

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE ORDER R5-2024-XXXX

AMENDING
ORDER R5-2019-0021
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
CA0085235

CITY OF CLOVIS
SEWAGE TREATMENT AND WATER REUSE FACILITY
FRESNO COUNTY

FINDINGS

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

1. On 4 April 2019, the Central Valley Water Board adopted Waste Discharge Requirements and Master Recycling Permit, Order R5-2019-0021, prescribing waste discharge requirements for the City of Clovis Sewage Treatment and Water Reuse Facility. For the purposes of this Order, the City of Clovis is hereafter referred to as “Discharger” and the Sewage Treatment and Water Reuse Facility is hereafter referred to as “Facility.”
2. Waste Discharge Requirements Order R5-2019-0021 (NPDES Permit No. CA0085235) authorizes the discharge of up to an average annual flow of 2.8 million gallons per day of treated municipal wastewater to Fancher Creek at Discharge Point 001; the Diversion Channel from Big Dry Creek Reservoir to Little Dry Creek (hereinafter Diversion Channel) at Discharge Point 002; and reuse sites at Discharge Point REC-001. Among other requirements, Order R5-2019-0021 contains final effluent limitations for copper, cyanide, and zinc. Order R5-2019-0021 expires on 31 May 2024, and the Discharger has timely applied for renewal. While the permit is not scheduled for renewal prior to 31 May 2024, the terms and conditions of Order R5-2019-0021 will automatically continue pending reissuance of the permit. (40 C.F.R. § 122.6(d); Cal. Code Regs., tit. 23, § 2235.4.)
3. The Facility’s treatment system consists of primary, secondary, and tertiary units. Primary treatment consists of 2-millimeter (mm) drum screens with a bypass channel/bar with screens and a vortex grit removal mechanism. Wastewater flows from the primary treatment units into two main bioreactor trains used for secondary treatment. Each bioreactor train consists of two anoxic zones followed by one aerobic zone with two aeration grids. Flow from the aerobic zone is pumped to the membrane filtration units, which provide tertiary treatment. The tertiary-treated effluent is disinfected using an ultraviolet light (UV) disinfection system. The tertiary-treated effluent is either used as recycled water for landscape irrigation or discharged to one of two surface water locations (Fancher Creek at Discharge Point 001 or the Diversion Channel at Discharge Point 002). Fancher Creek is a water of the United States within the Fresno Hydrologic Area. The Diversion Channel and Little Dry Creek downstream of Discharge Point 002 are waters of the United States and hydrologically connected to the San Joaquin River within the Berenda Creek Hydrologic Area.
4. On 4 April 2019, the Central Valley Water Board issued Time Schedule Order R5-2019-0022 (TSO) to the Discharger, pursuant to Water Code section 13385(j)(3), which

contains interim effluent limitations at both Discharge Points 001 and 002 for copper, cyanide, and zinc. The TSO includes a time schedule for actions requiring the Discharger to complete Water-Effect Ratio sampling for copper and zinc and a preservation and holding time study, including preparation of a sampling/analysis procedure, for cyanide. The TSO requires compliance with final effluent limitations for copper, cyanide, and zinc on 31 May 2024.

5. On 27 November 2019, the Discharger submitted its Copper and Zinc Water-Effect Ratio Study. On 10 March 2021, Central Valley Water Board staff acknowledged the sufficiency of the Copper and Zinc Water-Effect Ratio Study to support water-effect ratios for total copper of 18.0 and total zinc of 1.79.
6. Given the approved water-effect ratios and data from December 2020 through November 2023, the discharge no longer exhibits reasonable potential for total recoverable copper and total recoverable zinc to cause or contribute to exceedances of water quality criteria. However, final effluent limitations for copper and zinc from Order R5-2019-0021 remain in effect until the Order is either amended or renewed. An order to renew Order R5-2019-0021 (referred to hereinafter as Renewal Order), which is expected to remove final effluent limitations for total recoverable copper and total recoverable zinc, is currently being drafted for consideration at the Central Valley Water Board's 20-21 June 2024 meeting.
7. On 29 June 2020, the Discharger submitted its Cyanide Preliminary Study, including Standard Operating Procedures for Cyanide Sampling. The Cyanide Preliminary Study implemented changes in the contracted analytical laboratory's sample processing and changes in sample preservation steps to evaluate whether the sampling/processing practices were causing false positive cyanide results in the effluent. New Standard Operating Procedures were implemented in April 2020 and appear to have reduced detections of cyanide above the water quality criteria. However, cyanide was occasionally detected above the water quality criteria.
8. On 24 January 2024, the Discharger submitted an infeasibility analysis requesting additional time to comply with the existing final effluent limitations at Discharge Points 001 and 002 for total cyanide in Order R5-2019-0021. For compliance with the final effluent limitations for total cyanide, the Discharger has requested time to implement pollution prevention practices, confirm the source(s) of cyanide, and identify and implement source control measures. A new Time Schedule Order with the Renewal Order is planned for the 20-21 June 2024 Central Valley Water Board meeting to address the majority of the Discharger's proposed compliance activities for total cyanide.
9. Pursuant to 40 C.F.R. section 122.44(i), effluent monitoring is required to assure compliance with permit limitations, and section 122.48(b) requires NPDES permits to specify, among other things, the frequency of monitoring sufficient to yield data that are representative of the activity. Under Water Code section 13383, subdivision (a), a regional water board may "establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters," and subdivision (b) authorizes a regional water board to

require any person subject to section 13383 to “sample effluent as prescribed, and provide other information as may be reasonably required.” In exercising this authority, the regional water boards are encouraged to “regularly assess the need for monitoring and reporting, consider reducing the frequency of sampling where long-term compliance has been established, and eliminate unnecessary reports or overlapping requirements.” (State Water Board Order WQ 2021-0055, pp. 12-13 (*Oceanside*).)

10. Order R5-2019-0021 requires monthly monitoring at EFF-A for copper, cyanide, and zinc. The Discharger may not be able to consistently comply with the final effluent limitations for total recoverable copper and total recoverable zinc in Order R5-2019-0021 until a renewed Order is adopted to incorporate the Discharger’s water-effect ratios. The Discharger may not be able to consistently comply with the total cyanide effluent limitations in Order R5-2019-0021 and must implement additional actions to reach compliance. This Order amends Order R5-2019-0021 to change the effluent monitoring frequency at EFF-A for copper, cyanide, and zinc from monthly to annually. Sufficient copper, cyanide, and zinc data have been collected during the current term of Order R5-2019-0021 to perform a reasonable potential analysis, determine compliance with effluent limits, and determine the appropriate course of action for the Renewal Order and a new Time Schedule Order. Given the short period of time between this amendment and the imminent Renewal Order, no additional copper, cyanide, and zinc data are needed, particularly considering that there is no longer reasonable potential for copper and zinc. Without these changes, the Discharger may face unnecessary penalties associated with the current monitoring frequency, which is unnecessary for water quality protection. Accordingly, given that continued monthly monitoring for these constituents is unnecessary, pending the Renewal Order, Central Valley Water Board finds it appropriate and reasonable to reduce the current monitoring frequency to annually.
11. 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 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. Discharger Council of Discharger of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
12. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend Waste Discharge Requirements for these discharges and has provided them with an opportunity to submit their written views and recommendations.

BOARD ACTION
IT IS HEREBY ORDERED THAT:

Effective immediately, Waste Discharge Requirements Order R5-2019-0021 (NPDES CA0085235) is amended solely as shown in items 1 through 5, below.

1. The Order number is changed from R5-2019-0021 to R5-2019-0021-01 throughout the Order.

2. **Cover Page.** Modify the last paragraph to the text shown below:

I, PATRICK PULUPA, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **4 April 2019** and amended by order **R5-2024-XXXX** on **XX April 2024**.

3. Attachment E, Monitoring and Reporting Program (MRP). Modify Table E-3, Effluent Monitoring – Monitoring Location EFF-A, as shown below for Copper, Cyanide, and Zinc only.

Parameters	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Copper, Total Recoverable	µg/L	Grab	1/Year	3,4
Cyanide, Total (as CN)	µg/L	Grab	1/Year	3,4
Zinc, Total Recoverable	µg/L	Grab	1/Year	3,4

4. Attachment F, Fact Sheet. Replace Section VII.B.2 in its entirety with the following:

Effluent monitoring frequencies and sample types for flow (continuous), ammonia (weekly), dissolved oxygen (continuous), hardness (monthly), total kjeldahl nitrogen (weekly), total nitrate (weekly), total nitrite (weekly), total nitrite plus nitrate (weekly), total dissolved solids (monthly), and standard minerals (annually) have been retained from Order R5-2014-0005 at Monitoring Location EFF-A to determine compliance with effluent limitations and discharge prohibitions, where applicable, and characterize the effluent for these parameters. The effluent monitoring frequency and sample type for copper (monthly) was retained from Order R5-2014-0005 until April 2024 at which time the frequency was reduced to annually (see **Order R5-2024-XXXX**).

5. Attachment F, Fact Sheet. Replace Section VII.B.4 in its entirety with the following:

Monitoring data collected during the term of Order R5-2014-0005 indicates that cyanide and zinc in the discharge have a reasonable potential to cause or contribute to an in-stream excursion above the applicable CTR criteria. Therefore, this Order established monthly effluent monitoring requirements for cyanide and zinc at Monitoring Location EFF-A until April 2024 at which time the frequency was reduced to annually (see **Order R5-2024-XXXX**).

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 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 (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

[Links to the laws and regulations applicable to filing petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the Internet or will be provided upon request.

I, PATRICK PULUPA, 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 April 2024.

PATRICK PULUPA, Executive Officer