

ITEM: 25

SUBJECT: Maxwell Public Utility District, Wastewater Treatment Plant, Colusa County

BOARD ACTION: *Consideration of a Cease and Desist Order*

BACKGROUND: Maxwell Public Utility District (Discharger) owns and operates a wastewater treatment plant (Facility) that discharges up to 0.2 million gallons per day of disinfected secondary treated wastewater to an unnamed tributary of Lurline Creek, a tributary to the Colusa Basin Drain.

On 1 March 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2002-0022 (NPDES Permit No. CA0079987) for the Facility. On 22 June 2007, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2007-0073 that established a new time schedule (by 18 May 2010) for full compliance with certain effluent limitations contained in WDR Order R5-2002-0022. However, the Discharger has been unable to consistently comply with other effluent limitations in WDR Order R5-2002-0022 that were not provided a time schedule. Consequently on 18 September 2008, the Central Valley Water Board issued an Administrative Civil Liability (ACL) to the Discharger in the amount of \$1,617,000. In lieu of payment, the Discharger has been allowed to apply the monetary fine towards a compliance project involving acquisition of land for a new land disposal treatment facility, with the objective of ceasing surface water discharge.

On 5 February 2009, the Central Valley Water Board renewed the Discharger's NPDES permit, and required the Discharger to comply with tertiary treatment requirements and new effluent limitations by 18 May 2010. But instead of upgrading to tertiary treatment, the Discharger chose to construct the land disposal treatment facility and acquire the necessary land for land disposal. Initiation of operations of the land disposal facility is scheduled for 31 January 2012. As such, the Discharger continued to not be able to comply with the final compliance date of 18 May 2010; therefore, on 4 February 2011 the Central Valley Water Board issued ACL R5-2011-0518 to the Discharger for a total amount of \$1,248,000.

The proposed Cease and Desist Order provides a new compliance schedules for all final effluent limitations that the Discharger is not able to comply with, until completion and operation of the new land disposal treatment facility and its ceasing of surface water discharge. The proposed compliance date based on the Discharger's construction schedule is 31 January 2012.

ISSUES: No comments were received regarding this item.

RECOMMENDATION: Staff recommends Board adoption of the proposed Cease and Desist Order.

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

9/10 June 2011

11020 Sun Center Dr. #200

Rancho Cordova, CA 95670