

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2012-0079

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2010-0002 (NPDES PERMIT NO. CA0078948)

CITY OF TURLOCK
WATER QUALITY CONTROL FACILITY
STANISLAUS COUNTY

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

1. On 28 January 2010, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2010-0002, prescribing waste discharge requirements for the City of Turlock Water Quality Control Facility, Stanislaus County. For purposes of this Order, the City of Turlock is hereafter referred to as "Discharger" and the Water Quality Control Facility is hereafter referred to as "Facility."
2. The Discharger owns and operates a publicly owned treatment works (POTW). The Facility consists of screening, primary treatment, secondary treatment (activated sludge and biotowers), nitrification, secondary clarification, high rate clarifier / thickener, cloth disk filters, and chlorine disinfection and sodium bisulfite dechlorination. Waste solids are treated via a gravity belt thickener and anaerobic digestion.
3. Order R5-2010-0002 authorizes the discharge of up to 20 million gallons per day of tertiary treated municipal wastewater to Harding Drain or the San Joaquin River, both waters of the United States, and tributary to the Sacramento – San Joaquin Delta, within the San Joaquin River Basin.
4. Code of Federal Regulations, Title 40 - Part 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. California Water Code sections 13267 and 13383 authorize the Central Valley Water Board to require technical and monitoring reports.
5. Order R5-2010-0002 contains a Monitoring and Reporting Program (Attachment E) that includes a requirement to monitor the effluent (Table E-3) and receiving water (Table E-7 and Table E-8) for the 126 Priority Pollutants contained in the California Toxics Rule. Monitoring of Priority Pollutants is required once per month during the third year of the permit term. The purpose of the Priority Pollutant monitoring is to provide information to characterize effluent and background receiving water quality in order to conduct a reasonable potential analysis for the next permit renewal.

6. The requirements in Order R5-2010-0002 to monitor Priority Pollutants, discussed in Finding 5, are required in accordance with California Water Code section 13267, which states the following in subsection (b)(1), *“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.”*
7. In its 10 April 2012 monitoring work plan, the Discharger estimates the cost to conduct monthly sampling of all Priority Pollutants to be approximately \$88,000. Many of the Priority Pollutants have not been detected in the effluent or receiving water. Therefore, the Discharger requested the monitoring requirements be modified to provide the information necessary to conduct the reasonable potential analysis, while at the same substantially reduce the cost to the Discharger.

Since 2005, there have been no detections in the effluent or receiving water for total cyanide, asbestos, dioxin, polychlorinated biphenyls (PCBs), and chlorinated pesticides. The Discharger proposed monitoring for all Priority Pollutants for the first three months. If there are no detections of total cyanide, asbestos, dioxin, PCBs, and chlorinated pesticides, the monitoring for these constituents would be discontinued. Due to the high analytical costs for these constituents, the Discharger estimates a savings of more than \$60,000 under the revised monitoring program.

8. Considering the fact that it has been demonstrated that total cyanide, asbestos, dioxin, PCBs, and chlorinated pesticides are not present in the effluent or receiving water, the Central Valley Water Board finds that revising the monitoring frequency for these constituents is appropriate and would provide sufficient data to adequately characterize the effluent and receiving water. The change would not impact the information needed to conduct the reasonable potential analysis for the next permit renewal. Consequently, this Order revises the Monitoring and Reporting Program in Order R5-2010-0002 as discussed in Finding 7. This modification is in compliance with Water Code Section 13267, which requires, in part, that, *“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.”*

9. 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.).
10. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

Waste Discharge Requirements Order R5-2010-0002 (NPDES No. CA0078948) is amended as shown in Items 1-6, below.

1. Change the Order number throughout Order R5-2010-0002 to “R5-2010-0002-01.”
2. **Attachment E, Monitoring and Reporting Program** – Modify footnote 9 to Table E-3 as shown below in underline/strikeout format:
 - ⁹ Monitoring is required 1/month ONLY during the 3rd year of the permit term and shall be concurrent with receiving surface water sampling. The Discharger may cease monitoring for the following constituents if they are non-detect in the first 3 monthly samples: total cyanide, asbestos, dioxin, and EPA Method 608 PCBs and chlorinated pesticides. The Discharger is not required to conduct effluent monitoring for priority pollutants that have already been sampled in a given month, as required in Table E-3.
3. **Attachment E, Monitoring and Reporting Program** – Modify footnote 4 to Table E-7 as shown below in underline/strikeout format:
 - ⁴ Priority pollutant monitoring is required 1/month during the 3rd year of the permit term. The Discharger may cease monitoring for the following constituents if they are non-detect in the first 3 monthly samples: total cyanide, asbestos, dioxin, and EPA Method 608 PCBs and chlorinated pesticides.
4. **Attachment E, Monitoring and Reporting Program** – Modify footnote 3 to Table E-8 as shown below in underline/strikeout format:
 - ³ Priority pollutant monitoring is required 1/month during the 3rd year of the permit term. The Discharger may cease monitoring for the following constituents if they are non-detect in the first 3 monthly samples: total cyanide, asbestos, dioxin, and EPA Method 608 PCBs and chlorinated pesticides.

5. **Attachment F, Fact Sheet** – Modify section VI.B.11 (Effluent Monitoring) as shown below in underline/strikeout format:

11. Priority pollutant data for the effluent has been provided by the Discharger over the term of Order No. 5-01-122, and was used to conduct a meaningful reasonable potential analysis. In accordance with Section 1.3 of the SIP, periodic monitoring for priority pollutants for which criteria or objectives apply and for which no effluent limitations have been established. Periodic priority pollutant monitoring is also necessary to provide data that would account for changes in the service population. Monitoring for priority pollutants is required once per month during the 3rd year of the permit term to provide the data necessary for determining the reasonable potential for those pollutants for which no WQBELs were established. The Discharger may cease monitoring for the following constituents if they are non-detect in the first three monthly samples: total cyanide, asbestos, dioxin, and EPA Method 608 PCBs and chlorinated pesticides. It is costly to analyze for these constituents, which have not been detected in the effluent. Reducing the monitoring for these constituents will provide sufficient information to adequately characterize the effluent and is in compliance with Water Code Section 13267, which requires, in part, that, “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.”

6. **Attachment F, Fact Sheet** – Modify section VI.D.1.e (Receiving Water Monitoring) as shown below in underline/strikeout format:

e. Order No. 5-01-122 required semi-annual priority pollutant monitoring at RSW-001, RSW-002, RSW-003, and RSW-004. Because only upstream receiving water monitoring is necessary to determine reasonable potential, downstream priority pollutant monitoring requirements at RSW-002 and RSW-004 have been discontinued. Consistent with the effluent monitoring requirements, monthly monitoring during the 3rd year of the permit term for priority pollutants upstream of Discharge Point Nos. 001 and 002 at RSW-001 and RSW-003 is required to collect the necessary data to determine reasonable potential as required in section 1.2 of the SIP. The Discharger may cease monitoring for the following constituents if they are non-detect in the first three monthly samples: total cyanide, asbestos, dioxin, and EPA Method 608 PCBs and chlorinated pesticides. It is costly to analyze for these constituents, which have not been detected in the receiving water. Reducing the monitoring for these constituents will provide sufficient information to adequately characterize the receiving water and is in compliance with Water Code Section 13267, which requires, in part, that, “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.” The hardness (as CaCO₃) of the upstream receiving water shall

also be monitoring concurrently with the priority pollutants as well as pH to ensure the water quality criteria/objectives are correctly adjusted for the receiving water when determining reasonable potential as specified in section 1.3 of the SIP.

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, 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

or will be provided upon request.

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 3 August 2012.

Original Signed By

PAMELA C. CREEDON, Executive Officer