

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2009-0096

REQUIRING THE CITY OF MANTECA  
WASTEWATER QUALITY CONTROL FACILITY  
SAN JOAQUIN COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2009-0095  
(NPDES PERMIT NO. CA0081558)

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

1. On 8 October 2009, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2009-0095, prescribing waste discharge requirements for the City of Manteca (hereinafter Discharger) at the Wastewater Quality Control Facility (hereafter Facility), San Joaquin County.
2. WDR Order No. R5-2009-0095, contains Final Effluent Limitations IV.A.1.a. and 2.a. which both reads, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Electrical Conductivity (1 April to 31 August)	µmhos/ cm	700				

3. 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.*"
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. 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 new seasonal effluent limitation for electrical conductivity of 700 µmhos/cm, which is required from 1 April through 31 August. This limitation is a new requirement that becomes applicable to the Order after the effective date of adoption of the waste discharge requirement for which new or modified control measures are

necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

6. Immediate compliance with this new effluent limitation for electrical conductivity is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.
7. On 10 September 2009 the Discharger submitted justification for a compliance schedule which included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollution minimization measures efforts currently underway or completed; (c) a proposal for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e., facility upgrades); and (d) a demonstration that the proposed schedule is as short as practicable. Therefore, this Order provides a time schedule for the Discharger to develop, submit, and implement methods of compliance, including utilizing pollution prevention activities, conducting site specific studies to develop site specific water quality objectives, or constructing necessary treatment facilities to meet the new effluent limitation for electrical conductivity.
8. 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.”*
9. Compliance with this Order only exempts the Discharger from mandatory penalties for violations of effluent limitations for electrical conductivity from 1 April through 31 August, 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.
10. Since the time schedule for completion of action necessary to bring the waste discharge into compliance exceeds 1 year, this Order includes an interim requirement and date for achievement. The time schedule does not exceed 5 years.

The compliance time schedule in this Order includes an interim effluent limitation for electrical conductivity. The monthly average effluent limitation for electrical conductivity in previous Order No. R5-2004-0028 was established as the interim limit in this Order.

11. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim limitation 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.

The interim limitations must be based on performance or the existing effluent limitations, whichever is more stringent. The existing effluent limits for EC are 1000 µmhos/cm. To determine facility performance where there are 10 sampling data points or more, sampling and laboratory variability is accounted for by projecting a maximum effluent concentration based on log-normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean. Based on effluent EC data from 2007-2008 during the irrigation season (1 April – 31 August) the projected maximum effluent concentration for EC is 996 µmhos/cm. Considering the accuracy of EC monitoring, the projected maximum effluent concentration should be presented as no more than 2 significant figures (i.e., 1000 µmhos/cm). Based on this evaluation the projected maximum effluent concentration and current effluent limitation are equivalent. Therefore, an interim limitation of 1000 µmhos/cm is required in this Order.

12. On 8 October 2009, in Rancho Cordova, 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.
13. 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 CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.
14. 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. The Discharger shall comply with the following time schedule to ensure compliance with the seasonal effluent limitations for electrical conductivity (1 April through 31 August) contained in WDR Order No. R5-2009-0095 as described in the above Findings:

<u>Task</u>	<u>Date Due</u>
Submit Method of Compliance Workplan/Schedule	<b>Within 6 months of adoption of this Order</b>
Submit and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3	<b>Within 6 months of adoption of this Order</b>
Annual Progress Reports <sup>1</sup>	<b>1 December, annually</b> , after approval of workplan until final compliance
Full compliance with the effluent limitations for electrical conductivity.	<b>1 October 2014</b>

<sup>1</sup> The progress reports for electrical conductivity 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 effluent limitation shall apply to the 9.87 million gallons per day (mgd) and 17.5 mgd discharge and be **effective immediately until 30 September 2014** or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Average Monthly Effluent Limitation (µmhos/cm)
Electrical Conductivity (1 April through 31 August)	1000

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 Regional 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 8 October 2009.

Signed by Kenneth D. Landau for \_\_\_\_\_  
PAMELA C CREEDON, Executive Officer