and discussing whether the environmental review has resulted in any significant changes to the final engineering design.</i>	30 September 2012
d. <i>Submit a Project Bid Report showing that the project has gone out to bid and including the schedule to award the bid.</i>	30 November 2012
e. <i>Submit a document showing that the City of Roseville has formally agreed to accept the wastewater generated at SMD-3.</i>	30 December 2012
f. <i>Submit a Project Initiation Report showing that project construction has begun.</i>	30 April 2013
g. <i>Submit Quarterly Construction Progress Reports describing the progress of construction and the anticipated date of completion.</i>	30 September 2013 30 December 2013 30 March 2014 30 June 2014 30 September 2014
h. <i>Comply with final effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane.</i>	31 December 2014
i. <i>Submit a Project Completion Report documenting (a) that SMD-3 has been connected to the Dry Creek wastewater treatment plant and that discharge to Miner's Ravine has ceased, and (b) that the discharge is in compliance with the final effluent limitations for copper, dibromochloromethane, and dichlorobromomethane. In addition, the Report shall contain a time schedule and plans for decommissioning the SMD3 facility.</i>	31 December 2014

5. WDR Order R5-2013-XXXX includes, in part, the following final effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes. These limits became effective on XX May 2013:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Priority Pollutants						
Copper, Total Recoverable	µg/L	3.9	--	7.9	--	--
Dibromochloromethane	µg/L	0.41	--	0.98	--	--
Dichlorobromomethane	µg/L	0.56	--	1.1	--	--
Non-Conventional Pollutants						
Total Trihalomethanes ¹	µg/L	80	--	--	--	--

¹ Applies to the sum of bromoform, chloroform, dibromochloromethane, and dichlorobromomethane.

6. The Discharger cannot consistently comply with the copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes effluent limitations in WDRs Order R5-2013-XXXX and must implement additional actions to reach compliance. Therefore, this Order contains a schedule for compliance with the final effluent limitations and interim limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes.
7. The monthly average and maximum daily interim limitations in this order for copper, dibromochloromethane, and dichlorobromomethane are from the previous CDO R5-2012-0005. The performance-based interim effluent limitations for total trihalomethanes in this Order use current treatment plant performance data. The total trihalomethanes interim limitation is based on the sum of the maximum effluent concentrations of bromoform (<0.5 µg/L), chloroform (86 µg/L), dibromochloromethane (7 µg/L), and dichlorobromomethane (21 µg/L), which is 114 µg/L.

MANDATORY MINIMUM PENALTIES

8. CWC section 13385, subdivisions (h) and (i) require the Regional Water Board to impose mandatory minimum penalties (“MMPs”) upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the MMPs. CWC section 13385(j)(3) exempts the discharge from MMPs “*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.*”
9. Per the requirements of CWC section 13385(j)(3), 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 sections 13385(h) and (i).
 - b. New or modified control measures are necessary in order to comply with the effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes. 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.
10. Previous CDO R5-2012-0005 provided the Discharger with protection from MMP's for violations of the final effluent limitations for copper, dibromochloromethane, and dichlorobromomethane.
 11. Previous CDO's or TSO's have not provided the Discharger with protection from MMP's for violations of the final effluent limitation for total trihalomethanes.
 12. Compliance with this Order exempts the Discharger from MMPs for violations of the copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes final effluent limitations found in WDRs Order R5-2013-XXXX from the date of adoption through 31 December 2014. In accordance with Water Code section 13385(j)(3), the total length of protection from MMPs is less than five years.
 13. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes contained in WDRs Order R5-2013-XXXX. 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.
 14. If the interim effluent limits in this Order for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes are exceeded, then the Discharger is subject to an MMP for each particular exceedance as it will no longer meet the exemption in CWC 13385(j)(3). It is the intent of the Board that a violation of an interim copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes average monthly effluent limitation subjects the Discharger to only

one MMP for that monthly averaging period¹. In addition, a violation of the interim maximum daily copper, dibromochloromethane, and dichlorobromomethane effluent limitation subjects the Discharger to one MMP for the day the sample was collected.

15. This Order requires the Discharger to implement a total trihalomethanes pollution prevention plan. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations, as well as interim requirements and dates for their achievement.
16. 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.

REGULATORY BASIS

17. Section 13301 of the California Water Code (CWC) 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 preventative action...”*
18. Section 13267 of the California Water Code states in part: *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

¹ In accordance with Questions 39 and 40 of the 17 April 2001 State Water Board SB 709 and SB 2165 Questions and Answers document.

19. The Discharger owns and operates the wastewater treatment plant and sewage collection system which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
20. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of an 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.).
21. On XX XXXX 2013, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider Cease and Desist Order R5-2013-XXXX under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT Cease and Desist Order R5-2012-0005 is rescinded except for enforcement purposes, and, pursuant to CWC Sections 13301 and 13267, the Discharger shall cease and desist from violating the requirements of WDR Order R5-2013-XXXX, or subsequently adopted order, and shall comply with the following:

1. The Discharger shall comply with the following time schedule to ensure compliance with the copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes effluent limitations at Section IV.A.1 contained in WDR Order R5-2013-XXXX, or subsequently adopted order. The term "project" as used below, refers to the connection of the Facility to the City of Roseville's Dry Creek Regional Plant.

Task

Due Date

- | | |
|---|--|
| a. Submit Pollution Prevention Plan for total trihalomethanes | 30 January 2014 |
| b. Submit Quarterly Construction Progress Reports describing the progress of construction and the anticipated date of completion. The progress reports shall detail the steps taken to comply with this Order, including documentation showing completion of tasks, construction progress, evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates. | 30 September 2013
30 December 2013
30 March 2014
30 June 2014
30 September 2014 |

- | <u>Task</u> | <u>Due Date</u> |
|---|-------------------------|
| c. Comply with final effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes. | 31 December 2014 |
| d. Submit a Project Completion Report documenting (a) that the Facility has been connected to the City of Roseville's Dry Creek Regional Plant and that discharge to Miners Ravine has ceased, and (b) that the discharge is in compliance with the final effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes. In addition, the Report shall contain a time schedule and plans for decommissioning the Facility. | 31 December 2014 |

2. 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."

3. The following interim effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes shall be effective upon adoption of this Order, and shall apply in lieu of the corresponding final effluent limitations in Order R5-2013-XXXX. The Discharger shall maintain compliance with the following interim effluent limitations through **31 December 2014**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Constituent	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	7 ¹	23 ¹
Dibromochloromethane	µg/L	4 ¹	6.5 ¹
Dichlorobromomethane	µg/L	23 ¹	59 ¹
Total Trihalomethanes	µg/L	114 ²	--

¹ From CDO R5-2012-0005.

² based on the sum of the maximum effluent concentrations of bromoform (<0.5 µg/L), chloroform (86 µg/L), dibromochloromethane (7 µg/L), and dichlorobromomethane (21 µg/L)

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 registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, 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 the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions.

Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the California Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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 Water Code 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 that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final 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 May 2013.

PAMELA C. CREEDON, Executive Officer

15 March 2013