

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2011-XXXX

REQUIRING CITY OF WILLOWS
WILLOWS WASTEWATER TREATMENT PLANT
GLENN COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2011-XXXX
(NPDES PERMIT NO. CA0078034)

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

1. On XXXX the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2011-XXXX, NPDES Permit No. CA000078034, prescribing waste discharge requirements for the City of Willows (hereinafter Discharger) at the Willows Wastewater Treatment Plant (hereafter Facility), Glenn County.
2. WDR Order No. R5-2011-XXXX contains Final Effluent Limitations IV.A.1.a., which reads, in part, as follows:

Parameter	Units	Effluent Limitations			
		Average Monthly	Average Weekly	Maximum Daily	Other
Biochemical Oxygen Demand 5-day @ 20°C	mg/L ^a	10	15	30	--
	lbs/day ^b	100	150	300	--
Total Suspended Solids	mg/L ^a	10	15	30	--
	lbs/day ^b	100	150	300	--
Total Residual Chlorine	mg/L			0.02 (1-hr average)	0.01 (4-Day Average)
Total Coliform Bacteria	MPN/100mL			23	2.2 (7-Day Median)
Nitrate	mg/L	10			
Ammonia ^c	mg/L	1.30 (Ag Drain C), 0.63 (GCID)		2.61 (Ag Drain C), 1.27 (GCID)	--
	lbs/day ^b	13.0 (Ag Drain C), 6.33 (GCID)		26.11 (Ag Drain C), 12.70 (GCID)	--
Ammonia ^d	mg/L	1.43 (Ag Drain C), 0.77 (GCID)		2.87 (Ag Drain C), 1.55 (GCID)	--
	lbs/day ^b	14.32 (Ag Drain C), 7.75 (GCID)		28.74 (Ag Drain C), 15.55 (GCID)	--
Electrical Conductivity					845 (Annual Average)
Dibromochloromethane	ug/L	0.41	0.82	--	--
Dichlorobromomethane	ug/L	0.56	1.13	--	--

^a To be ascertained by a 24-hour composite
^b Based upon a design treatment capacity of 1.2 mgd
^c For the period of May 1 through October 31
^d For the period of November 1 through April 30

3. The effluent limitations specified in Order No. R5-2011-XXXX for Dibromochloromethane, Dichlorobromomethane and Nitrate are based on implementation of the California Toxics Rule.
4. Federal regulations, 40 CFR 122.44 (d)(1)(i), require that NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
5. Immediate compliance with the effluent limitations for Dibromochloromethane, Dichlorobromomethane and Nitrate at Discharge Point D-001 and D-002 is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance. The following table summarizes the effluent monitoring data obtained from March 2007 through March 2011 for Dibromochloromethane, Dichlorobromomethane and Nitrate:

Parameter	Units	MEC	Mean	# of Samples	# of Non-Detects
Dibromochloromethane	ug/L	5.30	1.92	12	2
Dichlorobromomethane	ug/L	20.20	9.03	12	2
Nitrate	mg/L	16.6	16.1	3	0

6. On 24 February 2011, the Discharger submitted justification for a compliance schedule for Dibromochloromethane, Dichlorobromomethane and Nitrate. For compliance with the final effluent limitations for Dibromochloromethane, Dichlorobromomethane and Nitrate, the Discharger anticipates that additional time is necessary for plant upgrades to eliminate the discharge to surface waters in the next five years. The Discharger's submittal included: discussion of current plant processes and a detailed schedule for achieving full compliance. For the newly imposed effluent limitations for dibromochloromethane, dichlorobromomethane and nitrate that are based on the municipal and domestic supply (or MUN) beneficial use, the Discharger may request additional time to complete a Basin Plan amendment study to de-designate the MUN beneficial use of the receiving water.
7. This Order provides a time schedule for the Discharger to develop, submit, implement methods of compliance, including updating and implementing the pollution prevention plan and constructing the necessary treatment plant upgrades to meet the final effluent limitations.

8. California Water Code (CWC) 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.

9. CWC subsections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) provides protection from mandatory minimum penalties for violations of an effluent limitation when:

... 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 of the following requirements are met:

(A) The cease and desist order ... is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).

(B) The regional board finds that, for one of the following reasons, the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge:

(i) The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

(C) The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitation 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 limitation. For the purposes of this subdivision, the time schedule may not exceed five years in length.... If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:

(i) Effluent limitations for the pollutant or pollutants of concern.

(ii) Actions and milestones leading to compliance with the effluent limitation.

(D) The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Section 13263.3.

In accordance with CWC section 13385(j)(3), the Central Valley Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently

comply with the final dibromochloromethane, dichlorobromomethane and nitrate limitations contained in the WDRs.

The final dibromochloromethane, dichlorobromomethane and nitrate effluent limitations are new requirements and new or modified control measures will need to be implemented to comply with the limitation, and these new or modified control measures cannot be completed and put into operation within 30 calendar days.

10. CWC section 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC 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, if all the [specified] requirements are met.”*
11. Compliance with this Order exempts the Discharger from mandatory penalties for violations of the final effluent limitations for Dibromochloromethane, Dichlorobromomethane and Nitrate, in accordance with CWC section 13385(j)(3). CWC section 13385(j)(3) requires the Discharger to update and implement a pollution prevention plan pursuant to section 13263.3 of the California Water Code. Therefore, a pollution prevention plan will be necessary for Dibromochloromethane, Dichlorobromomethane and Nitrate in order to effectively reduce the effluent concentrations by source control measures.
12. Since the time schedules for completion of actions necessary to bring the waste discharge into compliance exceeds 1 year, this Order includes interim requirements and dates for achievement. The time schedules do not exceed 5 years.
13. The compliance time schedule in this Order includes interim performance-based effluent limitations for Dibromochloromethane, Dichlorobromomethane and Nitrate. Interim effluent limitations consist of a maximum daily effluent concentration derived using sample data provided by the Discharger demonstrating actual treatment plant performance. In developing the interim limitations, when there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean (Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row, 3rd Edition, January 1986). Where actual sampling shows an exceedance of the proposed 3.3 standard deviation limit, the maximum detected concentration has been established as the interim limitation. When there are less than ten sampling data points available, the Technical Support Document for Water Quality-Based Toxics Control (EPA/505/2-90-001) (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 a daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant

performance level. Thus, when there are less than ten sampling points for a constituent, interim limitations are based on 3.11 times the maximum observed effluent concentration (MEC) to obtain the daily interim limitation (TSD, Table 5-2). If the statistically projected interim limitation is less than the maximum observed effluent concentration, the interim limitation is established as the maximum observed concentration. The following table summarizes the calculation of the interim effluent limitation for Dibromochloromethane, Dichlorobromomethane and Nitrate:

Parameter	Units	MEC	Mean	Standard Deviation	Number of Samples	Interim Limitation (Maximum Daily)
Dibromochloromethane	ug/L	5.30	1.92	1.48	12	16.48
Dichlorobromomethane	ug/L	20.20	9.03	5.79	12	62.82
Nitrate	mg/L	16.6	16.1	0.47	3	51.6

14. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. 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 limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitations can be achieved.
15. On XXXX, in Sacramento, 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 a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) (“CEQA”), under Water Code Section 13389, since any adoption or modification of a NPDES Permit for an existing source is exempt and this order only serves to implement such a NPDES permit. This Order is also exempt from CEQA in accordance with Section 15321(a)(2), Title 14, California Code of Regulations. This Order is not subject to the limitations of Government Code section 65962.5(c)(3) [Cortese List] on use of categorical exemptions because it does not involve the discharge of “hazardous” materials as used in that statute, but rather involves the discharge of domestic sewage; and because the Cortese List exception was not intended to apply to cease and desist orders to existing facilities. In addition, adoption of this Order is not subject to CEQA because this Order does not have the potential to cause a significant impact on the environment (Title 14 CCR section 15061(b)(3)) as it is intended to enforce preexisting requirements to improve the quality of ongoing discharges that are part of the CEQA “baseline”. Any plant upgrades or replacement are the result of WDRs Order No. R5-2011-XXXX and not this Order.
17. 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 CWC 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 (including mandatory furlough days), 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.

18. In the event the selected alternative requires additional review under the California Environmental Quality Act, the Discharger shall conduct required review and obtain appropriate approval prior to initiating construction.

IT IS HEREBY ORDERED THAT:

1. The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for Dibromochloromethane, Dichlorobromomethane and Nitrate, contained in WDR Order No. R5-2011-XXXX as described in the above Findings:

Task	Compliance Date
Submit and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3 for Dibromochloromethane, Dichlorobromomethane and Nitrate	1 October 2011
Submit Method of Compliance Workplan/Schedule	1 January 2012
Place item on City Council Agenda for approval, and seek funding from State/Federal	1 May 2012
Submittal of Request for Proposals for new design	1 June 2012
Submittal of Final Proposals for new design	1 October 2012
Submittal of plans and specifications for new construction	1 January 2013
Finalize Bids for new equipment and facilities	1 March 2013
Award Bids to selected contractor	1 May 2013
Contractor to begin construction for new equipment and facilities	1 August 2013
Complete 25% project upgrades	1 February 2014
Complete 75% project upgrades	1 February 2015
Complete 100% project upgrades	1 August 2015
Achieve compliance with applicable final effluent limits	1 May 2016
Progress Reports ¹	1 January of each year
¹ The progress reports for Dibromochloromethane, Dichlorobromomethane and Nitrate 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.	

2. The following interim maximum daily effluent limitations shall be effective immediately. The final effluent limitations at Discharge Point No. D-001 and D-002 for Dibromochloromethane, Dichlorobromomethane and Nitrate shall be effective 1 May 2016, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limitation
Dibromochloromethane	µg/L	16.48
Dichlorobromomethane	µg/L	62.82
Nitrate	mg/L	51.6

3. For the compliance schedule required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the compliance 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.

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. If compliance with these effluent limitations is not achieved by the Full Compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.

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 XXXX.

PAMELA C. CREEDON, Executive Officer