

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER R5-2012-0005

REQUIRING PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
PLACER COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2007-0070
(NPDES PERMIT NO. CA0079367)

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

1. The Placer County Department of Facility Services (Discharger) Sewer Maintenance District No. 3 wastewater treatment facility (Facility) began operation in 1961. Most of the original treatment units still exist and are operational including a chemical feed system for flocculation, a primary clarifier, a secondary clarifier, a trickling filter, and the chlorination process. In November 2009, the Discharger added a magnesium hydroxide feed system for improved trickling filter operation. In 1998, a liquid dechlorination system replaced the existing gaseous dechlorination system. In March 2011, the Discharger added a nitrification/denitrification filtration unit to the Facility's treatment system.

The Facility discharges up to 0.3 mgd (million gallons per day) of treated wastewater to Miners Ravine under average dry weather flow conditions. Miners Ravine is a tributary to Dry Creek, the Natomas East Main Drainage Canal, Bannon Slough, and the Sacramento River. Bannon Slough enters the Sacramento River immediately upstream of the confluence with the American River.

2. On 22 June 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0070 and Cease and Desist Order (CDO) R5-2007-0071. WDR Order R5-2007-0070 prescribes Final Effluent Limitation IV.A.1., in part, as follows:
 - a. *The discharge of treated wastewater shall maintain compliance with the following effluent limitations...:*

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Aluminum (Total)	µg/L	71.2	--	142.9	--	--
	lbs/day ¹	0.18	--	0.36	--	--
Copper (Total)	µg/L	2.89	--	5.76	--	--
	lbs/day ¹	0.007	--	0.014	--	--
Dibromochloro methane	µg/L	0.41	--	0.82	--	--
	lbs/day ¹	0.0010	--	0.00205	--	--
Dichlorobromo methane	µg/L	0.56	--	1.13	--	--
	lbs/day ¹	0.0014	--	0.00283	--	--

¹ Based upon an average dry weather flow of 0.3 mgd.

3. WDR Order R5-2007-0070 also contains Interim Effluent Limitation IV.A.2, in part, for aluminum, copper, dibromochloromethane, and dichlorobromomethane, for the period beginning on 11 August 2007 and ending 18 May 2010, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Aluminum (Total)	µg/L	--	--	547	--	--
	lbs/day ¹	--	--	1.4	--	--
Dichlorobromomethane	µg/L	--	--	59.0	--	--
	lbs/day ¹	--	--	0.15	--	--
Copper (Total)	µg/L	--	--	23.0	--	--
	lbs/day ¹	--	--	0.058	--	--
Dibromochloromethane	µg/L	--	--	6.5	--	--
	lbs/day ¹	--	--	0.016	--	--

Previous Requirements to Comply with Effluent Limitations

4. WDRs Order R5-00-118, adopted in 2000, required that the Discharger comply with the nitrate effluent limitation by 2004. The Findings of the Order state that the Discharger has proposed to close the Facility and regionalize to the City of Roseville. However, the Discharger did not implement actions to regionalize, and did not comply with the nitrate effluent limitation.
5. WDRs Order R5-2007-0070 includes the same nitrate effluent limitation as the 2000 Order, and, through CDO R5-2007-0071 extends the compliance schedule to 2011.
6. CDO R5-2007-0071 required the Discharger to submit a “*Final Decision Regarding Regionalization of the Facility*” by 31 January 2008 and to achieve full compliance with the nitrate effluent limitation by 22 June 2011.
7. On 16 January 2008, the Discharger submitted a letter stating that “...*the Placer County Board of Supervisors authorized the Chairman to submit this letter providing the RWQCB with written notification of the County’s intent to proceed with design of a project to regionalize Plant 3 and convey flows to the City of Roseville treatment plant. The County cannot make a final decision on the project until environmental review of the alternatives is complete. Upon completion of the environmental review process, the Board of Supervisor will make a final decision regarding the project.*”

The regionalization project will include construction of sewer connections and a pumping station to connect to the City of Roseville’s Dry Creek wastewater treatment plant. Once the connection is made, the Facility will no longer be used for wastewater treatment and discharge to Miner’s Ravine will cease. This Order requires the Discharger to complete certain tasks as proposed by the Discharger, and to submit technical reports documenting the completion of these tasks. This Order also requires that the Placer

County Board of Supervisors formally commit to the regionalization compliance project following completion of the environmental review process.

8. In March 2011, the Discharger added a new nitrification/denitrification filtration unit, and recent monitoring data indicates that the Discharger now complies with the final nitrate effluent limitation, as required by CDO R5-2007-0071.

Need for Time Schedule Extension and Legal Basis

9. WDRs Order R5-2007-0070 includes, for the first time, effluent limitations for the CTR constituents listed in Finding 3. The Order provided interim limitations until May 2010, and requires compliance with the final limitations after that point. The Discharger complied with the interim limitations, but has not made any Facility improvements to allow it to comply with the Final Effluent Limitations. The Discharger has stated that the most cost effective method to obtain compliance is to regionalize.
10. Between May 2010 (when the Final Effluent Limitations for the four constituents became effective) and May 2011, the Central Valley Water Board has assessed \$129,000 in Mandatory Minimum Penalties (MMPs) for these constituents¹.
11. On 5 May 2010, the Discharger requested, in part, a time schedule for relief of MMPs for violations of the Final Effluent Limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane until the Facility regionalization is complete. On 28 July 2011, and revised on 4 November 2011, the Discharger submitted information regarding its progress since May 2010, with a schedule of the remaining milestones necessary to complete the Facility’s sewer connection to the City of Roseville’s Dry Creek Regional Plant, as shown below (completed projects are shaded). It is noted that the Discharger has not been required to submit the actual documents listed below.

Milestones for Construction of Sewer Connections to Dry Creek Regional Plant

Date	Project Milestone
May 2010	Completed survey of collection system manholes
August 2010	Design and Environmental contracts signed by Placer County
January 2011	Completed survey work for project
February 2011	Completed Collection System Condition Assessment
March 2011	Completed geotechnical work
May 2011	Completed Draft Preliminary Design Report
July 2011	Completed Final Preliminary Design Report
April 2012	Complete Final Engineering Design
September 2012	Complete CEQA and NEPA Documentation and adoption by the Placer County Board of Supervisors (lead agency)
November 2012	Secure Funding for Construction and Advertise for Bids
April 2013	Begin Construction
December 2014	Complete Construction

¹ Administrative Civil Liability Complaint R5-2010-0547 and Administrative Civil Liability Order R5-2011-0593

Mandatory Minimum Penalties

12. California Water Code (Water Code) sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. Water Code section 13385(j)(3) exempts certain violations from the MMPs. Water Code section 13385(j)(3) exempts the discharge 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 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..*”
13. Previous CDOs or TSOs have not provided the Discharger with protection from MMPs for violations of the final effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane.
14. Per the requirements of Water Code 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 Water Code section 13385(h) and (i).
 - b. The Discharger continues to propose regionalization of the Facility to the City of Roseville Dry Creek Regional Plant to comply with the effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane. At the time of adoption, the effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane in WDR Order R5-2007-0070 were new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of the waste discharge requirements (11 August 2007) and after 1 July 2000. New or modified control measures were necessary in order to comply with the new effluent limitations. The new or modified control measures could not be designed, installed, and put into operation within 30 calendar days. The Discharger has made progress toward regionalization as shown in the milestone table above.
 - 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.
15. Per the requirements of Water Code Section 13385(j)(3)(C)(i), an individual Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years, except as provided in 13385(j)(3)(C)(ii).
16. Compliance with this Order exempts the Discharger from MMPs for violations of the final effluent limitation for aluminum, copper, dibromochloromethane, and

dichlorobromomethane from 2 February 2012 (the date of this Order) until 31 December 2014. In accordance with Water Code section 13385(j)(3), the total length of protection from MMPs is less than five years.

17. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane contained in WDRs Order R5-2007-0070. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds 1-year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
18. This Order includes the daily maximum interim effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane established in WDRs Order R5-2007-0070. This Order also includes newly calculated monthly average interim effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane. Monthly average limitations were calculated using the Discharger's monthly monitoring data and based on $2.0 \times \text{Standard Deviation} + \text{Mean}$.
19. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations and requirements 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.
20. 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 13385(j)(3). It is the intent of the Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period.² 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.

² In accordance with Questions 39 and 40 of the 17 April 2001 State Water Board *SB 709 and SB 2165 Questions and Answers* document

Other Regulatory Requirements

21. Water Code section 13301 states: *“When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct those persons not complying with the requirements or discharge prohibitions...comply in accordance with a time schedule set by the board..”* This Order contains a time schedule for compliance with the effluent limitations in WDR Order R5-2007-0070.
22. Water Code 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 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.*
23. The Discharger owns and operates the wastewater treatment plant and sewage collection system 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.
24. 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. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
25. On 2 February 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 Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT Cease and Desist Order R5-2007-0071 is rescinded except for enforcement purposes, and, pursuant to Water Code sections 13301 and 13267, the Discharger shall cease and desist from violating the requirements of WDR Order R5-2007-0070, or subsequently adopted order, and shall comply with the following:

1. The Discharger shall comply with the following time schedule to ensure compliance with the aluminum, copper, dibromochloromethane, and dichlorobromomethane effluent limitations at Section IV.A.1 contained in WDR Order R5-2007-0070, or subsequently adopted order. The term “project” as used below, refers to the connection of the Facility to the City of Roseville’s Dry Creek Regional Plant.

<u>Task</u>	<u>Due Date</u>
a. Complete Final Engineering Design and submit <i>Design Status Report</i> that summarizes the contents of the project design documents.	30 April 2012
b. Submit a <i>Regionalization Financing Plan</i> approved by the Placer County Board of Supervisors.	30 September 2012
c. Complete final CEQA and NEPA documentation and submit an <i>Environmental Document Update</i> showing that the environmental documents have been approved by the Lead Agency and discussing whether the environmental review has resulted in any significant changes to the final engineering design.	30 September 2012
d. Submit a <i>Project Bid Report</i> showing that the project has gone out to bid and including the schedule to award the bid.	30 November 2012
e. Submit a document showing that the City of Roseville has formally agreed to accept the wastewater generated at SMD-3.	30 December 2012
f. Submit a <i>Project Initiation Report</i> showing that project construction has begun.	30 April 2013
g. Submit <i>Quarterly Construction Progress Reports</i> describing the progress of construction and the anticipated date of completion.	30 September 2013 30 December 2013 30 March 2014 30 June 2014 30 September 2014

- | <u>Task</u> | <u>Due Date</u> |
|---|-------------------------|
| h. Comply with final effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane. | 31 December 2014 |
| i. Submit a <i>Project Completion Report</i> documenting (a) that SMD-3 has been connected to the Dry Creek wastewater treatment plant and that discharge to Miner’s Ravine has ceased, and (b) that the discharge is in compliance with the final effluent limitations for aluminum, copper, dibromochloromethane, and dichlorobromomethane. In addition, the <i>Report</i> shall contain a time schedule and plans for decommissioning the SMD3 facility. | 31 December 2014 |

2. Discharge from Placer County Department of Facility Services Sewer Maintenance District No. 3 wastewater treatment facility shall not exceed the following interim performance-based effluent limitations. These interim limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this Order.

Parameter	Units	Interim Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily ³	Instantaneous Minimum	Instantaneous Maximum
Aluminum (Total)	µg/L	116 ²	--	547	--	--
	lbs/day ¹	0.3	--	1.4	--	--
Copper (Total)	µg/L	7 ²	--	23.0	--	--
	lbs/day ¹	0.02	--	0.058	--	--
Dibromochloromethane	µg/L	4 ²	--	6.5	--	--
	lbs/day ¹	0.01	--	0.016	--	--
Dichlorobromomethane	µg/L	23 ²	--	59.0	--	--
	lbs/day ¹	0.06	--	0.15	--	--

1 Based upon an average dry weather flow of 0.3 mgd.
 2 Based on the monthly average maximum effluent concentration in recent permit period
 3 From WDR Order R5-2007-0070

3. Failure to comply with the time schedule and/or interim limitations in this Order may result in imposition of discretionary penalties and loss of MMP protection.
4. 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 Water Code, 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 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, 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 **2 February 2012**.

Original signed by

PAMELA C CREEDON, Executive Officer