

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2008-0010

REQUIRING
CITY OF AUBURN
WASTEWATER TREATMENT PLANT
PLACER COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 17 March 2005, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2005-0030, and Cease and Desist Order (CDO) No. R5-2005-0031 prescribing waste discharge requirements and compliance time schedules for the City of Auburn (hereafter Discharger) Wastewater Treatment Plant. The WDR Order allows for a regulated discharge of 1.67 million gallons per day (mgd) of treated domestic wastewater to Auburn Ravine Creek, tributary to the East Side Canal, Natomas Cross Canal, and the Sacramento River.
2. WDRs Order No. R5-2005-0030 includes limits for aluminum, ammonia, chloroform, copper, dibromochloromethane, dichlorobromomethane, manganese, methyl tert butyl ether (MTBE), nickel, nitrite, nitrate-plus-nitrite, silver, and zinc as contained in Effluent Limitations section B.4, which states in part:

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
Aluminum ¹	ug/L	71	--	140	--
	lbs/day ²	0.99	--	2.0	--
Ammonia (as N)	mg/l	Attach. B	Attach. C	--	Attach. D
	lbs/day ²	3	3	--	One-Hour Average 3
Chloroform	ug/L	1.1	--	--	--
	lbs/day	0.015	--	--	--
Copper (total recoverable)	ug/L	Attach. E	--	Attach. E	--
	lbs/day ²	5	--	5	--
Dibromochloromethane	ug/L	0.41	--	0.84	--
	lbs/day ²	0.0057	--	0.012	--
Dichlorobromomethane	ug/L	0.56	--	1.0	--
	lbs/day ²	0.0078	--	0.014	--
Manganese (total recoverable)	ug/L	50	--	--	--
	lbs/day ²	0.70	--	--	--
MTBE	ug/L	5	--	--	--
	lbs/day ²	0.070	--	--	--

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
Nickel (total recoverable)	ug/L	Attach. G	--	Attach. G	--
	lbs/day	5	--	5	--
Nitrite (as N)	mg/L	1	--	--	--
	lbs/day	14	--	--	--
Nitrate + Nitrite (as N)	mg/l	10	--	--	--
	lbs/day	140	--	--	--
Organochlorine pesticides	ug/L	--	--	--	ND ⁴
Silver (total recoverable)	ug/L	--	--	--	Attach. H
Zinc (Total Recoverable)	ug/L	Attach. I	--	Attach. I	--
	lbs/day ²	5		5	--

¹ Acid-soluble or total

² Based on design treatment capacity of 1.67 mgd, $[(x \text{ ug/l})(1 \text{ mg}/1000 \text{ ug})(8.345)(1.67 \text{ mgd}) = y \text{ lbs/day}]$

³ The mass limit (lbs/day) shall be equal to the concentration limit (from corresponding Attachment, for corresponding period) multiplied by the design flow of 1.67 mgd and the unit conversion factor 8.345 and divided by 1000 ug/mg (see footnote 1 for equation)

⁴ The non-detectable (ND) limitation applies to each individual pesticide. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use EPA standard analytical techniques with the lowest possible detectable level for organochlorine pesticides with a maximum acceptable detection level of 0.05 ug/l.

3. WDRs Order No. R5-2005-0030 included a schedule for achieving compliance with the effluent limitations for copper, dibromochloromethane, dichlorobromomethane, nickel, silver and zinc by 1 December 2009. The WDRs expire on 1 March 2010.
4. CDO No. R5-2005-0031 included a time schedule for achieving compliance with the effluent limitations for aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides by 1 December 2009.
5. The Discharger has modified the operations of its existing treatment processes and implemented its Pollution Prevention Plan and is progressing towards continual compliance with final effluent limitations for aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate-plus-nitrite and organochlorine pesticides.
6. The Discharger has completed preliminary design for an onsite WWTP upgrade project to comply with final effluent limitations for aluminum, chloroform, copper, dibromochloromethane, dichlorobromomethane, nickel, nitrites, nitrate-plus-nitrite, silver and zinc. The Discharger is continuing with the final design of onsite treatment upgrades. Construction of on-site plant upgrades, including ultraviolet disinfection and biological nitrogen removal process, is proposed to be completed in March 2011. The new facilities are proposed to reduce effluent concentrations of chloroform, dibromochloromethane, dichlorobromomethane, nitrites and nitrates-plus-nitrites in order for the Discharger to comply with effluent limitations.
7. The City of Auburn and other wastewater treatment agencies in Nevada and Placer Counties have been considering joint construction of a regional wastewater collection system to transport untreated wastewater to the existing City of Lincoln regional wastewater treatment plant (WWTP). Portions of the regional collection system have been

constructed from the City of Lincoln regional WWTP to the surrounding areas of Rocklin. However, construction of additional stretches of pipeline is necessary to transport the City of Auburn's wastewater to the regional facility for treatment and disposal. Preliminary construction schedules indicate that completion of a regional pipeline to transport the City of Auburn WWTP effluent to the regional facility is proposed to be completed by January 2013. Therefore, the Discharger is requesting additional time to either upgrade its existing facility to meet all effluent limitations, or (2) participate in the regionalization project and decommission its existing treatment facility, thus ceasing its current surface water discharge. Information regarding full cost and preliminary design details for the City of Auburn's portion of the regionalization project, allowing the Discharger to make a decision regarding regionalization, will be available by Spring 2008.

8. Section 13301 of the California Water Code (CWC) states in part, *"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 preventative 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 such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302."*
9. Section 13267(b)(1) of the California Water Code provides that: *"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."*
10. In accordance with California Water Code (CWC) Section 13385(j)(3), the Regional Water Board finds that the Discharger is not able to consistently comply with the effluent limitations for aluminum, chloroform, copper, dibromochloromethane, dichlorobromomethane, nickel, nitrites, nitrate-plus-nitrite, silver and zinc. The schedules for completing the actions necessary to achieve full compliance exceed the 1 December 2009 compliance dates in the WDRs Order No. R5-2005-0030 and CDO No. R5-2005-0031. Additional time is necessary to finalize a decision regarding

regionalization, then complete onsite plant upgrades and site-specific studies, or discharge into a regional wastewater collection system. New time schedules are necessary in a CDO for all the constituents listed above. These limitations were new requirements that became applicable after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

11. CWC section 13385(h) and (i) require the Regional 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.*"
12. Compliance with this Order exempts the Discharger from mandatory penalties for violations of effluent limitations for copper, dibromochloromethane, dichlorobromomethane, nickel, silver and zinc, in accordance with CWC section 13385(j)(3). CWC section 13385(j)(3) requires the Discharger to prepare 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 copper, dibromochloromethane, dichlorobromomethane, nickel, silver and zinc, in order to effectively reduce the effluent concentrations by source control measures.
13. Because CDO No. R5-2005-0031 provided the Discharger with almost 5 years to comply with effluent limitations for aluminum, chloroform, nitrites, and nitrate-plus-nitrite, the exception from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for these constituents after 16 March 2010. Pursuant to CWC section 13263.3(d)(1)(D), a pollution prevention plan will be necessary for aluminum, chloroform, nitrites, and nitrate-plus-nitrite in order to effectively reduce the effluent concentrations by source control measures.
14. 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 their achievement.
15. The compliance time schedule in this Order includes interim effluent limitations for aluminum, chloroform, copper, dibromochloromethane, dichlorobromomethane, nickel, nitrites, nitrate-plus-nitrite, silver and zinc. Interim effluent limitations typically consist of a daily effluent concentration derived using sample data provided by the Discharger. Existing interim average daily limitations for copper, dibromochloromethane, dichlorobromomethane, nickel, silver and zinc, as established in WDR Order No. R5-2005-0031, are included in this Order. New interim average daily limitations for aluminum, chloroform, nitrites, and nitrate-plus-nitrite, based on effluent monitoring data demonstrating actual treatment plant performance from April 2007 to November 2007, are also included in this Order. To maintain consistency with interim limitations established in existing WDR Order No. R5-2005-0031, interim limitations for all constituents described

above are established as average daily effluent limitations. 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*). 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 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.

16. The Regional Water Board finds that the Discharger can undertake source control and treatment plant measures to 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 limitation can be achieved.
17. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) ("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. In addition, adoption of 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. R5-2005-0030 and not this Order. This Order does not modify any compliance dates in WDRs Order No. R5-2005-0030, which modification would be exempt from CEQA under Water Code Section 13389. This Order is also exempt from 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.
18. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action. The petition must be received by the State Water Board Office of Chief Counsel, P.O. Box 100,

Sacramento CA 95812-0100, within 30 days of the date in which the action was taken.
Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that CDO No.R5-2005-0031 is rescinded, and, pursuant to CWC section 13301:

1. The City of Auburn shall comply with the following time schedule to assure compliance with the aluminum, ammonia, chloroform, manganese, methyl tert butyl ether (MTBE), nitrite, nitrate +nitrite, and organochlorine pesticides Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2005-0030:

<u>Task</u>	<u>Compliance Date</u>
Implement PPP ¹ Progress Reports ²	1 February 2008 1 March and 1 September of each year
Submit Formal Decision For Compliance ³ Onsite WWTP Improvements and Regionalization	1 June 2008
Achieve Full Compliance with ammonia, manganese, MTBE, and organochlorine pesticides final effluent limitations	1 December 2009
If Formal Decision for Compliance includes Onsite WWTP improvements, achieve Full Compliance with aluminum, chloroform, dibromochloromethane, dichlorobromomethane, nickel, nitrite, and nitrate-plus-nitrite, silver and zinc final effluent limitations	16 March 2011
If Formal Decision for Compliance includes Regionalization, achieve Full Compliance with aluminum, chloroform, dibromochloromethane, dichlorobromomethane, nickel, nitrite, and nitrate-plus-nitrite, silver and zinc final effluent limitations	31 January 2013

¹ The Discharger shall continue to implement its Pollution Prevention Plan shall for all constituents listed in Provision 1 above and shall meet the requirements specified in California Water Code Section 13263.

² The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress regarding onsite WWTP improvements and/or regionalization, whichever is applicable. The progress reports shall also evaluate the effectiveness of the implemented treatment and pollution prevention measures and assess whether additional measures are necessary to meet the time schedule.

³ "Formal Decision for Compliance" means formal written statement submitted to Regional Water Board Executive Officer regarding option Discharger has selected for compliance.

2. For the compliance schedules required by this Order, the Discharger shall submit to the Regional Water Board on or before each 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 Regional Water Board by letter when it returns to compliance with the time schedule.
3. The following interim effluent limitations shall be effective immediately, and shall remain in effect through either 16 March 2011 or 31 January 2013, as applicable in accordance with Provision 1 above, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Parameter	Average Daily Effluent Limitation
Aluminum	530.2 ug/l
Chloroform	57.3 ug/l
Copper (total recoverable)	26 ug/l
	0.36 lbs/day
Dibromochloromethane	2.2 ug/l
	0.031 lbs/day
Dichlorobromomethane	13ug/l
	180 lbs/day
Nickel (total recoverable)	12 ug/l
	0.17 lbs/day
Nitrites	1.10 mg/l
Nitrate plus Nitrite	16.37 mg/l
Zinc (total recoverable)	530 ug/l
	7.4 lbs/day
	Instantaneous Maximum Limitation
Silver (total recoverable)	1.4 ug/l

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 or issue a complaint for Administrative Civil Liability.
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.”

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 25 January 2008.

PAMELA C. CREEDON, Executive Officer