California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • FAX (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

May 26, 2011

Mr. Matt Thompson
Wastewater Manager
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
MThompson@prcity.com

Sent via Electronic Mail only

Dear Mr. Thompson:

AVAILABILITY OF DRAFT TIME SCHEDULE ORDER NO. R3-2011-0213 FOR WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2011-0002, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT NO. CA0047953 – THE CITY OF EL PASO DE ROBLES WASTEWATER TREATMENT PLANT, SAN LUIS OBISPO COUNTY, WDID 3 400105001, ECM 247750

This letter transmits draft Time Schedule Order No. R3-2011-0213 (TSO Order) for the City of El Paso de Robles (City) wastewater treatment facility.

On May 5, 2011, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted revised Waste Discharge Requirements Order No. R3-2011-0002 (NPDES Permit) regulating the discharge of secondary-treated effluent from the City's wastewater treatment facility to the Salinas River. The NPDES Permit included a new effluent limitation for monthly average total nitrogen of 10 mg/L. The City cannot currently meet the new effluent limitation without significant upgrades to the existing wastewater treatment facility. Implementation of an upgrade project is currently underway.

The draft time schedule order establishes an interim effluent limitation and requires the City to comply with a compliance schedule for completion of the wastewater treatment facility upgrades and the final effluent limitation contained within the NPDES Permit.

In accordance with California Water Code section 13167.5, the Central Coast Water Board is providing notice and a comment period of 30 days for proposed Order No. R3-2011-0213. Interested persons may download the proposed time schedule order from the Water Board's website at:

http://www.waterboards.ca.gov/centralcoast/Permits/Index.htm.

Scroll down to "Draft Time Schedule Order No. R3-2011-0213 for the City of El Paso de Robles" and select link located in the right column.

Persons wishing to comment on the Order must submit comments in writing to the address below no later than **June 27, 2011**. Comments submitted after that date will not be accepted into the record. Please send comments to:

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

If you have questions, please contact **Matthew Keeling at (805) 549-3685** (email mkeeling@waterboards.ca.gov), or Sheila Soderberg at (805) 549-3592.

Sincerely,

Sheila Soderberg for/

Roger W. Briggs
Executive Officer

Enclosures: Time Schedule Order No. R3-2011-0213

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cc:

Paper copy (w/o enclosure):

Mr. Ali Salmanzedeh
1245 Park St.
Paso Robles CA 93446

Electronic copies via email (with enclosure):

Mr. Jeff Hodge, Templeton CSD, Jhodge@templetoncsd.org
Mr. Steve Tanaka, San Miguel CSD, c/o Wallace Group, StevenT@wallacegroup.us
Mr. Richard Wilhoit, Estrella Associates, Dick@estrellaassociates.com
Mr. Paul Sorensen, Fugro, psorensen@fugro.com
Mr. Gordon Hensley, EPI/SLO Coastkeeper, g.r.hensley@sbcglobal.net
Mr. Dan Connally, PG Environmental, LLC, Dan.Connally@pgenv.com
Mr. David Smith, USEPA, Smith.davidw@epa.gov
Mr. Jamie Marincola, USEPA, Marincola.JamesPaul@epa.gov

Mr. Jae Kim, Tetra Tech, jae.kim@tetratech-ffx.com
Mr. John Ramirez, Monterey County Environmental Health, ramirezj1@co.monterey.ca.us
Mr. Kurt Souza, California Department of Public Health, Kurt.Souza@cdph.ca.gov
Ms. Elizabeth Krafft, Monterey County Water Resources Agency, krafftea@co.monterey.ca.us
Mr. Curtis Batson, San Luis Obispo County Health Department, cbatson@co.slo.ca.us
Mr. Mike Hill, California Department of Fish and Game, mhill@dfg.ca.gov
Mr. Brandon Sanderson, California Department of Fish and Game, bsanderson@dfg.ca.gov
Mr. John Biegel, Water Board, jbiegel@waterboards.ca.gov
Mr. Matthew Keeling, Water Board, mkeeling@waterboards.ca.gov
Ms. Frances McChesney, State Water Board, fmcchesney@waterboards.ca.gov
Mr. Todd Stanley, Water Board, tstanley@waterboards.ca.gov
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Mr. Manuel Saavedra, Monterey Co. Water Resources Agency, saavedram@co.monterey.ca.us

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 100
San Luis Obispo, CA 93401

DRAFT TIME SCHEDULE ORDER NO. R3-2011-0213

REQUIRING THE CITY OF EL PASO DE ROBLES TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R3-2011-0002

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), finds:

1. The City of El Paso de Robles (hereafter City or Discharger) owns and operates wastewater collection, treatment, and disposal facilities to provide sewerage service to the City, the community of Templeton, and the California Department of Corrections and Rehabilitation.

2. The Central Coast Water Board adopted revised waste discharge requirements regulating the discharge of secondary-treated effluent from the Discharger's wastewater treatment facility to the Salinas River. These requirements were issued in Waste Discharge Requirements Order No. R3-2011-0002 (Order No. R3-2011-0002), adopted by the Central Coast Water Board on May 5, 2011. Order No. R3-2011-0002 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0047953).

3. Order No. R3-2011-0002 includes a new effluent limitation for monthly average total nitrogen of 10 mg/L as nitrogen (N). The Discharger cannot currently meet the new effluent limitation without significant upgrades to the existing wastewater treatment facility.

4. The Discharger is in the midst of implementing a complete wastewater treatment plant upgrade. Planning, design, California Environmental Quality Act compliance and permitting for the project are complete. The 100% design drawings and specifications for the project include a biological nutrient removal system that will reportedly enable the Discharger to meet the new nitrogen effluent limitation. The remaining phases of the project include securing additional funding, bidding, and construction.

5. The Discharger submitted a technical memorandum to the Central Coast Water Board on May 11, 2011, containing a treatment system upgrade project milestone schedule, recent effluent data, and a proposed interim total nitrogen effluent limitation in support of a time schedule order (or compliance schedule). The project milestone schedule is as follows:

Table 1 – Wastewater Treatment System Upgrade Schedule

Project Milestone	Completion Date
1. Adopt City ordinance to increase wastewater facility charges (connection fees).	November 1, 2011
2. Introduce wastewater rate increases to public and begin Proposition 218 process.	January 1, 2012
3. Adopt City ordinance to increase wastewater rates.	June 1, 2012
4. Advertise wastewater treatment plant upgrade for construction bids.	November 1, 2012
5. Award contract and issue notice to proceed (NTP) with construction.	February 1, 2013
6. Substantial completion of construction (28 months after NTP).	June 1, 2015
7. Stabilization and optimization of biological nutrient removal process. Full compliance with effluent limits.	September 1, 2015

The Discharger's most recent effluent monitoring results for total nitrogen are as follows:

Table 2 – Total Nitrogen Effluent Data

Date	Total Nitrogen (mg/L as N)
October 2009	33
January 2010	64
April 2010	26
July 2010	27
October 2010	20
January 2011	44

The 95th percentile of these data is 59 mg/L. Based on these data the Discharger recommended an interim total nitrogen effluent limit of no less than 59 mg/L.

NEED FOR ORDER AND LEGAL BASIS:

6. California Water Code section 13300 authorizes the Central Coast Water Board to establish a time schedule of specific actions the Discharger shall take in order to correct or prevent a violation of requirements.

7. State Water Resources Control Board (State Water Board) Resolution No. 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*, establishes uniform provisions authorizing compliance schedules for NPDES permits.

8. The Central Coast Water Board has delegated to its Executive Officer all powers and duties authorized by California Water Code section 13223. This power included the authority to issue a time schedule order pursuant to California Water Code section 13300.

9. The Discharger cannot achieve immediate compliance with the total nitrogen effluent limitation in Order No. R3-2011-0002, which is new to the waste discharge requirements. As a result, a discharge of waste from the existing wastewater treatment facility is taking place which threatens to violate requirements prescribed by the Central Coast Water Board. Therefore, this Order requires the Discharger to undertake actions to comply with the final effluent limitation.

10. Violations of the final effluent limitation for total nitrogen are not subject to California Water Code section 13385, subdivisions (h) and (l), as long as the Discharger complies with all of the requirements of this time schedule order.

11. This time schedule order requires the Discharger to comply with a compliance schedule, which will allow the Discharger to achieve full compliance with the total nitrogen effluent limitation in Order No. R3-2011-0002.

12. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.

13. In accordance with California Water Code section 13167.5, this time schedule order was made available for a 30-day public comment period. A draft of this time schedule order was mailed to interested parties and posted on the Central Coast Water Board website on May 26, 2011. The Central Coast Water Board considered the comments timely received.

14. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, Title 23, section 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 the order falls on a Saturday, Sunday, or state holiday, the petition must be received 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 the following address or will be provided upon request:

    http://www.waterboards.ca.gov/public_notices/petitions/water_quality

IT IS HEREBY ORDERED, that, pursuant to California Water Code section 13300, the City of El Paso de Robles, at its wastewater treatment facility, shall:

1. Comply with an interim monthly average total nitrogen effluent limitation of 59 mg/L as nitrogen commencing on the effective date of Time Schedule Order No. R3-2011-0213.

2. Comply with the following compliance schedule:

Table 3 –Compliance Schedule

Project Milestone	Completion Date
1. Adopt City ordinance to increase wastewater facility charges (connection fees).	November 1, 2011
2. Introduce wastewater rate increases to public and begin Proposition 218 process.	January 1, 2012
3. Adopt City ordinance to increase wastewater rates.	June 1, 2012
4. Advertise wastewater treatment plant upgrade for construction bids.	November 1, 2012
5. Award contract and issue notice to proceed (NTP) with construction.	February 1, 2013
a. Submit construction progress report	February 1, 2014
b. Submit construction progress report	February 1, 2015
6. Substantial completion of construction (28 months after NTP).	June 1, 2015
7. Stabilization and optimization of biological nutrient removal process. Full compliance with effluent limits.	September 1, 2015

Note: Construction progress reports (milestones 5.a and b) included to comply with State Water Board Resolution No. 2008-0025 requirements that there shall be no more than one year between interim compliance schedule dates. The two reports shall demonstrate reasonable progress towards completing construction activities based on a construction schedule provided by the Discharger following award of contract and notice to proceed with construction.

3. Achieve full compliance with the average monthly total nitrogen effluent limitation of 10 mg/L as N pursuant to Order No. R3-2011-0002 by September 1, 2015.

4. The Discharger shall notify the Central Coast Water Board, in writing, no later than 14 days following each interim date (completion date), of its compliance or noncompliance with the interim requirements (project milestone) as specified within Table 3 of this time schedule order.

5. If the Discharger fails to comply with any provisions of this time schedule order, the Discharger will be subject to administrative civil liability and mandatory minimum penalties pursuant to California Water Code section 13350 and/or 13385. The Central Coast Water Board may also refer the case to the Attorney General for injunctive and civil monetary remedies, pursuant to California Water Code section 13331 and section 13385.

6. The Discharger shall comply with all provisions of Order No. R3-2011-0002 that are not in conflict with this Order.

The Executive Officer may modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the Discharger demonstrates and the Executive Officer determines that the delay was beyond the reasonable control of the Discharger to avoid.

ORDERED BY_____
Roger W. Briggs, Executive Officer

Date: _____

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