

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CEASE AND DESIST ORDER NO. R7-2010-0016
ISSUED TO
COACHELLA SANITARY DISTRICT, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT,
COLLECTION AND DISPOSAL SYSTEMS
COACHELLA — RIVERSIDE COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Board) finds that:

1. Coachella Sanitary District, 1515 Sixth Street, Coachella CA 92236 (hereinafter, Discharger) owns and operates a municipal wastewater treatment plant (WWTP) that provides sewerage services to the City of Coachella in Riverside County. The WWTP has a rated capacity of 4.5 million gallons per day (MGD) and consists of a wet well, bar screen and comminutor, two activated sludge treatment trains, two oxidation ponds, and chlorination and dechlorination facilities.
2. The WWTP is a publicly owned treatment works (POTW) that discharges its effluent into the Coachella Valley Stormwater Channel (Channel), which is a tributary to the Salton Sea. The Channel and the Salton Sea are waters of the United States.
3. The following are designated beneficial uses of the Coachella Valley Stormwater Channel:
 - a. Fresh Water Replenishment of Salton Sea (FRSH)
 - b. Water Contact Recreation (REC I)¹
 - c. Non-Contact Water Recreation (REC II)¹
 - d. Warm Freshwater Habitat (WARM)
 - e. Wildlife Habitat (WILD)
 - f. Preservation of Rare, Threatened, or Endangered Species (RARE)²
4. On June 29, 2005, the Regional Board adopted WDRs Order No. R7-2005-0083 (NPDES Permit No. CA0104493) for the Discharger to regulate discharges of treated wastewater, which rescinded WDRs Order No. R7-2000-0032. WDRs Order No. R7-2005-0083 specifies effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region. WDRs Order No. R7-2005-0083 became effective on June 29, 2005 and will expire on June 29, 2010.

¹ Unauthorized use.

² Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

- Effluent Limitation IV.A.1.e of WDRs Order No. R7-2005-0083 established final effluent limitations for copper and zinc at Discharge Point 001, with compliance measured at Monitoring Location M-001C as described in the MRP attached to WDRs Order No. R7-2005-0083 as Attachment E:

Parameter	Units	Final Effluent Limitations		
		Average Monthly	Maximum Daily	Instantaneous Maximum
Copper	µg/L ¹	2.99	5.78	-
	lbs/day ¹	0.11	0.22	-
Zinc	µg/L ¹	47.42	95.14	-
	lbs/day ¹	1.78	3.57	-

¹ Limitations are applicable after June 29, 2009. The interim limitations establish in Section IV.A.2 of Board Order R7-2005-0083 are applicable from June 29, 2005 through June 29, 2009.

- WDRs Order No. R7-2005-0083 states in Special Provision C.1.a: “The Discharger shall submit data sufficient to determine if a water quality-based effluent limitation is required in the discharge permit as required under the [State Implementation Policy] (SIP). It is the Discharger’s responsibility to provide all information requested by the Regional Board for use in the analysis. The permit shall be reopened to establish water quality-based effluent limitations, if necessary.”
- Self-monitoring reports (SMRs) submitted by the Discharger to Regional Board staff show that wastewater discharged from the Discharger’s WWTP violated the final effluent limitations in WDRs Order No. R7-2005-0083 for copper and zinc.
- On January 13, 2010, Regional Board staff issued a Notice of Violation to the Discharger for violations of the final effluent limitations for copper and zinc that the Discharger reported in its November 2009 SMR.
- On February 3, 2010, Regional Board staff issued a Notice of Violation to the Discharger for violations of the final effluent limitations for copper that the Discharger reported in its December 2009 SMR.
- On February 18, 2010, Regional Board staff received a letter dated February 11, 2010 from the Discharger. The letter states in part: “As a result of numerous incidents of noncompliance [with the final effluent limitations for zinc and copper] dating back to November of 2009, Coachella Sanitary District would like to request the issuance of a Cease and Desist Order for our facility from the Regional Water Quality Control Board ...”
- Based on the information in the Discharger’s letter and the Discharger’s self-monitoring reports, the Discharger has violated current final effluent limitations in WDRs Order No. R7-2005-0083 for copper and zinc set forth in Finding 5 above and threatens continued violation of those final effluent limitations.

12. Section 13301 of the CWC states in relevant parts:

“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 preventive 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 that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.”

13. 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 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.”
14. Compliance with this Order exempts the Discharger from mandatory penalties for violations of effluent limitations in accordance with CWC Section 13385(j)(3) from the date of this Order’s adoption by the Regional Board.
15. Specifically, pursuant to CWC Section 13385(j)(3)(A) and (B)(i), mandatory minimum penalties under Section 13385(h) and (i) will not apply to violations of effluent limitations for copper and zinc established in the waste discharge requirements where the waste discharge is in compliance with a Cease and Desist Order issued pursuant to CWC Section 13301 and one or more of the following reasons resulted in the Discharger’s inability to consistently comply with those effluent limitations:
- a. The effluent limitations are new;
 - i. The effluent limitations for copper and zinc were new parameters established in WDRs Order R7-2005-0083, which rescinded WDRs Order No. R7-2000-0032 on June 29, 2005.
 - b. The effluent limitations have become effective after the effective date of the waste discharge requirements and after July 1, 2000;
 - i. The final effluent limitations for copper and zinc established in WDRs Order No. R7-2005-0083 became effective June 29, 2009. WDRs Order No. R7-2005-0083 became effective on June 29, 2005—four years prior to the effective date of the final effluent limitations.
 - c. New or modified control measures are necessary in order to comply with the effluent limitations; or

- d. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
16. CWC Section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to CWC Section 13263.3. Therefore, a pollution prevention plan will be necessary for copper and zinc in order to effectively reduce the effluent concentrations by source control measures.
17. CWC Section 13263.3(d)(1) states in relevant part:

“The state board, a regional board, or a POTW may require a discharger subject to its jurisdiction to complete and implement a pollution prevention plan if ...

(D) The discharger is subject to a cease and desist order issued pursuant to Section 13301”
18. Issuance of this Cease and Desist Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), in accordance with Section 15321 (“Enforcement Actions by Regulatory Agencies”), Title 14, California Code of Regulations.
19. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with CWC Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Board must receive the petition no later than 5:00 p.m., thirty (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. Copies will also be provided upon request.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the CWC and regulations adopted there under, the Discharger shall comply with the following:

1. The Discharger is required to prepare a Biological Assessment of the Coachella Stormwater Channel at the point of discharge (Discharge 001) and submit its findings to USEPA for consideration of alternative freshwater aquatic life criteria in accordance with 40 CFR 131.38(c)(3). Further, the Discharger is required prepare and implement a Pollution Prevention Plan pursuant to CWC Section 13263.3(d)(3), and shall take specific actions as indicated in the time schedule set forth in Table 1 to achieve compliance with all requirements of WDRs Order No. R7-2005-0083.

Table 1: Time Schedule

Milestone	Milestone Description	Milestone Submittal	Completion Date
1	Complete Biological Assessment	Submit a Copy of Draft Biological Assessment to USEPA and the Regional Board	April 15, 2010
2	Post Final Biological Assessment with USEPA and Regional Board for 30-day Public Comment period	Submit Final Biological Assessment as approved by USEPA	May 15, 2010
3	Complete Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Board	June 15, 2010
4	Achieve full compliance with Order No. R7-2005-0083 (NPDES Permit No. 104493)	Submit written certification that WWTP is in compliance with Order No. R7-2005-0083 (NPDES Permit No. 104493)	September 30, 2010

- Wastewater discharged to the Coachella Stormwater Channel shall not exceed the interim effluent limitations for copper and zinc set forth in Effluent Limitation 2.A. of WDRs Order No. R7-2005-0083 (summarized in Table 2 below). The interim effluent limitations are based on plant performance data, reference data from representative wastewater treatment facilities, and Best Professional Judgment (BPJ):

Table 2: Interim Effluent Limitations for Copper and Zinc

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper	µg/L	12	12
	lbs/day ¹	0.45	0.45
Zinc	µg/L	150	150
	lbs/day ¹	5.6	5.6

- The Discharger shall submit quarterly reports, due by the 15th of January, April, July, and October of each year, on the status of the preparation and implementation of the Pollution Prevention Plan and associated Milestones listed in the time schedule set forth in Table 1 above.

4. Plans and schedules are subject to the prior approval of the Regional Board's Executive Officer. Failure to comply with the terms of this Cease and Desist Order may result in administrative civil liability of up to \$10,000 per day for each violation pursuant to Sections 13263.3(g), 13385(c)(1), and/or 13308 of the CWC.
5. 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 California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans, 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 a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.
6. In addition, if in the opinion of the Regional Board's Executive Officer, the Discharger fails to comply with this Order, the Executive Officer may issue a complaint against the Discharger under Article 2.5, Chapter 5, Division 7 of the CWC, and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate action against the Discharger, including injunctive relief and civil monetary liability as deemed appropriate.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on March 18, 2010.



ROBERT PERDUE
Executive Officer