

Attachment A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2011-0909-0402
(as amended by Order R5-2013-0902XXXX)

REQUIRING
THE CITY OF JACKSON
WASTEWATER TREATMENT PLANT
AMADOR COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2007-0133-01
(NPDES PERMIT CA0079391)

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

1. On ~~4 October 2012~~ <Date>, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007~~2013-0133-01XXXX~~, for the City of Jackson (Discharger) Wastewater Treatment Plant (Facility), Amador County. The Central Valley Water Board also adopted Time Schedule Order R5-2013-XXXX to provide a time schedule and interim limits for chlorodibromomethane and total trihalomethanes. For the purposes of this Order, the City of Jackson is hereafter referred to as "Discharger" and the City of Jackson Wastewater Treatment Plant is hereafter referred to as "Facility".
2. WDR Order R5-2007~~2013-0133-01XXXX~~ section IV.A.1 includes, in part, the following final effluent limitations:
 - a. *The Discharger shall maintain compliance with the effluent limitations specified in Table 6:*

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
<i>Ammonia Nitrogen, Total (as N)</i>	<i>mg/L</i>	<u>2.3</u>	--	<u>5.5</u>	--	--
	<i>lbs/day</i>	<u>14</u>	--	<u>33</u>	--	--
<i>Aluminum, Total Recoverable</i>	<i>µg/L</i>	<u>71.2</u>	--	<u>142.9</u>	--	--
<i>Copper, Total Recoverable</i>	<i>µg/L</i>	<u>3.223.9</u>	--	<u>6.466.2</u>	--	--
<i>Cyanide, Total</i>	<i>µg/L</i>	<u>4.264.2</u>	--	<u>8.548.8</u>	--	--
<i>Dichlorobromomethane</i>	<i>µg/L</i>	<u>0.56</u>	--	<u>1.12</u>	--	--
<i>Nitrate (as NO₃)</i>	<i>mg/L</i>	<u>4510</u>	--	--	--	--
<i>Total Coliform Organisms</i>	<i>MPN/100 mL</i>	--	--	--	--	<u>240</u>
<i>Zinc, Total Recoverable</i>	<i>µg/L</i>	<u>30.0042</u>	--	<u>60.0057</u>	--	--

- f. *Ammonia. The following effluent limitations for ammonia are effective from 18 May 2010 until 5 years following the date of adoption of this Order:*

- ~~i. 1.2 mg/L, as an Average Monthly Effluent Limitation; and~~
- ~~ii. 4.2 mg/L, as a Maximum Daily Effluent Limitation.~~

~~g. Ammonia. The following effluent limitations for ammonia become effective 5 years following the date of adoption of this Order:~~

- ~~i. 1.0 mg/L, as an Average Monthly Effluent Limitation; and~~
- ~~ii. 3.7 mg/L, as a Maximum Daily Effluent Limitation.~~

~~e. Turbidity. Effluent turbidity shall not exceed:~~

- ~~i. 2 NTU, as a daily average;~~
- ~~ii. 5 NTU, more than 5% of the time within a 24-hour period; and~~
- ~~iii. 10 NTU, at any time.~~

~~f.e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:~~

- ~~i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and~~
- ~~ii. 23 MPN/100 mL, more than once in any 30-day period.; and~~
- ~~iii. 240 MPN/100 mL, at any time.~~

3. This amended TSO R5-2011-0909-02 reflects the new WDRs adopted on <Date> and maintains the compliance schedules for ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, and zinc contained in TSO R5-2011-0909-01 for compliance with the final effluent limits by 1 March 2015.

Need for Time Schedule Extension and Legal Basis

43. On 11 January and 20 May 2010, the Discharger submitted requests for additional time to comply with the final effluent limitations for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~ and zinc.

54. In a report dated 12 August 2011, the Discharger proposed a suite of Facility upgrades with a projected schedule to achieve compliance with the final effluent limitations for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~ and zinc by 1 March 2015.

Mandatory Minimum Penalties

65. California 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. California 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...*”.

76. Per the requirements of California 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 California Water Code section 13385(h) and (i).
 - b. To comply with final effluent limitations, the Discharger proposed improvements to the secondary process, filter, and disinfection system. The Discharger also proposed site specific water quality studies to bring forth information for future potential modification of effluent limitations if the proposed improvements do not result in full compliance. The final effluent limitations for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~ and zinc were new, more stringent, or modified regulatory requirements in previous Order R5-2007-0133-01 that became applicable to the waste discharge after the effective date of the waste discharge requirements (14 December 2007) and after 1 July 2000. New or modified control measures are necessary in order to comply with the final effluent limitations. 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.
87. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years.
98. Violations of final effluent limitations in WDR Order R5-2007-0133-01 for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~, and zinc have not previously been protected from mandatory minimum penalties. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~, and zinc from the date of this Order until 1 March 2015.
109. In accordance with California Water Code section 13385(j)(3)(C), the total length of protection from mandatory minimum penalties for the final effluent limitations listed in Finding 8 above, does not exceed five years.
110. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for ~~aluminum~~, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity~~, and zinc, contained in WDR Order R5-~~2013-XXXX~~2007-0133-04. 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.

11. This Order includes new, performance-based interim effluent limitations for ~~aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, turbidity, and zinc.~~ The interim effluent limitations are based on the current treatment plant performance or are carried over from TSO R5-2011-0909-01. ~~The interim effluent limitations for total coliform organisms are based on the treatment capability of a secondary treatment plant (23 MPN/per 100 mL, as a 7-day median and 240 MPN/100 mL). The interim effluent limitations for turbidity are based on the treatment capability of the Facility between January 2008 and May 2012; a daily average of 5.0 NTU and a maximum of 13.6 NTU, at any time.~~

The interim effluent limitations consist of statistically calculated performance-based average monthly and maximum daily effluent limits derived using sample data provided by the Discharger. The interim effluent limitations were developed using the statistical based approach provided in EPA's *Technical Support Document for Water Quality-Based Toxics Control* (TSD). The TSD provides guidance on estimating the projected maximum effluent concentration using a lognormal distribution of the observed effluent concentrations at a desired confidence level, as detailed in Section 3.3 of the TSD. The multipliers in Table 3-1 of the TSD were used to calculate the 99th percent confidence level and 99th percentile of the data set based on the number of effluent samples and the coefficient of variation. The multipliers from the table were multiplied by the highest observed effluent concentration (MEC) to estimate the maximum expected effluent concentration; this value was used as the interim effluent limitations for the average monthly effluent limit (AMEL). The interim performance-based maximum daily effluent limitations (MDELs) were established in accordance with section 1.4 and Table 2 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), by multiplying the interim AMEL by the MDEL/AMEL multiplier.

Effluent data from January 2008 through May 2012 was used to calculate the interim effluent limitations in the table below. The following summarizes the calculations of the daily maximum and average monthly interim effluent limitations for these constituents:

Parameter	Units	MEC	Number of Data Points	Mean	Standard Deviation	Coefficient of Variation	MDEL/AMEL Multiplier ¹	Interim Average Monthly Effluent Limitation ²	Interim Maximum Daily Effluent Limitation ³
Aluminum, Total Recoverable	µg/L	360	54	443.8	88.4	0.78	2.26	684	1550
Copper, Total Recoverable	µg/L	9.7	53	4.36	1.58	0.36	1.60	14	22
Cyanide, Total Recoverable	µg/L	13	54	3.61	2.44	0.68	2.13	23	49
Dichlorobromomethane	µg/L	10	55	2.56	2.35	0.92	2.43	21	51
Zinc, Total Recoverable	µg/L	170	54	95.8	20.5	0.21	1.35	210	285
Ammonia Nitrogen, Total (as N)	mg/L	10 ⁴	1361	1.90	1.64	0.86	2.36	7.5	18
	lbs/day	∞	∞	∞	∞	∞	∞	44	107
Nitrate (as N)	mg/L	124	230	26.8	22.9	0.85	2.35	151	355

¹ Maximum daily/average monthly effluent limit multiplier extrapolated from Table 2 of the SIP.

² 99% confidence level upper limit value from the Technical Support Document for Water Quality-based Toxics Control used to calculate the maximum expected concentration in a dataset.

³ Interim maximum daily effluent limitation calculated from MDEL/AMEL multiplier.

⁴ MEC was detected before new operational practices were introduced in 2012, in 2012 the MEC for ammonia was 1.3 mg/L.

132. 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.

143. 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 Water Code 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. 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.

Other Regulatory Requirements

154. California Water Code 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.”*

165. This Order was issued in accordance with Section 13300 of the California Water Code and established a time schedule for compliance.

176. Section 13267 of the California Water Code 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.”*

187. 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.

~~18~~19. 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.).

~~19~~20. On 10 December 2009, the Central Valley Water Board adopted Resolution No. R5-2009-0114 to provide explicit authority to the Executive Officer to issue or modify time schedule orders, and to make this authority known to the public and regulated community.

~~20~~21. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to adopt this amended Time Schedule Order for this discharge and has provided them with an opportunity to submit their written views and recommendations. ~~No adverse comments were received during the 30-day public comment period. Therefore, this Order is issued by the Executive Officer of the Central Valley Water Board.~~

IT IS HEREBY ORDERED THAT:

1. Pursuant to California Water Code Section 13300, the Discharger shall comply with the following time schedule to ensure completion of the compliance project described in Finding 45, above:

Task	Compliance Date
Submit New or Updated Pollution Prevention Plan for aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, turbidity, and zinc	Submitted
Move Point of Chlorination to after filtration	Completed
Complete Planning, Design, and Bid Process for pH, DO, SCADA Monitoring, Recording, Controls, and Alarms	Completed
Complete Planning, Design, and Bid Process for Alkalinity Adjustment System, Prefilter Coagulation/Flocculation improvements, and Increase in Chlorine Mixing Energy	30 January 2014
Complete Construction of pH, DO, SCADA Monitoring, Recording, Controls, and Alarms	1 March 2014
Complete Construction of Alkalinity Adjustment System, Prefilter Coagulation/Flocculation improvements, and Increase in Chlorine Mixing Energy	1 December 2014
Comply with Final Effluent Limitations for aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, turbidity, and zinc	1 March 2015
Submit Progress Reports ¹	Each of the above Compliance Dates
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 ~~aluminum,~~ ammonia, copper, cyanide, dichlorobromomethane, nitrate, total coliform organisms, ~~turbidity,~~ and zinc shall be effective upon adoption of this Order, and shall apply in lieu of the corresponding final effluent limitations in WDR Order R5-~~2013-XXXX~~2007-0133-01. The Discharger shall maintain compliance with the following interim effluent limitations through **28 February 2015**, or when the Discharger is able to come into compliance with the final effluent limitations shown in Finding 2, whichever is sooner.

a. **~~Aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, and zinc.~~** ~~Aluminum, ammonia, copper, cyanide, dichlorobromomethane, nitrate, and zinc~~ in the effluent shall not exceed:

Parameter	Units	Average Monthly	Maximum Daily
Aluminum, Total Recoverable	µg/L	684	1550
Ammonia, as N	mg/L	7.5	18
	lbs/day	44	107
Copper, Total Recoverable	µg/L	14	22
Cyanide, Total	µg/L	23	49
Dichlorobromomethane	µg/L	21	51
Nitrate, as N	mg/L	151	355
Zinc, Total Recoverable	µg/L	210	285

b. **Total Coliform Organisms**¹. Total coliform organisms in the effluent shall not exceed:

- i. 23 MPN/per 100 mL, as a 7-day median; and
- ii. 240 MPN/100 mL, more than once in any 30-day period.

~~c. **Turbidity**. Turbidity in the effluent shall not exceed:~~

- ~~i. 5.0 NTU, as a daily average;~~
- ~~ii. 13.6 NTU, at any time.~~

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 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.

¹ The interim effluent limitations for total coliform organisms are based on the treatment capability of a secondary treatment plant

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 **3 November 2011 and amended on 13 November 2013, and on <Date>**.

PAMELA C. CREEDON, Executive Officer