

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

ORDER R5-2015-0049

**AMENDING TIME SCHEDULE ORDER R5-2013-0048
FOR
CUTLER-OROSI JOINT POWERS WASTEWATER AUTHORITY
WASTEWATER TREATMENT FACILITY
TULARE COUNTY**

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

1. On 31 May 2013, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2013-0047 (NPDES No. CA0081485) and Time Schedule Order (TSO) R5-2013-0048, prescribing waste discharge requirements and a time schedule for the Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility. For the purposes of this Order, the Cutler-Orosi Joint Powers Wastewater Authority is hereafter referred to as “Discharger” and the Wastewater Treatment Facility is hereafter referred to as “Facility”.
2. TSO R5-2013-0048 was adopted to give the Discharger a time schedule to achieve compliance with the final copper effluent limitations in WDR Order R5-2013-0047. TSO R5-2013-0048 required the Discharger to complete and submit the results of a Water Effect Ratio (WER) study for copper by 1 June 2015. The Discharger submitted a WER study on 2 July 2014. Based on the results of the study, a dissolved and total recoverable WER of 3.1 is applicable to the Facility’s discharge of copper to Sand Creek. Order R5-2015-0048 amends Order R5-2013-0047 by replacing the final copper effluent limitations that were calculated with a site-specific WER of 1.0 with copper limitations calculated with a site-specific WER of 3.1.
3. This Order amends TSO R5-2013-0048 to reflect the changes made by Order R5-2015-0048 to the final copper effluent limitations in Order R5-2013-0047. The copper (total recoverable) maximum daily and average monthly effluent limitations in WDR Order R5-2013-0047 (prior to Amendment Order R5-2015-0048) were 24 µg/L and 9.9 µg/L, respectively. The copper (total recoverable) maximum daily and average monthly effluent limitations in amended WDR Order R5-2013-0047-01 are 76 µg/L and 31 µg/L, respectively.
4. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with California Code of Regulations, title 14, sections 15061(b)(2) and 15321(a)(2). Issuance of this Order is also exempt from CEQA pursuant to California Water Code section 13389, since it

serves to implement Order R5-2013-0047 (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.)

5. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend TSO R5-2013-0048 and has provided them with an opportunity to submit written views and recommendations.
6. On 17 April 2015, in Fresno, California, after due notice to the Discharger and all other known affected persons and interested parties, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Order in accordance with California Code of Regulations, title 23, section 648 and following, as well as the California Water Code.

IT IS HEREBY ORDERED THAT, pursuant to California Water Code sections 13300 and 13267, Time Schedule Order R5-2013-0048 is amended as shown in underline/strikeout format below:

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2013-0048-01
as amended by Order R5-2015-0049

REQUIRING
CUTLER-OROSI JOINT POWERS WASTEWATER AUTHORITY
WASTEWATER TREATMENT FACILITY
TULARE COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2013-0047-01
as amended by Order R5-2015-0048
(NPDES PERMIT NO. CA0081485)

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

1. On 31 May 2013, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2013-0047, prescribing waste discharge requirements for the Cutler-Orosi Joint Powers Wastewater Authority (hereafter Discharger), Wastewater Treatment Facility (hereafter Facility), Tulare County. The Facility discharges disinfected secondary treated domestic wastewater to Sand Creek.

On 17 April 2015, the Central Valley Water Board adopted Order R5-2015-0048 which amended WDR Order R5-2013-0047 to modify recycled water specifications, to revise the final copper effluent limitations to reflect a site-specific water effect ratio (WER) of 3.1 for copper, and to modify the compliance determination language regarding the use of

ultraviolet light disinfection for discharge to the wastewater ponds. Order R5-2013-0048 required the Discharger to submit the results of the WER study for copper by 1 June 2015 to ensure compliance with the final copper effluent limitations included in Order R5-2013-0047. The Discharger submitted the results of a final WER study on 2 July 2014. The Discharger conducted the study per U.S. EPA's *Streamlined Water-Effect Ratio Procedure for Discharges of Copper* (EPA-822-R-01-005). Based on the results of the study, a dissolved and total recoverable WER of 3.1 is applicable to the Facility's discharge to Sand Creek.

2. WDR Order R5-2013-0047-01 contains Final Effluent Limitations IV.A.1., which reads, in part, as follows:

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point No. 002 (Sand Creek), with compliance measured at Monitoring Location EFF-002 as described in the Monitoring and Reporting Program:

- a. The effluent limitations in Table 6:

Table 6. Final Effluent Limitations – Discharge Point No. 002 (Sand Creek)

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper, Total Recoverable	µg/L	319.9	--	7624	--	--

3. The effluent limitations specified in WDR Order R5-2013-0047-01 for copper are based on implementation of the California Toxics Rule using a WER of 3.1 and are new effluent limitations, which were not prescribed in previous WDR Order No. R5-2006-0092, adopted by the Central Valley Water Board on 21 September 2006.
4. In accordance with Water Code section 13385(j)(3), and based upon effluent monitoring results, the Discharger is unable to consistently comply with the new average monthly and maximum daily effluent limitations for copper. These copper effluent limitations based on implementation of the California Toxic Rule are new requirements that became applicable to the discharge when WDR Order R5-2013-0047 became effective, and after 1 July 2000, and for which new or modified control measures are necessary in order to comply with the new effluent limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

...

16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2). Issuance of this Order is also exempt from CEQA pursuant to Water Code section 13389 as it serves to

implement WDR Order No. R5-2013-0047-01 (*Pacific Water Conditioning Assn., Inc. v. City Council (1977) 73 Cal.App.3d 546, 555-556*).

...

IT IS HEREBY ORDERED, pursuant to sections 13300 and 13267 of the Water Code, that:

1. The Discharger shall comply with the following time schedule to ensure compliance with the copper effluent limitations at Section IV.A.1.a. contained in WDR Order R5-2013-0047-01 as described in the above Findings:

...

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 31 May 2013, and amended on 17 April 2015 by Order R5-2015-0049.

Any person adversely affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California 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, 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 17 April 2015.

Original signed by:

PAMELA C. CREEDON, Executive Officer