

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2005-0169

REQUIRING
U.S. DEPARTMENT OF DEFENSE
DEFENSE LOGISTICS AGENCY
DEFENSE DISTRIBUTION DEPOT SAN JOAQUIN
SHARPE GROUNDWATER REMEDIATION SYSTEM
SAN JOAQUIN COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2002-0213
(NPDES PERMIT NO. CA0081931)

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

1. On 6 December 2002, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2002-0213, prescribing waste discharge requirements for the United States Department of Defense, Defense Logistics Agency, Defense Distribution Depot San Joaquin Groundwater Treatment System in San Joaquin County (hereafter Discharger).
2. Waste Discharge Requirements (WDRs), Order No. R5-2002-0213, contains Effluent Limitation No. B.5. which reads as follows:

B. Effluent Limitations:

1. Effluent shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Daily Maximum</u>	<u>Weekly Average</u>	<u>30 Day Median</u>	<u>Monthly Average</u>	<u>12 Month Average</u>
Total Volatile Organic Compounds	µg/L (ppb)	1.0		< 0.5		---
Total Petroleum Hydrocarbons	lbs/day	0.016 ¹		0.008 ¹		---
Arsenic (Total)	µg/L (ppb)	50 ²		40 ²	10 ⁵	---
Lead (Total)	µg/L (ppb)		3.2 ³			
	lbs/day		0.051 ^{1,3}		0.63 ^{1,2}	0.16 ^{1,5}
Mercury	lbs/yr	---	---			0.042 ⁴

¹ Based upon maximum daily design treatment capacity of 1.9 mgd.

² Interim limitation until 22 January 2006.

³ Interim limitation pending additional data collection required by Provision E.2.

⁴ Preliminary mass limitation until completion of Interim Mercury Mass Limitation Study of Provision E.3.

⁵ Effective 23 January 2006.

3. The effluent limitation specified in Order No. R5-2002-0213 for arsenic is based on the Basin Plan chemical constituents objective and the US Environmental Protection Agency (USEPA) Maximum Contaminant Level (MCL). The Discharger has requested an extension on the compliance date for the arsenic in order to test and construct, as necessary, sufficient disposal ponds to eliminate all discharge of treated groundwater to local surface waters.

NEED FOR TIME SCHEDULE ORDER (TSO) AND LEGAL BASIS

4. The Discharger operates the groundwater treatment system as part of a remedial action to clean groundwater polluted with volatile organic compounds (VOCs). Extracted groundwater is treated by air-stripping. This site is on the USEPA's National Priorities List for cleanup. Cleanup activities for the polluted groundwater began in 1987, and the remediation work is being conducted under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) at the direction of Remedial Project Managers from the Regional Board, USEPA, and the Department of Toxic Substances Control (DTSC). Through operation of this facility, the Discharger has removed a significant amount of the VOC mass from the underlying groundwater. The Discharger expects to test and construct sufficient on-site disposal ponds and eliminate discharge of treated groundwater to surface waters by 23 January 2009. Local shallow groundwater is heavily mineralized and the Discharger's effluent is not expected to adversely impact groundwater quality and will help recharge local groundwater.
5. 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."*
6. Federal regulations, 40 CFR Part 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.
7. Immediate compliance with the new effluent limitation for arsenic is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance as soon as possible, up to a maximum duration of 5 years, which is the maximum term of any NPDES permit.

8. New facilities can be built or the existing facilities can be modified to correct the violations. This Order provides a time schedule for the Discharger to test and construct sufficient land disposal units to eliminate future discharge to surface water.
9. Since the time schedule for completion of actions necessary to achieve full compliance and bring the waste discharge into compliance exceeds one year, interim requirements and dates for their achievement are included in this Order. This Order extends the interim effluent limitations for arsenic in Order No. R5-2002-0213 to 23 January 2009.
10. On 29 November 2005, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under California Water Code Section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
11. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with California Water Code Section 15321 (a)(2), Title 14, of the California Code of Regulations.
12. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. Pursuant to California Water Code Section 13300, the U.S. Department of Defense, Defense Logistics Agency, Defense Distribution Depot San Joaquin shall comply with the following time schedule to ensure compliance with the arsenic effluent limitation contained in WDR's Order No. R5-2002-0213 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Provide Implementation Schedule for Arsenic Compliance Activities	1 March 2006
Prepare and Submit Pollution Prevention Plans ¹	15 July 2006
Compliance Progress Reports ²	Semi-Annual Due 15 January and 15 July
Compliance Feasibility Report ³	15 July 2007
Full Compliance or Cessation of Discharge	23 January 2009

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¹ Plan shall be prepared for all constituents listed above and shall meet the requirements specified in CWC Section 13263.

² Reports shall detail steps implemented toward achieving compliance with WDR's limitations, including studies, evaluation of measures proposed and implemented, and recommendations for additional measures as necessary to achieve full compliance through elimination of the discharge by the final date.

³ This study shall provide justification that full compliance can be achieved through land disposal of Discharger's effluent. If not, the Discharger shall immediately initiate action, including construction of treatment facilities as necessary, to achieve compliance with effluent limitations by the Full Compliance date.

2. Effluent from the groundwater treatment systems shall not exceed the existing interim effluent limitations for arsenic specified in Order No. R5-2002-0213.
3. If, in the opinion of the Executive Officer, the U.S. Department of Defense, Defense Logistics Agency, Defense Distribution Depot San Joaquin fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. If compliance with the effluent limitation is not achieved by the Full Compliance date of 23 January 2009, the discharge would be subject to issuance of a Cease and Desist Order in accordance with CWC Section 13301.

I, THOMAS R. PINKOS, 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 29 November 2005.

THOMAS R. PINKOS, Executive Officer