

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

ORDER NO. R5-2007-0059

**REQUIRING
CITY OF REDDING
STILLWATER WASTEWATER TREATMENT FACILITY
SHASTA COUNTY
TO
CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS**

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

1. On 21 June 2007, the Regional Board adopted Waste Discharge Requirements Order No. R5-2007-0058, (NPDES No. CA0082589) for the City of Redding, Stillwater Wastewater Treatment Facility, (hereafter Discharger). Waste Discharge Requirements Order No. R5-2007-0058 regulates the discharge of advanced secondary treated municipal wastewater to the Sacramento River.
2. Waste Discharge Requirements Order (WDRs) No. R5-2007-0058, Effluent Limitations A.1 includes effluent limitations for zinc as follows:
 - A. Effluent Limitations- Discharger Point D-001
 1. Final Effluent limitations – Discharge Point D-001

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Zinc, Total Recoverable	ug/L	57.8	--	115.9	--	--

3. The effluent limitations zinc is dependent on the hardness of the receiving water as shown in Attachment F of Order No. R5-2007-0058.
4. Zinc has been detected in the effluent at concentrations that have the reasonable potential to cause the receiving water to exceed applicable water quality standards for zinc.
5. The Discharger can meet the maximum daily effluent limitation (MDEL) for zinc but cannot meet the average monthly effluent limitation (AMEL) for zinc.
6. The Discharger has requested a time schedule to come into compliance with the zinc AMEL or to conduct studies, such as a mixing zone and dilution study, to demonstrate that the AMEL for zinc should be modified.

7. California Water Code (CWC) Section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC Section 13385(j) exempts certain violations from the mandatory penalties. CWC Section 13385(j)(3) exempts the discharge from mandatory 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 Section 13308, if all the [specified] requirements are met.”
8. In accordance with CWC 13385(j)(3), the Regional Board finds that the Discharger is not able to consistently comply with zinc AMEL contained in the Waste Discharge Requirements Order No. R5-2007-0058. The zinc AMEL is a new requirement that became applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be completed, and put into operation within 30 calendar days. As the zinc limitation is based on existing Basin Plan water quality objectives that were adopted prior to 25 September 1995, a compliance schedule for this effluent limitations must be placed in a Cease and Desist Order.
9. The Discharger needs time to develop reasonable measures to achieve compliance with the AMEL for zinc. The Discharger may also conduct studies, such as a mixing zone and dilution study, to demonstrate that the final AMEL for zinc should be modified. The development of measures to achieve compliance and study periods require up to five (5) years from the effective date of the waste discharge requirements. Since the time schedule for completion of actions necessary to achieve full compliance exceeds one year, interim requirements are included in and by this Order. A time schedule for compliance is included in this Order. In accordance with CWC Section 13385(j)(3) this Order requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3(d)(3) of the CWC. Zinc may be able to be reduced through source control measures.
10. The interim limitation in this Order as an AMEL is based on the current operation and treatment practices. In developing the interim limitation, when there are less than ten sampling data points available, the USEPA Technical Support Document (TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of ten data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine an AMEL based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current performance level. Therefore, when there are fewer than ten sampling points for a constituent, interim limitations are based on 1.90 times the maximum observed sampling point to obtain the AMEL. The data used to develop the interim effluent limitations are summarized in the following table:

INTERIM EFFLUENT LIMITATIONS	
	Total Zinc
Number of Samples	8
Coefficient of Variation (cv)	0.6
Minimum Concentration (ug/L)	41.1
Maximum Concentration (ug/L)	66.3
Multiplier	1.90
Interim (AMEL)	126 ug/L

11. Section 13301 of the California Water Code states, in part:

“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 that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.”
12. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the zinc limitation, in accordance with CWC Section 13385 (j)(3).
13. On 21 June 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order pursuant to CWC Section 13301 to establish a time schedule to achieve compliance with waste discharge requirements in Order No. R5-2007-0058.
14. Issuance of this 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, California Code of Regulations.
15. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13301, THAT:

1. The Discharger shall comply with the following time schedule to assure compliance with Waste Discharge Requirements Order No. R5-2007-0058, Effluent Limitations A.1 for zinc:

Task	Compliance Date
1. Corrective Action Plan/Implementation Schedule. i. The Discharger shall submit to the Regional Water Board a corrective action plan and implementation schedule to assure compliance with the final effluent limitation for zinc.	i. 6 months after the effective date of Order R5-2007-0058.
2. Pollution Prevention Plan. This Discharger shall prepare and implement a pollution prevention plan for zinc, in accordance with CWC section 13263.3. i. A work plan and time schedule for preparation of a pollution prevention plan submitted for approval by the Executive Officer. ii. The Pollution Prevention Plan shall be completed and submitted to the Regional Water Board for approval by the Executive Officer. iii. Progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1) in Order R5-2007-0058.	i. 6 months after the effective date of Order R5-2007-0058. ii. 2 years following work plan approval by the Executive Officer.

Task	Compliance Date
<p>3. Treatment Feasibility Study. The Discharger is required to perform an engineering treatment feasibility study examining the feasibility, costs, and benefits of different treatment options that may be required to remove zinc from the discharge.</p> <ul style="list-style-type: none"> i. A work plan and time schedule for preparation of the treatment feasibility study submitted for approval by the Executive Officer. ii. If studies to be conducted by the Discharger do not result in justifying alternate effluent limitations that can be met by current treatment facilities, then the treatment feasibility study shall be completed and submitted to the Regional Water Board for approval by the Executive Officer. iii. Progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1) in Order R5-2007-0058. 	<ul style="list-style-type: none"> i. 6 months after the effective date of Order R5-2007-0058. ii. 2 years following work plan approval by the Executive Officer.
<p>4. Implement selected operational measures and/or treatment upgrades. Final effluent limitation becomes effective.</p>	<p>18 May 2010.</p>

2. The Discharger shall comply with the following interim effluent limitation for zinc. The final water quality based effluent limitations will become effective on **18 May 2010**. The average monthly effluent limitation cited in the table below will be the enforceable interim limitation until that time.

Parameter	Unit	Average Monthly Effluent Limitation
Zinc, Total Recoverable	ug/L	126

3. The Discharger shall monitor the effluent for zinc in accordance with the Monitoring and Reporting Program (Attachment E) in Order No. R5-2007-0058.
4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. Additionally, the interim limit in this Order may be revoked, and the final limit contained in Order No. R5-2007-0058 will immediately become fully applicable.

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 21 June 2007.

 PAMELA C. CREEDON, Executive Officer