

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2015-XXXX

AMENDING TIME SCHEDULE ORDER R5-2014-0043

REQUIRING  
MARIPOSA PUBLIC UTILITY DISTRICT  
MARIPOSA WASTEWATER TREATMENT FACILITY  
MARIPOSA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0042  
(NPDES PERMIT NO. CA0079430)

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

1. On 6 December 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0171, NPDES Permit No. CA0079430, prescribing WDRs for the Mariposa Public Utility District (hereinafter Discharger), Mariposa Wastewater Treatment Facility (hereafter Facility), Mariposa County.
2. WDR Order R5-2007-0171, section IV.A.1.a., included, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

**Table 5. Final Effluent Limitations**

<i>Parameter</i>	<i>Units</i>	<i>Effluent Limitations</i>				
		<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
<i>Dichlorobromomethane</i>	<i>µg/L</i>	<i>0.6</i>	<i>--</i>	<i>1.1</i>	<i>--</i>	<i>--</i>

3. WDR Order R5-2007-0171, Section VI.C.7.a.i., provided a compliance schedule requiring the Discharger to comply with the final effluent limitations for dichlorobromomethane by 18 May 2010. The final effluent limitations specified in WDR Order R5-2007-0171 for dichlorobromomethane are based on implementation of the California Toxics Rule and were new effluent limitations, which were not prescribed in previous Order 5-00-122, adopted by the Central Valley Water Board on 16 June 2000.
4. On 13 July 2011, the Central Valley Water Board Executive Officer issued Time Schedule Order (TSO) R5-2011-0905, establishing a time schedule to complete tasks necessary to ensure compliance with the final dichlorobromomethane effluent limitations by 18 May 2015.
5. On 28 March 2014, the Central Valley Water Board adopted WDR Order R5-2014-0042, NPDES Permit No. CA0079430, rescinding WDR Order R5-2007-0171 and prescribing renewed WDRs for the Facility.
6. WDR Order R5-2014-0042, section IV.A.1.a., includes, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

**Table 4. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Dichlorobromomethane	µg/L	0.56	--	1.3	--	--

7. On 28 March 2014, the Central Valley Water Board adopted TSO R5-2014-0043 to establish time schedules for achieving compliance with several final effluent limitations contained in WDR Order R5-2014-0042. TSO R5-2014-0043 carried over the time schedule from TSO R5-2011-0905 for dichlorobromomethane and rescinded TSO R5-2011-0905.
8. This Order amends TSO R5-2014-0043 to include an update on the actions the Discharger has taken to work toward compliance with the final effluent limitations in WDR Order R5-2014-0042, and to extend the final compliance date for achieving compliance with the final effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042, pursuant to California Water Code section 13385(j)(3)(C)(ii)(II).
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to California 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.). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
10. On **<Board Meeting Date>**, in **<Fresno>**, 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 amending TSO R5-2014-0043 under California Water Code section 13385(j)(3)(C)(ii)(II) to extend the time schedule to achieve compliance with the final effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042.

**IT IS HEREBY ORDERED THAT** pursuant to California Water Code section 13300 and 13267, TSO R5-2014-0043 is amended as shown in underline/strikeout format in Attachment A.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the 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 calendar days from the adoption date of this Order, except that if the thirtieth day following the adoption 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 laws and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

ORDER R5-2015-XXXX  
MARIPOSA PUBLIC UTILITY DISTRICT  
MARIPOSA WASTEWATER TREATMENT FACILITY  
MARIPOSA COUNTY

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I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Order R5-2015-XXXX, adopted by the California Regional Water Quality Control Board, Central Valley Region, on <**Board Meeting Date**>.

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PAMELA C. CREEDON, Executive Officer

**Attachment A**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2014-0043-01  
AS AMENDED BY ORDER R5-2015-XXXX

REQUIRING  
MARIPOSA PUBLIC UTILITY DISTRICT  
MARIPOSA WASTEWATER TREATMENT FACILITY  
MARIPOSA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0042  
(NPDES PERMIT NO. CA0079430)

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

1. On 6 December 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0171, NPDES Permit No. CA0079430, prescribing WDRs for the Mariposa Public Utility District (hereinafter Discharger), Mariposa Wastewater Treatment Facility (hereafter Facility), Mariposa County.
2. WDR Order R5-2007-0171, section IV.A.1.a., included, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

**Table 5. Final Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Dichlorobromomethane	µg/L	0.6	--	1.1	--	--

3. WDR Order R5-2007-0171, Section VI.C.7.a.i., provided a compliance schedule requiring the Discharger to comply with the final effluent limitations for dichlorobromomethane by 18 May 2010. The final effluent limitations specified in WDR Order R5-2007-0171 for dichlorobromomethane are based on implementation of the California Toxics Rule and were new effluent limitations, which were not prescribed in previous Order 5-00-122, adopted by the Central Valley Water Board on 16 June 2000.
4. On 13 July 2011, the Central Valley Water Board Executive Officer issued Time Schedule Order (TSO) R5-2011-0905, establishing a time schedule to complete tasks necessary to ensure compliance with the final dichlorobromomethane effluent limitations by 18 May 2015.
5. On 28 March 2014, the Central Valley Water Board adopted WDR Order R5-2014-0042, NPDES Permit No. CA0079430, rescinding WDR Order R5-2007-0171 and prescribing renewed WDRs for the Facility.
6. WDR Order R5-2014-0042, section IV.A.1.a., includes, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

**Table 4. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Chlorodibromomethane	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane	µg/L	0.56	--	1.3	--	--
Nitrate plus Nitrite (as N)	mg/L	10.	--	--	--	--
Total Trihalomethanes	µg/L	80	--	--	--	--

7. The effluent limitations specified in WDR Order R5-2014-0042 for chlorodibromomethane are based on implementation of the California Toxics Rule. The effluent limitation specified in WDR Order R5-2014-0042 for total trihalomethanes is based on the implementation of the California Primary Maximum Contaminant Level (MCL). The effluent limitations for chlorodibromomethane and total trihalomethanes are new effluent limitations, which were not prescribed in previous WDR Order R5-2007-0171. The effluent limitations specified in WDR Order R5-2014-0042 for dichlorobromomethane are carried over from WDR Order R5-2007-0171.
8. In general, a NPDES permit must include final effluent limitations that are consistent with Clean Water Act section 301 and with Title 40, Code of Federal Regulations, Section 122.44(d) (40 CFR 122.44(d)). There are exceptions to this general rule. The State Water Resources Control Board's (State Water Board) *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy) allows compliance schedules in permits for "new, revised, or newly interpreted water quality objective[s] or criteri[a]". The Compliance Schedule Policy defines "new, revised, or newly interpreted" as criteria or objectives adopted after 25 September 1995 (for the Central Valley Region). MCLs are numeric chemical constituent objectives that were adopted prior to 25 September 1995. Thus, effluent limitations based on MCLs are not considered "new, revised, or newly interpreted" in accordance with the Compliance Schedule Policy.
9. The effluent limitation specified in WDR Order R5-2014-0042 for nitrate plus nitrite (as N) is a revised effluent limitation based on the California Primary MCL. WDR Order R5-2007-0171 contained a similar effluent limitation for nitrate (as N) of 10 mg/L and included a compliance schedule within the Order with final compliance required by 4 December 2017. The effluent limitation was revised to be consistent with the California Primary MCL, and, thus, is not considered a "new, revised, or newly interpreted water quality objective" for purposes of including a compliance schedule within the WDRs. The nitrate plus nitrite (as N) effluent limitation is a new, more stringent effluent limitation in accordance with California Water Code (Water Code) section 13385(j)(3)(B), which provides protection from mandatory minimum penalties.

**Need for Time Schedule Extension and Legal Basis**

10. On 6 August 2009, the Discharger submitted a work plan and implementation schedule for dichlorobromomethane to address compliance with final effluent limitations contained in Order R5-2007-0171. The work plan included an implementation schedule for meeting final effluent limitations for dichlorobromomethane with a final compliance date of 4 December 2017. Central Valley Water Board staff informed the Discharger that time schedules cannot exceed 5 years from the date the effluent limitations became final, and requested the Discharger submit a revised

implementation schedule for meeting the final effluent limitations for dichlorobromomethane that does not exceed 5 years.

11. On 25 January 2010, the Discharger submitted a revised request for extension of the final compliance date for the dichlorobromomethane effluent limitations. The Discharger requested an extension to 18 May 2015 and provided information regarding its progress toward compliance with new effluent limitations in WDR Order R5-2007-0171. On 19 May 2010, the Discharger submitted another update on its progress and indicated that it may not be able to meet a compliance deadline of 18 May 2015 for dichlorobromomethane effluent limitations.
12. On 7 January 2011, the Discharger submitted a report entitled *Facility Plan* prepared by Carollo Engineers on behalf of the Discharger. The Facility Plan evaluates alternatives for meeting final effluent limitations and requirements for dichlorobromomethane, nitrate (as N), and tertiary treatment. The Facility Plan recommends the addition of a new anoxic/flow equalization basin, tertiary filtration, and ultraviolet light (UV) disinfection and estimates the cost of the upgrades to be approximately \$7,300,000. The cover letter accompanying the Facility Plan includes a request for a time schedule for meeting the final effluent limitations for dichlorobromomethane and a revised implementation schedule for meeting final effluent limitations and requirements. The revised implementation schedule indicates the Discharger intends to comply with the final effluent limitations for dichlorobromomethane by 4 December 2017. Water Code section 13385(j)(3)(C)(i) does not allow the Central Valley Water Board to issue time schedules for complying with final effluent limitations that exceed 5 years in length. However, subclause (ii) allows dischargers to request up to an additional 5 years if the discharger is still unable to comply with the final effluent limitations and can show it is making diligent progress toward complying with the final effluent limitations for dichlorobromomethane. Thus, TSO R5-2011-0905 included a time schedule for dichlorobromomethane requiring compliance with the final effluent limitations in Order R5-2007-0171 by 18 May 2015. Consistent with TSO-R5-2011-0905, ~~this Order~~ TSO R5-2014-0043 ~~required~~ requires compliance with the effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042 by 18 May 2015. The Discharger ~~may requested~~ requested additional time (see Finding No. 17), ~~provided it complies in accordance with~~ provided it complies in accordance with Water Code section 13385(j)(3)(C)(ii), by showing it is making diligent progress towards complying with the effluent limitations for dichlorobromomethane.
13. On 7 October 2013, the Discharger provided another update on the progress of the Facility upgrades. The Discharger indicated that it expended monies to fund a pilot study for complying with new effluent limitations for copper and zinc, for which WDR Order R5-2007-0171 required compliance by 18 May 2010. The Discharger also indicated that it has been focusing its limited resources and staff on updating and upgrading its drinking water treatment plant, which was found to be in chronic violation of the drinking water Disinfection Byproduct Rule in 2006. Funding for the drinking water treatment plant was secured in December 2010 and February 2011, and the new plant began operating in July 2013. Due to the Discharger's limited staff and resources, it has reportedly not been able to devote a significant amount of staff time and resources towards the Facility upgrades during the period it was working on the drinking water treatment plant upgrades. Thus, the Discharger failed to comply with all of the milestones established in TSO R5-2011-0905.
14. On 17 December 2013, the Discharger submitted a request and justification for a time schedule for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes and provided detailed information supporting the infeasibility to immediately comply with the new effluent limitations for these parameters. For compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes, the Discharger has requested time to construct upgrades to the treatment system, including a UV disinfection system and denitrification facilities.

The Discharger provided similar information contained in previous updates, and indicated that it would need to complete a sewer and water rate study, for which funding was approved on 6 August 2013, to determine appropriate operating expenses for the collection system and treatment facility. Sewer rates have not changed since 2001, and the Discharger indicated operating expenses have exceeded operating income since 2008. The sewer rate study is necessary to apply for financing from the State Revolving Fund.

15. The Discharger submitted progress reports on 2 June 2014 and 17 November 2014, as required by WDR Order R5-2014-0042 and TSO R5-2014-0043. The progress reports note the Discharger completed a cultural resources study and issued a request for proposals and received proposals from engineering firms in June 2014 for preparing plans and specifications for the Facility upgrades, additional review of disinfection alternatives, assistance with funding applications, and assistance with estimating greenhouse gas emissions. The progress reports also note that the Discharger completed the sewer rate study and held a hearing for adoption of new sewer rates, which went into effect in October 2014. The Discharger also indicated that it is currently in the process of submitting funding applications to the State Water Resources Control Board and United States Department of Agriculture, and estimated it would complete the applications by the beginning of January 2015.
16. On 29 October 2014, the Discharger submitted a draft mitigated negative declaration to the State Clearinghouse. The Discharger is the lead agency for the purposes of satisfying the California Environmental Quality Act (CEQA). The negative declaration was adopted at a meeting of the Mariposa Public Utility District Board of Directors on 2 December 2014.
17. On 17 November 2014, the Discharger requested an extension to the time schedule for complying with the final effluent limitations for dichlorobromomethane to 18 May 2020.

### **Mandatory Minimum Penalties**

18. 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 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...*”.
19. Per the requirements of Water Code section 13385(j)(3):
  - 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 sections 13385(h) and (i).
  - b. The Discharger has stated that additional time is necessary to allow for completion of treatment plant upgrades for compliance with the final chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes effluent limitations.
  - c. The final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge on the effective date of Order R5-2014-0042 and after 1 July 2000. The final effluent limitations for dichlorobromomethane are new, more stringent regulatory requirements that became applicable to the waste discharge on 18 May 2010 under

WDR Order R5-2007-0171, and after 1 July 2000. New or modified control measures are necessary in order to comply with the final effluent limitations for chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

- d. 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.
  - e. The Discharger has demonstrated that the time schedule extension for dichlorobromomethane is necessary to comply with the final effluent limitations in WDR Order R5-2014-0042 and that it is making diligent progress toward complying with the final effluent limitations in WDR Order R5-2014-0042.
20. TSO R5-2011-0905 provided protection from MMPs for violations of effluent limitations for dichlorobromomethane from 13 July 2011 and required final compliance by 18 May 2015. ~~This TSO R5-2014-0043 retained~~ retains these compliance milestones; thus, the time schedule ~~will did~~ not exceed five years pursuant to Water Code section 13385(j)(3)(C)(i). This Order grants a time schedule extension in accordance with Water Code section 13385(j)(3)(C)(ii)(II). Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for dichlorobromomethane found in WDR Order R5-2014-0042 from 28 March 2014 until 17 May ~~2015~~2020.
  21. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes found in WDR Order R5-2014-0042 from 28 March 2014 until 3 December 2017. The Discharger has not previously been protected from mandatory minimum penalties for violations of the chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes effluent limitations.
  22. In accordance with Water Code sections 13385(j)(3)(C)(i), the total length of protection from mandatory minimum penalties for the final effluent limitations for chlorodibromomethane, ~~dichlorobromomethane~~, nitrate plus nitrite (as N), and total trihalomethanes does not exceed five years. In accordance with Water Code section 13385(j)(3)(C)(ii)(II), the time schedule extension for dichlorobromomethane does not exceed five years in length.
  23. This Order provides time schedules for completing the actions necessary to ensure compliance with the final effluent limitations for chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes contained in WDR Order R5-2014-0042. 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.
  24. This Order includes new performance-based interim effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes, and updated performance-based interim effluent limitations for dichlorobromomethane. The interim effluent limitations are based on the current treatment plant performance.

The interim effluent limitations consist of statistically calculated performance-based average monthly and maximum daily effluent limitations derived using sample data provided by the Discharger. The interim effluent limitations were developed using the statistical based approach provided in USEPA'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 limitation (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 February 2008 through February 2013 were used to calculate the interim effluent limitations. The following table summarizes the calculations of the daily maximum and average monthly interim effluent limitations for these constituents:

Parameter	Units	MEC	No. of Observations	Mean	Standard Deviation	CV	Interim AMEL <sup>1</sup>	Interim MDEL <sup>2</sup>
Chlorodibromomethane	µg/L	1.3	54	-- <sup>3</sup>	-- <sup>3</sup>	0.6 <sup>3</sup>	2.2	4.4
Dichlorobromomethane	µg/L	13	76	2.2	1.8	0.82	22	49
Nitrate plus Nitrite (as N)	mg/L	57	70	13	10	0.82	101	--
Total Trihalomethanes	µg/L	120	42	37	21	0.58	213	--

<sup>1</sup> Projected 99th percentile effluent concentration value for an assumed lognormal distribution at a 99 percent confidence upper bound. Calculated per Section 3.3.2 of the TSD.

<sup>2</sup> Interim MDEL calculated using MDEL/AMEL multiplier from Section 1.4 of the SIP.

<sup>3</sup> 96 percent of chlorodibromomethane samples were recorded as non-detects. Since the proportion of censored values in the data set exceeded 80 percent, the CV was assumed to be 0.6.

25. 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 limitations can be achieved.

26. If an interim effluent limitation 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 average 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 limitation subjects the Discharger to one MMP for the day in which the sample was collected.

### Other Regulatory Requirements

27. 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.”*
28. 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.*
29. The Discharger owns and operates the wastewater 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.
30. 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.). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
31. On 28 March 2014, 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 Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

**IT IS HEREBY ORDERED THAT** Order R5-2011-0905 is rescinded upon the adoption date of this Order, except for enforcement purposes, and 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 final effluent limitations for dichlorobromomethane at section IV.A.1.a., contained in Order R5-2014-0042 as described in Finding 6 of this Order:

Task	Compliance Date
Submit and begin implementing a Pollution Prevention Plan <sup>1</sup> pursuant to Water Code section 13263.3 for dichlorobromomethane	29 September 2014

Task	Compliance Date
Progress Reports <sup>2</sup>	1 June and 1 December, semi-annually, until final compliance
Full compliance with the final effluent limitations for dichlorobromomethane	18 May 2015 <sup>3</sup> 2020

<sup>1</sup> The pollution prevention plan shall be prepared and implemented for dichlorobromomethane and shall meet the requirements specified in Water Code section 13263.3. The pollution prevention plan shall describe pollution prevention activities the Discharger will implement in the short-term and the long-term to reduce effluent concentrations for dichlorobromomethane.

<sup>2</sup> The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

~~<sup>3</sup> If additional time beyond 18 May 2015 is needed to comply with the final effluent limitations, the Discharger shall submit a request for an extension and documentation to satisfy Water Code section 13385(j)(3)(C)(ii). The documentation must include demonstration that the Discharger is making diligent progress toward complying with the final effluent limitations and that the additional time is necessary to comply with the final effluent limitations. The extension may not exceed five years from 18 May 2015. To avoid a lapse in coverage, the request should be submitted at least six months in advance of 18 May 2015 to give the Central Valley Water Board enough time to evaluate and process the request.~~

2. The following interim effluent limitations for dichlorobromomethane at Discharge Point 001 shall be effective from 28 March 2014 to 17 May 2015~~2020~~, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limitation	Interim Average Monthly Effluent Limitation
Dichlorobromomethane	µg/L	49	22

3. The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes at section IV.A.1.a., contained in Order R5-2014-0042, as described in Finding 6:

Task	Compliance Date
Submit and begin implementing a Pollution Prevention Plan <sup>1</sup> pursuant to Water Code section 13263.3 for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes	29 September 2014
Progress Reports <sup>2</sup>	1 June and 1 December, semi-annually, until final compliance
Submit draft California Environmental Quality Act documentation	1 October 2014
Submit written certification that a Financial Assistance application has been submitted to the State Water Resources Control Board	1 December 2014
Submit documentation that the design of tertiary, UV, and nitrogen removal upgrades has been initiated.	1 July 2015
Submit documentation that construction has initiated	1 October 2016

Task	Compliance Date
Full compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes	4 December 2017

- <sup>1</sup> The pollution prevention plan shall be prepared and implemented for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes and shall meet the requirements specified in Water Code section 13263.3. The pollution prevention plan shall describe pollution prevention activities the Discharger will implement in the short-term and the long-term to reduce effluent concentrations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes.
  - <sup>2</sup> The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.
4. The following interim effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes at Discharge Point 001 shall be effective from 28 March 2014 to 3 December 2017, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limit	Interim Average Monthly Effluent Limit
Chlorodibromomethane	µg/L	4.4	2.2
Nitrate plus Nitrite (as N)	mg/L	--	101
Total Trihalomethanes	µg/L	--	213

5. 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.”*
6. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.
7. For the time schedules required by this Order, the Discharger shall submit to the Central Valley Water Board on or before each report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.

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](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 ~~28 March 2014~~ **<Board Meeting Date>**.

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PAMELA C. CREEDON, Executive Officer