

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2012-0055
REQUIRING
CALAVERAS COUNTY WATER DISTRICT AND
SADDLE CREEK GOLF COURSE, L.P.
COPPER COVE WASTEWATER RECLAMATION FACILITY
CALAVERAS COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2006-0081
(NPDES PERMIT CA0084620)

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

1. On 3 August 2006, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2006-0081 and Time Schedule Order (TSO) R5-2006-0082, prescribing waste discharge requirements and compliance time schedules, for the Calaveras County Water District and Saddle Creek Golf Course, L.P. (Discharger) Copper Cove Wastewater Reclamation Facility (Facility), in Calaveras County.
2. WDR Order R5-2006-0081 contains in part, Final Effluent Limitations IV.A.1.b as follows:

Final Effluent Limitations – Discharge to SCGC Receiving Pond NC-2D (For UV Disinfected Effluent)

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Electrical Conductivity	µmhos/cm	900	--	--	--
Chloroform	µg/L	1.1			
Dichlorobromomethane	µg/L	0.56	1.13		
Aluminum	µg/L	87	174	--	--
Manganese, Total Recoverable	µg/L	50	--	--	--

Need for Time Schedule Extension and Legal Basis

3. The Discharger installed a new disinfection system at the tertiary treatment system that began operation in 2008 for irrigation of the golf course. The secondary effluent is filtered and then undergoes ultraviolet light (UV) disinfection. However, the Discharger is required to store disinfection secondary effluent in the storage pond, which is used for winter storage prior to tertiary treatment and reuse on the golf course. The Discharger uses chlorination to disinfect the secondary effluent. The addition of chlorine creates disinfection byproducts, such as chloroform and dichlorobromomethane, as well as, increases the electrical conductivity (EC). The Discharger proposes to treat all wastewater to tertiary levels with UV disinfection and eliminate chlorination.

Additionally, the Discharger indicated that the discharge cannot comply with the effluent limitations for aluminum and manganese. In the tertiary treatment process the Discharger

must use a coagulant (i.e., polyaluminum chloride) prior to filtration to ensure proper operation of the filters. Polyaluminum chloride (alum) is a source of aluminum in the discharge. The Discharger conducted a study to optimize the use of alum to reduce effluent aluminum without success. In addition, the Discharger has evaluated other non-aluminum containing polymers for filtration with limited success. The Discharger is continuing its study to identify non-aluminum polymers to meet the aluminum limitation. With regard to manganese, the Discharger believes that high manganese concentrations are due to storm water runoff into the storage pond. Soils in the area are high in manganese and manganese is leached from the soils into storm water that then enters the treatment ponds. The Discharger proposes to eliminate storm water from entering treatment and storage ponds in order to meet the manganese effluent limits.

The Discharger has proposed a schedule to achieve compliance with the final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese by **1 August 2016**.

4. On 12 March 2012, the Discharger submitted an infeasibility analysis and request for additional time to comply with the final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum, and manganese.

Mandatory Minimum Penalties

5. California Water Code (CWC) sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMP's) upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) exempts the discharge from MMP's, *"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 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length..."*.
6. 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 section 13385(h) and (i).
 - b. To comply with final effluent limitations, the Discharger has determined that an additional four years is necessary to pilot alternative coagulants, construct storm water mitigation, and construct additional tertiary facilities. The final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese were new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of WDR Order R5-2006-0081. New or modified control measures are necessary in order to comply with the final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese. 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.
7. The final effluent limitations for EC, chloroform, aluminum, and manganese became applicable to the waste discharge on the effective date of WDR Order R5-2006-0081 (23 August 2006). TSO R5-2006-0082 provided protection from MMP's from 23 August 2006 to 1 August 2011 for violations of effluent limitations for aluminum and manganese, and from 23 August 2006 to 1 June 2009 for violations of effluent limitations for EC.
8. The final effluent limitations for dichlorobromomethane became applicable to the waste discharge on 18 May 2010, because a compliance schedule was provided in WDR Order R5-2006-0081. A cease and desist order has not been issued pursuant to CWC Section 13301 or a time schedule order issued pursuant to CWC Sections 13300 or 13308 for the final effluent limitations for dichlorobromomethane. Therefore, protection from MMP's for violations of the final effluent limitations for dichlorobromomethane has not previously been provided.
9. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMP's for no more than five years, except as provided in CWC section 13385(j)(3)(C)(ii).
10. Per the requirements of CWC Section 13385(j)(3)(C)(ii)(I) for the purpose of treatment facility upgrade, the time schedule shall not exceed 10 years. Per the requirements of 13385(j)(3)(C)(ii)(II) following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional five years, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation. In accordance with CWC Section 13385(j)(3)(C)(ii)(I) the total length of the compliance schedules is less than ten years. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence and is making diligent progress to bring the waste discharge into compliance with final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese contained in WDR Order R5-2006-0081. The Central Valley Water Board also finds that because of the Discharger's construction schedule, additional time is necessary to comply with the final effluent limitations.
11. Compliance with this Order exempts the Discharger from MMP's for violations of the final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese from the date of this Order until **1 August 2016**.
12. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in CWC Section 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an

interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period.¹ In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

13. In accordance with CWC section 13385(j)(3), the total length of protection from MMP's for chloroform, dichlorobromomethane, EC, aluminum and manganese, does not exceed ten years from the date the effluent limits became applicable to the waste discharge.
14. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese contained in WDR Order R5-2006-0081. 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 and interim requirements and dates for their achievement.
15. This Order includes performance-based interim effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese.
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.

Other Regulatory Requirements

17. CWC 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 time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."*
18. CWC section 13267 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*

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

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.

19. The Discharger owns and operates the treatment facility 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 CWC 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. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
21. On 8 June 2012, 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 this Cease and Desist Order under CWC section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT:

1. Time Schedule Order R5-2006-0082 is rescinded upon the effective date of this Order except for enforcement purposes.
2. Pursuant to CWC Section 13300, the Discharger shall comply with the following time schedule to ensure completion of the compliance project described in Finding 6b, above:

Task	Compliance Date
Submit workplan for facility upgrades for reduction of chloroform and dichlorobromomethane	7 December 2012
Test and optimize the use of non-aluminum coagulant for reduction of aluminum	7 June 2013
Conduct source identification study to confirm manganese is from storm water run-off	7 June 2013
Construct storm water best management practices and/or reduce manganese through a pretreatment program	6 June 2014
Comply with Final Effluent Limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese	31 July 2016
Submit Progress Reports ¹	31 July 2013, 31 July 2014, 31 July 2015, 29 July 2016
¹ 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.	

2. The following interim effluent limitations for EC, chloroform, dichlorobromomethane, aluminum and manganese shall be effective upon adoption of this Order. The Discharger shall maintain compliance with the following interim effluent limitations through **31 July 2016**, or when the Discharger is able to come into compliance with the final effluent limitations shown in Finding 2, whichever is sooner.

Interim Effluent Limitations – Discharge to SCGC Receiving Pond NC-2D (For UV Disinfected Effluent)

Constituent	Units	Interim Effluent Limit	
		Average Monthly	Maximum Daily
<i>Electrical Conductivity</i>	<i>µmhos/cm</i>	1200	--
<i>Chloroform</i>	<i>µg/L</i>	180	--
<i>Dichlorobromomethane</i>	<i>µg/L</i>	13	13
<i>Aluminum</i>	<i>µg/L</i>	1182	1182
<i>Manganese, Total Recoverable</i>	<i>µg/L</i>	1337	--

3. 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.”

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 CWC, 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 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 of this Order, except that if the thirtieth day following the date of this Order 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 signed by the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, on **8 June 2012**.

Original signed by Pamela C. Creedon

PAMELA C. CREEDON, Executive Officer