

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

TIME SCHEDULE ORDER NO. R6V-2010-(PROPOSED)

**ISSUED TO
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
REGIONAL WASTEWATER TREATMENT PLANT,
WDID NO. 6B360109001**

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds that:

1. The Victor Valley Wastewater Reclamation Authority (Discharger) owns and operates the Victor Valley Regional Wastewater Treatment Plant (Facility), located at 20111 Shay Road, Victorville, CA 92394.
2. The Facility in part, includes headworks, primary clarifiers, flow equalization, aeration basins, secondary clarifiers, coagulation/flocculation, filtration, chlorination/dechlorination, and sludge handling facilities. The Discharger is permitted to discharge up to an annual average flow for any year of 14.0 million gallons per day (mgd) of tertiary-treated wastewater from the Facility to the Mojave River at Discharge Point 001. A Facility Plan is included as Attachment A, which is made a part of this Time Schedule Order.
3. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan), as amended, designates the beneficial uses of waters in the Region. The designated beneficial uses of the Mojave River are:
 - a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Ground Water Recharge (GWR)
 - d. Water Contact Recreation (REC-1)
 - e. Non-contact Water Recreation (REC-2)
 - f. Commercial and Sportfishing (COMM)
 - g. Warm Freshwater Habitat (WARM)
 - h. Cold Freshwater Habitat (COLD)
 - g. Wildlife Habitat (WILD)
4. On February 14, 2008, the Water Board adopted Board Order No. R6V-2008-0004 for the Facility. The Order prescribes waste discharge requirements for the Facility's discharge to the Mojave River.

5. Board Order No. R6V-2008-0004 includes interim effluent limitations for the period beginning April 4, 2008 and continuing through May 17, 2010. These interim effluent limitations are intended for the time period prior to the Discharger completing proposed upgrades, which include converting from chlorine disinfection to UV disinfection. The Order, in part, includes interim effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane, as follows:

Parameter	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Cyanide, Total (as CN)	µg/L	--	23
	Lbs/day	--	2.7
Chlorodibromomethane (Dibromochloromethane)	µg/L	--	30
	Lbs/day	--	3.5
Dichlorobromomethane (Bromodichloromethane_	µg/L	--	18
	Lbs/day	--	2.1

6. Board Order No. R6V-2008-0004 also includes final effluent limitations, in part, for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane. These final effluent limitations are intended for the time period following completion of proposed upgrades, which include converting from chlorine disinfection to UV disinfection. These final effluent limitations are as follows:

Parameter	Units	Final Effluent Limitations	
		Average Monthly	Maximum Daily
Cyanide, Total (as CN)	µg/L	3.6	9.6
	Lbs/day	0.42	1.1
Chlorodibromomethane (Dibromochloromethane)	µg/L	0.41	1.3
	Lbs/day	0.048	0.15
Dichlorobromomethane (Bromodichloromethane_	µg/L	0.56	1.4
	Lbs/day	0.065	0.16

7. The Discharger has informed the Water Board that it will not be able to complete all scheduled upgrades to the Facility by May 17, 2010. Specifically, the Discharger will not be able to complete the conversion from chlorine disinfection to UV disinfection on schedule as originally proposed.
8. Based upon data provided in the Discharger's self monitoring reports, the wastewater discharged from the Facility to the Mojave River will chronically violate the final effluent limitations cited in Finding No. 6, above, if the chlorine

disinfection system is not replaced with the UV disinfection system. Such violations will likely begin to occur May 18, 2010, when the final effluent limitations specified in Finding No. 6 become effective. A table comparing effluent data from September 2008 through December 2009 to the final effluent limitations specified by Board Order No. R6V-2008-0004 is included as Attachment B, which is made a part of this Time Schedule Order.

9. California Water Code (Water Code) sections 13385(h) and (i) require the Water Board to impose mandatory minimum penalties upon dischargers that violate specified effluent limitations. The violations discussed in Finding No. 8, above, would be subject to mandatory minimum penalties without an exemption provided by issuing a Time Schedule Order or Cease and Desist Order.

Water Code section 13385(j) exempts certain violations from the mandatory minimum penalties. Water Code section 13385(j)(3) exempts discharge violations 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.”

10. The Water Board finds that the requirements for exempting effluent limitation violations from mandatory minimum penalties, as specified by Water Code section 13385(j)(3), will be satisfied upon issuing this Time Schedule Order. For such exemptions, Water Code section 13385(j)(3) requires that:
 - a. The Time Schedule Order is issued on or after July 1, 2000 and specifies the actions the discharger is required to take in order to correct the violations that would otherwise be subject to mandatory minimum penalties.
 - b. The discharger is not able to consistently comply with the new effluent limitations contained in Board Order No. R6V-2008-004 for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane. These effluent limitations are new requirements that became applicable to the waste discharge requirements after the effective date of the waste discharge requirements, and after July 1, 2000. Additionally, new or modified control measures are required to comply with the effluent limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - c. The Water Board, through issuing and enforcing this Time Schedule Order, has established a time schedule for bringing the discharge into

compliance with the effluent limitations as soon as possible, taking into consideration the technological, operational, and economic factors that affect design, development, and implementation of control measures necessary to comply with the effluent limitations.

This Time Schedule Order includes interim requirements, including (1) interim effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane, (2) actions and milestones leading to compliance, and (3) associated compliance dates, as required for time schedules exceeding one year. The Time Schedule Order does not exceed five years in accordance with Water Code section 13385(j)(3).

The Water Board's finding that the above-referenced requirements will be satisfied upon issuing this Time Schedule Order is based upon Water Board staff's review of the Discharger's effluent monitoring data, and the Facility design and operations.

11. Water Code 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 schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

The Water Board finds that a discharge of waste is taking place that will violate the final effluent limitations prescribed by the Water Board, as discussed in Finding No. 8, above. The Water Board is therefore authorized to issue a Time Schedule Order pursuant to Water Code section 13300.

12. This Time Schedule Order provides a schedule for the Discharger to develop, submit, and implement methods of compliance that may include, but not be limited to, pollution prevention activities (operations and maintenance), acquisition of funding, and construction of new treatment facilities to meet the effluent limitations.
13. Pursuant to Water Code section 13300, Time Schedule Order No. R6V-2010-(**PROPOSED**) is being issued to set forth actions that the Discharger shall take to correct or prevent discharges of waste that violate Board Order No. R6V-2008-004.

14. Compliance with this Time Schedule Order exempts the Discharger from mandatory minimum penalties for violations of effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane only, in accordance with Water Code section 13385(j)(3).
15. Since the time schedules for completing actions necessary to bring the waste discharge into compliance exceed one year, this Time Schedule Order includes interim requirements, including interim effluent limitations, and dates for their achievement, as required by Water Code section 13385(j)(3)(C). The compliance time schedules in this Time Schedule Order include interim performance-based effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane. Interim effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane are based on the interim effluent limitations contained in Board Order No. R6V-2008-0004.
16. The Water Board finds that the Discharger can implement measures to maintain compliance with the interim effluent limitations included in this Time Schedule Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can degrade water quality and may adversely affect the beneficial uses of the receiving water (Mojave River) on a long-term basis. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitations can be achieved.
17. Issuance of this Time Schedule Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.
18. Pursuant to Water Code section 13167.5, a 30-day public comment period was provided, in which the public had an opportunity to review and comment upon this Time Schedule Order. A copy of the proposed Time Schedule Order was posted on the Water Board's internet site, and copies were mailed to interested agencies and persons.
19. Any person aggrieved by this action of the 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 of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, state holiday, or furlough day 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.

IT IS HEREBY ORDERED, that in order to meet the effluent limitations contained in Board Order No. R6V-2008-0004, the Discharger must comply with the following:

1. The following interim effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane shall remain effective until **January 31, 2013**, or when the Discharger is able to come into compliance with the final effluent limitations specified in Finding No. 6, above, whichever is sooner.

Parameter	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Cyanide, Total (as CN)	µg/L	--	23
	Lbs/day	--	2.7
Chlorodibromomethane (Dibromochloromethane)	µg/L	--	30
	Lbs/day	--	3.5
Dichlorobromomethane (Bromodichloromethane_)	µg/L	--	18
	Lbs/day	--	2.1

2. The Discharger shall take specific actions as indicated in the following time schedule to achieve compliance with all requirements of Board Order No. R6V-2008-0004.

<u>Task</u>	<u>Due Date</u>
A. Submit Compliance Schedule	July 30, 2010
B. Submit Pollution Prevention Plan	October 29, 2010
C. Submit Quarterly Progress Reports	As Described Below
D. Full Compliance with Final Effluent Limits	January 31, 2013
a. Task A – The Compliance Schedule must identify the activities (e.g., assessments, feasibility studies/pilot projects, study/project reports, final compliance plan development, acquisition of funding, construction) the Discharger must undertake to comply with the effluent limitations for total	

cyanide (as CN), chlorodibromomethane, and dichlorobromomethane specified in Board Order No. R6V-2008-0004.

- b. Task B – The **Pollution Prevention Plan** must be prepared for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane, and shall meet the requirements specified in Water Code section 13263.3(d)(2).
- c. Task C – The **Quarterly Progress Reports** must, at a minimum, include the following information:
 - i. Progress made towards final compliance during that quarter.
 - ii. Deadlines in the upcoming quarter and the Discharger’s plan for meeting those deadlines.
 - iii. A statement as to the Discharger’s progress compared to the Compliance Schedule. If the Discharger is not adhering to deadlines contained in the Compliance Schedule, the Discharger must include a description of how it intends to return to meeting deadlines listed in the Compliance Schedule.
 - iv. Copies of any permits obtained or signed contracts to perform work.
 - v. Accounting of all expenditures to ensure that the Discharger has sufficient funding to achieve full compliance.

Quarterly Status Reports must be submitted according to the following schedule:

<u>Monitoring Period</u>	<u>Quarterly Status Report Due Dates</u>
January – March	May 1 st
April – June	August 1 st
July – September	November 1 st
October – December	February 1 st

The first Quarterly Progress Report must be received by the Water Board by **November 1, 2010**, for the period of July – September 2010

- d. Task D – **Full compliance with final effluent limits** must be achieved by January 31, 2013. Compliance with final effluent limits will be the result of the Discharger implementing corrective action to comply with effluent limits set forth in Board Order No. R6V-2008-0004.

3. If the Discharger fails to comply with the provisions of this Order, judicial enforcement by the Attorney General may be sought. If compliance with these effluent limitations is not achieved by the full compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with Water Code section 13301.

4. Upon legal notice to all concerned parties and an opportunity for public comment for 30 days, this Order may be amended to establish new conditions or modify interim effluent limitations for total cyanide (as CN), chlorodibromomethane, and dichlorobromomethane should monitoring data or other new information indicate that such modifications are necessary.

Lauri Kemper
Assistant Executive Officer

Date

Attachments: A. Facility Plan
 B. Effluent Monitoring Results

PROPOSED

**ATTACHMENT B - EFFLUENT MONITORING RESULTS
VICTORVILLE WASTEWATER RECALAMATION AUTHORITY**

Parameter	Units	Final Effluent Limitations		001A									
		Average Monthly	Maximum Daily	Sep-08	Oct-08	Nov-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Zinc, Total Recoverable	ug/L	77	190	48.0	50.0	74.0	63.0	54.0	61.0	49.0	58.0	62.0	53.0
	lbs/day	9.0	22	3.1	3.6	4.7	4.1	3.6	4.2	3.3	3.7	3.7	3.5
Cyanide, Total (as CN)	ug/L	3.6	9.6	6.0	0.0	<5	6.0	6.0	<5	5.0	<5	<5	5.0
	lbs/day	0.42	1.1	0.4	0.0	<0.3	0.4	0.4	<0.3	0.3	<0.3	<0.3	0.3
Chlorodibromomethane (Dibromochloromethane)	ug/L	0.41	1.3	10.0	9.7	6.6	7.2	8.0	6.5	1.1	<0.5	<0.5	1.7
	lbs/day	0.048	0.15	0.7	0.7	0.4	0.5	0.5	0.5	0.1	<0.0	<0.0	0.1
Dichlorobromomethane (Bromodichloromethane)	ug/L	0.56	1.4	1.6	1.4	0.9	1.0	1.2	1.0	7.7	1.5	3.4	11.0
	lbs/day	0.065	0.16	0.1	0.1	0.1	0.1	0.1	0.1	0.5	0.1	0.2	0.7
Bis(2-ethylhexyl) phthalate	ug/L	1.8	3.6	<3.0	<3.0	<3.0	<3.0	<3.3	<3.3	<3.3	<3.0	<3.5	<3.0
	lbs/day	0.21	0.42	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Dibenzo(a,h)anthracene	ug/L	0.0044	0.0088	<10.0	<10.0	<0.1	<0.05	<0.05	<0.05	<0.06	<0.05	<0.05	<0.05
	lbs/day	0.00051	0.0010	<0.7	<0.7	<0.0	<0.0	<0.0	<0.0	<0.0	<0.0	<0.0	<0.0

Concentration would exceed final average monthly effluent limit

Concentration would exceed final maximum daily effluent limit

**ATTACHMENT B - EFFLUENT MONITORING RESULTS
VICTORVILLE WASTEWATER RECALAMATION AUTHORITY**

Parameter		Final Effluent Limitations		001A	001A	001A	001A	001A
		Average Monthly	Maximum Daily	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09
Zinc, Total Recoverable	ug/L	77	190	54.0	50.0	49.0	54.0	55.0
	lbs/day	9.0	22	3.4	3.6	3.1	3.6	4.0
Cyanide, Total (as CN)	ug/L	3.6	9.6	6.0	6.0	<5	<5	<5
	lbs/day	0.42	1.1	0.4	0.4	<0.3	<0.3	<0.4
Chlorodibromomethane (Dibromochloromethane)	ug/L	0.41	1.3	1.6	1.7	1.2	1.4	2.6
	lbs/day	0.048	0.15	0.1	0.1	0.1	0.1	0.2
Dichlorobromomethane (Bromodichloromethane)	ug/L	0.56	1.4	10.0	13.0	7.4	8.8	12.0
	lbs/day	0.065	0.16	0.6	0.9	0.5	0.6	0.9
Bis(2-ethylhexyl) phthalate	ug/L	1.8	3.6	<3.0	<3.0	<3.0	<3.0	<3.00
	lbs/day	0.21	0.42	<0.2	<0.2	<0.2	<0.2	<0.22
Dibenzo(a,h)anthracene	ug/L	0.0044	0.0088	<0.05	<0.05	<0.05	<0.05	<0.050
	lbs/day	0.00051	0.0010	<0.0	<0.0	<0.0	<0.0	<0.004

Concentration would exceed final average monthly effluent limit

Concentration would exceed final maximum daily effluent limit