California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2003-0089

Reconsideration of Order No. R8-2003-0003, NPDES No. CA8000402
Waste Discharge and Producer/User Reclamation Requirements

for

Inland Empire Utilities Agency
Regional Water Recycling Plant No. 5
Chino, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Board), finds that:

1. On July 1, 2003, the Board adopted Order No. R8-2003-0003, NPDES No. CA8000402, prescribing Waste Discharge and Producer/User Reclamation Requirements for Inland Empire Utilities Agency's (IEUA) Regional Water Recycling Plant No. 5 (RP-5) for the discharge of tertiary treated wastewater to Chino Creek.

2. RP-5 is currently under construction and is not expected to begin operation until November 2003. RP-5 will eventually replace IEUA's Regional Plant No. 2 (RP-2). RP-2 is an existing wastewater treatment plant that treats domestic and commercial/industrial wastewater from the cities of Chino and Chino Hills. RP-2 is regulated under Order No. 01-2, NPDES No. CA0105287 and under Cease and Desist Order (CDO) No. 01-5.

3. Provision J.3 of Order No. R8-2003-0003, NPDES No. CA8000402 inadvertently rescinded Order No. 01-2 and CDO No. 01-5 for RP-2 effective July 1, 2003. Provision J.3. should be revised to delay the rescission of these Orders until after waste discharges from RP-2 have ceased and RP-5 has begun full operation. RP-5 is expected to be fully operational by December 30, 2003.

4. In accordance with Water Code Section 13389, reconsideration of the waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

5. The Board has notified the discharger and other interested agencies and persons of its intent to reconsider the rescission date of Order No. 01-2 and CDO No. 01-5 and has provided them with an opportunity to submit their written views and recommendations.

6. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order No. R8-2003-0003, NPDES No. CA8000402, is reconsidered and the rescission dates are revised as follows:

1. Order No. R8-2003-0003, change Finding 3. as follows:

   3. To comply with the requirements of CDO No. 01-5, the discharger opted to construct RP-5 at a site not subject to flooding. Once constructed and in operation, the proposed RP-5 will assure compliance with CDO No. 01-5 requirements. This Order rescinds CDO No. 01-5 as of December 30, 2003.

2. Order No. R8-2003-0003, change Finding 4. as follows:

   4. RP-5 is currently under construction to meet the deadline stipulated in CDO No. 01-5. When RP-5 is operational, treated wastewater will no longer be discharged from RP-2 to Chino Creek. This Order rescinds Order No. 01-2 as of December 30, 2003.

3. Order No. R8-2003-0003, change Provision J.3. as follows:

   3. Order No. 01-2 and CDO No. 01-5 are hereby rescinded on December 30, 2003.

4. All other conditions and provisions of Order No. R8-2003-0003 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on August 22, 2003.

for Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

August 22, 2003

ITEM: 7

SUBJECT: Reconsideration of Order No. R8-2003-0003, NPDES No. CA8000402, Waste Discharge and Producer/User Water Reclamation Requirements for Inland Empire Utilities Agency – Regional Water Recycling Plant No. 5, Order No. R8-2003-0089.

DISCUSSION:

On July 1, 2003, the Regional Board adopted Order No. R8-2003-0003, NPDES No. CA8000402 prescribing waste discharge and producer/user water reclamation requirements for Inland Empire Utilities Agency – Regional Water Recycling Plant No. 5 for the discharge of tertiary treated wastewater to Chino Creek and rescinding Order No. 01-2 and Cease and Desist Order No. 01-5 as of July 1, 2003.

The rescission effective date for Order No. 01-2 and Cease and Desist Order No. 01-5 is erroneous. The rescission date should have been December 30, 2003. The tentative version of the requirements that was brought to the Board on July 1, 2003 inadvertently contained a provision rescinding the requirements for the operation of RP-2, effective immediately.

However, RP-5, which will replace RP-2 is currently under construction and is not expected to begin operation until November 2003. In the meantime, RP-2 continues as a wastewater treatment plant that treats domestic and commercial/industrial wastewater from the cities of Chino and Chino Hills. The discharger requires continuing coverage under Order No. 01-2, NPDES No. CA0105287 and Cease and Desist Order (CDO) No. 01-5 for continued operation of RP-2 until the end of the calendar year.

RECOMMENDATION:

Reconsider Order No. R8-2003-0003 in order to revise the rescission effective date of Order No. 01-2, NPDES No. CA0105287 and Cease and Desist Order (CDO) No. 01-5 for continued operation of RP-2 from July 1, 2003 to December 30, 2003. Adoption of Order No. R8-2003-0089 would effectively provide permit coverage for the continued operation of RP-2 until the end of the calendar year.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers, Regulatory Branch
U.S. Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel - Jorge Leon
State Water Resources Control Board, Division of Water Quality - James Maughan
State Water Resources Control Board, Division of Financial Assistance - Diana Robles
State Department of Water Resources, Glendale
State Department of Fish and Game, Long Beach
State Department of Health Services, San Bernardino
State Department of Health Services, Carpenteria – Jeff Stone
San Bernardino County Department of Public Works – Naresh Varma
San Bernardino County Environmental Health Services – Mike Farell
Orange County Water District - Nira Yamachika
City of Chino - City Manager
City of Chino - Brett Hulstrom
City of Chino Hills - City Manager
Santa Ana River Discharger's Association – Roger Turner
Santa Ana Watershed Project Authority – Joseph Grindstaff
Orange County Coastkeeper
Lawyers for Clean Water

California Regional Water Quality Control Board
Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

September 3, 2003

Richard W. Atwater, General Manager
Inland Empire Utilities Agency
P.O. Box 697
Rancho Cucamonga, CA 91729

TRANSMITTAL OF ADOPTED ORDER NO. R8-2003-0089

Dear Mr. Atwater:

At the regular Board Meeting held on August 22, 2003, the Regional Board adopted Order No. R8-2003-0089, which revises adopted Order No. R8-2003-0003. A certified copy is enclosed for your records.

Sincerely,

Barbara Laffoon

BARBARA LAFFOON
Executive Assistant

Enclosure: Adopted Order No. R8-2003-0089

c. State Water Resources Control Board, Division of Water Quality, James Maughan
United States Environmental Protection Agency, WTR 5, Permits Section, Terry Oda

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