

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2019-0081

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2017-0094 (NPDES PERMIT CA0079651)

LINDA COUNTY WATER DISTRICT
WASTEWATER TREATMENT PLANT
YUBA AND SUTTER COUNTIES

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

1. The Linda County Water District's Wastewater Treatment Plant (Facility) is a Publicly Owned Treatment Works, owned and operated by the Linda County Water District (Discharger). The Facility provides sewerage service for the community of Linda and portions of unincorporated Yuba County south of the City of Marysville, with a service population of approximately 18,000. The Facility also provides sewerage service to the City of Marysville, with a service population of approximately 12,000. The treatment system consists of influent headworks, two rectangular primary clarifiers, four air activated sludge basins (that provide nitrification and denitrification), two secondary clarifiers, compressible media filters, a chlorine contact basin, and dechlorination using sulfur dioxide. The Facility discharges to the Feather River via a series of seven percolation ponds that lie within the Feather River floodplain or directly to the Feather River via an outfall diffuser.
2. On 11 August 2017, the Central Valley Water Board adopted WDRs Order R5-2017-0094, renewing NPDES Permit CA0079651 that prescribes waste discharge requirements for the Discharger. Order R5-2017-0094 contains a final effluent limitation that the average dry weather discharge flow shall not exceed 1.8 million gallons per day (MGD) when discharging to the percolation ponds. This discharge limit has been carried forward from previous permits because the Discharger had not demonstrated that the ponds were capable of receiving flows greater than 1.8 MGD.
3. Order R5-2017-0094 contains the Reopener Provision, Percolation Pond Capacity, section VI.C.1.g, to allow Order R5-2017-0094 to be reopened to modify the capacity of the allowable discharge to the percolation ponds provided the Discharger submits an engineering study demonstrating the current capacity of the percolation ponds is greater than 1.8 MGD. On 23 August 2018, the Discharger submitted the *Final Percolation Pond Hydraulic/Capacity Study* (Engineering Study), dated 17 August 2018, prepared by Kennedy/Jenks Consultants. Subsequently, Central Valley Water Board staff determined that the Engineering Study meets the requirements of the Reopener Provision, Percolation Pond Capacity, section VI.C.1.g, of Order R5-2017-0094.
4. Order R5-2017-0094, section VI.C.4.c, contains percolation pond operating requirements. The requirements state, in part, that percolation ponds shall have a minimum of two feet of freeboard (measured vertically to the lowest, non-spillway

point of overflow) and sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration except for when the ponds are inundated with Feather River water due to their location within the river levee system. The discharge rate of percolation ponds varies and is dependent upon many factors such as concentration of solids in the wastewater, soil conditions including degree of saturation, weather, precipitation, etc. The Engineering Study provided by the Discharger demonstrates the percolation ponds are not limiting the discharge capacity of the Facility. Therefore, this Order amends Order R5-2017-0094 to remove the 1.8 MGD discharge flow limit to the ponds at Discharge Point 002.

5. Order R5-2017-0094 includes effluent limitations for average dry weather flow. Flow is not a pollutant and therefore is not required to be regulated as an effluent limitation. Flow is a critical parameter to determine the Facility's performance and compliance with Order R5-2017-0094. Including a discharge prohibition in lieu of an effluent limitation for flow will ensure an equivalent level of regulation. Therefore, this Order amends Order R5-2017-0094 to include a discharge prohibition for flow and to remove the effluent limitations for flow.
6. 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 modify a NPDES permit (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
7. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend the NPDES permit for this discharge and has provided them with an opportunity to submit written comments.

IT IS HEREBY ORDERED THAT:

Waste Discharge Requirements Order R5-2017-0094 (NPDES CA0079651) is amended to remove the 1.8 MGD maximum average dry weather discharge flow limitation for the discharge to the percolation ponds and to change the regulation of flow from an effluent limit to a discharge prohibition.

Effective immediately upon adoption, Order R5-2017-0094 is amended as shown in Items a through r below:

- a. Change the Order number throughout to R5-2017-0094-01.
- b. **Cover Page.** Modify the paragraph above the signatory line on the Cover Page, as shown in underline format below:

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on

**11 August 2017, and amended by Order R5-2019-0081 on
5 December 2019.**

- c. **Discharge Prohibitions.** Add section III.F to the Waste Discharge Requirements, as shown in underline format below:

F. Average Dry Weather Flow. Effective immediately, discharges from both Discharge Points 001 and 002 in total combination exceeding an average dry weather flow of 5.0 million gallons per day (MGD) are prohibited. **Effective upon compliance with Special Provision VI.C.6.b,** discharges from both Discharge Points 001 and 002 in total combination exceeding an average dry weather flow of 6.7 MGD are prohibited.

- d. **Final Effluent Limitations – Discharge Points 001 and 002 (5.0 MGD).**

Remove section IV.A.1.f of the Waste Discharge Requirements, as shown in strikeout format below. Renumber the remaining sections accordingly and modify reference citations throughout the Order.

~~f. **Average Dry Weather Flow.** The average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 5.0 MGD. The total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 5.0 MGD.~~

- e. **Final Effluent Limitations – Discharge Points 001 and 002 (6.7 MGD).**

Remove section IV.A.2.f of the Waste Discharge Requirements, as shown in strikeout format below. Renumber the remaining sections accordingly and modify reference citations throughout the Order.

~~f. **Average Dry Weather Flow.** The average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 6.7 MGD. The total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 6.7 MGD.~~

- f. **Reopener Provisions.** Remove section VI.C.1.g of the Waste Discharge Requirements, as shown in strikeout format below. Renumber the remaining section accordingly.

~~g. **Percolation Pond Capacity.** Order R5-2012-0034 includes an average dry weather flow effluent limit of 1.8 MGD for discharge to the percolation ponds. This Order retains this effluent limitation. This effluent limitation is maintained because the Discharger has not demonstrated that the percolation ponds have the capacity to receive flows greater than 1.8 MGD. The Discharger has experienced an increase in the capacity of the percolation ponds following the~~

~~completion of the tertiary treatment upgrade possibly due to the higher quality effluent. The Discharger plans to reevaluate the capacity of the percolation ponds. If the Discharger submits an engineering study demonstrating the percolation ponds are capable of receiving a higher volume of effluent, this Order may be reopened to modify the capacity allowed to be discharged to the percolation ponds.~~

- g. **Compliance Determination.** Modify section VII.C of the Waste Discharge Requirements, as shown in underline/strikeout format below:

C. Average Dry Weather Flow Effluent Limitations Prohibition (Sections ~~IV.A.1.f and IV.A.2.f~~ III.F). The average dry weather discharge flow represents the daily average flow when groundwater is at or near normal and runoff is not occurring. Compliance with the average dry weather flow ~~effluent limitations~~ discharge prohibition will be determined annually based on the average daily flow over three consecutive dry weather months (e.g., July, August, and September).

- h. **Permit Information.** Add section I.F to the Fact Sheet Attachment F, as shown in underline format below:

F. 2019 Permit Amendment. On 5 December 2019, the Central Valley Water Board adopted Order R5-2019-0081 amending Order R5-2017-0094. The changes are summarized below:

1. **Average Dry Weather Flow Final Effluent Limitation.** Order R5-2017-0094 included a final effluent limitation for average dry weather flow. Flow is not a pollutant and regulating flow as a prohibition in lieu of an effluent limitation is more appropriate and provides an equivalent level of regulation within the permit. Therefore, included in the 2019 amendment, the final effluent limitation for flow was removed and replaced with a flow discharge prohibition.
2. **1.8 MGD Percolation Pond Maximum.** Order R5-2017-0094 included a maximum flow limit of 1.8 MGD when discharging to the percolation ponds at Discharge Point 002. As discussed in section IV.D.3.c of this Fact Sheet, the flow limit is not necessary to control the discharge flow to the ponds. Therefore, included in the 2019 amendment, the 1.8 MGD maximum flow limit to the percolation ponds was removed.

- i. **Discharge Prohibitions.** Add section IV.A.6 to the Fact Sheet Attachment F, as shown in underline format below:

6. Prohibition III.F (Average Dry Weather Flow). The Discharger submitted the Final Percolation Pond Hydraulic/Capacity Study (Engineering Study), dated 17 August 2018, prepared by Kennedy/Jenks Consultants, in accordance with the reopener provision in section VI.C.1.g of

Order R5-2017-0094. The Engineering Study demonstrated that the percolation ponds are not limiting the treatment and discharge capacity of the Facility and therefore, the specific 1.8 MGD effluent limit for the percolation ponds has been removed. Order R5-2017-0094 included flow as an effluent limit based on the Facility design flow. The existing Facility has a design treatment capacity of 5.0 MGD. Upon completion of the upgrade and expansion project and upon compliance with Special Provision VI.C.6.b of this Order, the Facility design treatment capacity will be 6.7 MGD. This prohibition is based on the design average dry weather flow treatment capacity rating for the Facility and ensures the Facility is operated within its treatment capacity.

- j. **Applicable Technology-Based Effluent Limitations.** Remove section IV.B.2.b of the Fact Sheet Attachment F, as shown in strikeout format below. Renumber the remaining section accordingly.

~~b. **Flow.** The existing Facility was designed to provide a tertiary level of treatment for up to a design flow of 5 MGD. Upon completion of the regionalization project with the City of Marysville, the Facility will provide a tertiary level of treatment for up to a flow of 6.7 MGD. The percolation ponds have a capacity of 53 million gallons (assuming 2-foot freeboard); however, the Discharger has not demonstrated that the percolation ponds have the capacity to receive flows greater than 1.8 MGD. Therefore, this Order contains an average dry weather flow limit of 1.8 MGD applicable to discharges to the ponds at Discharge Point 002. If the Discharger submits an engineering study demonstrating the percolation ponds are capable of receiving a higher volume of effluent, this Order may be reopened to modify the capacity allowed to be discharged to the percolation ponds. Until completion of the regionalization project, the combined effluent flow from the Facility at Discharge Points 001 and 002 shall not exceed 5.0 MGD. Once the regionalization project is complete, the combined effluent flow from the Facility at Discharge Points 001 and 002 shall not exceed 6.7 MGD.~~

- k. **Table F-7 – Summary of Technology-Based Effluent Limitations.** Remove the entire row for the parameter “Flow”, and remove footnotes 1 and 2 in Table F-7, of the Fact Sheet Attachment F, as shown in strikeout format below. Renumber the footnotes accordingly.

~~¹—Effective immediately until compliance with Special Provision VI.C.6.b, the average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 5.0 MGD. The total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 5.0 MGD.~~

~~²—Effective upon compliance with Special Provision VI.C.6.b, the average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall~~

~~not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 6.7 MGD. The total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 6.7 MGD.~~

- I. Mass-Based Effluent Limitations.** Modify the last paragraph of section IV.D.1 of the Fact Sheet Attachment F, as shown in underline/strikeout format below:

Mass-based effluent limitations were calculated based upon the design flow (average dry weather flow) permitted in sections IV.A.1.f and IV.A.2f in Discharge Prohibition III.F of this Order.

- m. Satisfaction of Anti-Backsliding Requirements.** Add section IV.D.3.c of the Fact Sheet Attachment F, as shown in underline format below:

c. **Flow.** Order R5-2017-0094 included average dry weather flow as an effluent limit based on the Facility design flow. Compliance with the effluent limits for flow in Order R5-2017-0094 was calculated annually based on the average daily flow collected over three consecutive dry weather months. Flow is not a pollutant and therefore has been changed from an effluent limit to a discharge prohibition in this Order, which is an equivalent level of regulation. This Order is not less stringent because compliance with flow as a discharge prohibition will be calculated the same way as in Order R5-2017-0094. Flow as a discharge prohibition adequately regulates the Facility, does not allow for an increase in the discharge of pollutants, and does not constitute backsliding.

The existing Facility was designed to provide a tertiary level of treatment for a flow up to 5.0 MGD. Upon completion of the upgrade and expansion project, the Facility will provide a tertiary level of treatment for a flow of 6.7 MGD. Order R5-2017-0094 included flow limits to the percolation ponds at Discharge Point 002 of 1.8 MGD, to the Feather River at Discharge Point 001 of 5.0 MGD, and a total combined flow to Discharge Points 001 and 002 of 5.0 MGD.

Order R5-2017-0094, section VI.C.4.c, contains percolation pond operating requirements that require the Discharger to maintain a minimum two feet of freeboard in the ponds. The discharge rate of percolation ponds varies and is dependent upon many factors such as concentration of solids in the wastewater, soil conditions including degree of saturation, weather, precipitation, etc. The Discharger submitted the *Final Percolation Pond Hydraulic/Capacity Study* (Engineering Study), dated 17 August 2018, prepared by Kennedy/Jenks Consultants demonstrating the percolation ponds are not limiting the discharge capacity of the Facility. Therefore, amending Order R5-2019-0081 removed the 1.8 MGD flow limit when discharging at Discharge Point 002. Removal of the 1.8 MGD flow limit does not allow for an

increase in the discharge of pollutants and does not constitute backsliding based on information that was not available at the time of permit issuance.

- n. **Antidegradation Policies.** Modify section IV.D.4.a, in part, of the Fact Sheet Attachment F, as shown in underline/strikeout format below:
- a. **Surface Water.** Order R5-2019-0081 revised this Order to remove the 1.8 MGD average dry weather flow limit to the percolation ponds at Discharge Point 002 and changed the regulation of discharge flow for the Facility from an effluent limitation to a discharge prohibition. These changes do not authorize an increase in the treatment capacity of the Facility or the total allowed discharge rate to the Feather River. In addition, aAs discussed in section II.E of this Fact Sheet, the Discharger is planning a regionalization project that would increase the design capacity of the Facility from 5.0 MGD to 6.7 MGD. Order R5-2012-0034 provided antidegradation findings and authorized an increase in the permitted flow to 6.7 MGD from the regionalized Facility. This Order does not provide for an increase in flow or mass of pollutants to the receiving water beyond the levels authorized in Order R5-2012-0034. Therefore, a complete antidegradation analysis is not necessary. A summary of the complete antidegradation analysis approved by the Central Valley Water Board in 2012 and updated information since adoption of Order R5-2012-0034 is included below:
- o. **Stringency of Requirements for Individual Pollutants.** Modify section IV.D.5, in part, of the Fact Sheet Attachment F, as shown in strikeout format below:

This Order contains both technology-based effluent limitations and WQBEL's for individual pollutants. The technology-based effluent limitations consist of restrictions on ~~flow, concentration, mass, and~~ percent removal requirements for BOD₅ and TSS₇, and pH (for Discharge Point 002 only). Restrictions on these parameters are discussed in section IV.B.2 of this Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are necessary to meet water quality standards. For BOD₅, pH, and TSS, both technology-based effluent limitations and WQBELs are applicable. The more stringent of these effluent limitations are implemented by this Order.

- p. **Table F-17. Summary of Final Effluent Limitations.** Remove the entire row for the parameter "Flow", and remove footnotes 2 and 3 in Table F-17, of the Fact Sheet Attachment F, as shown in strikeout format below. Renumber the footnotes accordingly.

~~²—Effective immediately until compliance with Special Provision VI.C.6.b, the average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 5.0 MGD. The~~

~~total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 5.0 MGD.~~

~~³ Effective upon compliance with Special Provision VI.C.6.b, the average dry weather discharge flow to the percolation ponds at Discharge Point 002 shall not exceed 1.8 MGD. The average dry weather discharge flow to the Feather River at Discharge Point 001 shall not exceed 6.7 MGD. The total combined average dry weather discharge flow from the Facility at Discharge Points 001 and 002 shall not exceed 6.7 MGD.~~

q. Reopener Provisions. Remove section VI.B.1.e of the Fact Sheet Attachment F, as shown in strikeout format below. Renumber the remaining section accordingly.

~~**e. Percolation Pond Capacity.** Order R5-2012-0034 includes an average dry weather flow effluent limit of 1.8 MGD for discharge to the percolation ponds. This Order retains this effluent limitation. This effluent limitation is maintained because the Discharger has not demonstrated that the percolation ponds have the capacity to receive flows greater than 1.8 MGD. The Discharger has experienced an increase in the capacity of the percolation ponds following the completion of the tertiary treatment upgrade possibly due to the higher quality effluent. The Discharger plans to reevaluate the capacity of the percolation ponds. If the Discharger submits an engineering study demonstrating the percolation ponds are capable of receiving a higher volume of effluent, this Order may be reopened to modify the capacity allowed to be discharged to the percolation ponds.~~

r. Rationale for Monitoring and Reporting Requirements. Modify section VII.B.2 of the Fact Sheet Attachment F, as shown in underline format below:

2. Effluent monitoring frequencies and sample types for flow (continuous), BOD₅ (three times per week), pH (continuous), TSS (three times per week), bis (2-ethylhexyl) phthalate (monthly), dichlorobromomethane (monthly), mercury (monthly), ammonia (three times per week), chlorine residual (continuous), dichlorination agent (continuous), chlorpyrifos (quarterly), diazinon (quarterly), hardness (monthly), nitrate (twice per month), nitrite (twice per month), nitrate plus nitrite (twice per month), total coliform organisms (three times per week), and total dissolved solids (monthly) have been retained from Order R5-2012-0034 to determine compliance with effluent limitations and discharge prohibitions, where applicable, and characterize the effluent for these parameters.

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,

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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 [State Water Board website](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, Patrick Pulupa, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **5 December 2019**.



PATRICK PULUPA, Executive Officer