

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2012-XXXX
AMENDING CEASE AND DESIST ORDER R5-2010-0104

RIO ALTO WATER DISTRICT
LAKE CALIFORNIA WASTEWATER TREATMENT PLANT
TEHAMA COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds:

1. On 23 September 2010, the Central Valley Water Board (hereinafter Board) adopted Waste Discharge Requirements (WDR) Order R5-2010-0103, NPDES Permit No. CA0077852, for Rio Alto Water District (hereinafter Discharger). The WDRs regulate the discharge of treated wastewater from the Lake California Wastewater Treatment Plant (hereafter Facility) to the Sacramento River, a water of the United States. The WDRs contain, in part, final effluent limits for zinc, chlorodibromomethane (CDBM), and dichlorobromomethane (DCBM). Based on the Facility's self-monitoring data, it is unlikely that the Discharger can consistently meet the final effluent limits for zinc, CDBM, and DCBM. Therefore, on 23 September 2010, the Central Valley Water Board also adopted Cease and Desist Order (CDO) R5-2010-0104 which included interim effluent limits for zinc, CDBM, and DCBM and a time schedule outlining specified tasks with corresponding interim compliance dates to assure Facility compliance with the final effluent limits for zinc, CDBM, and DCBM by 18 May 2015.
2. The Discharger is a Special District that provides water, sewer, and wastewater treatment services to the community of Lake California. The Special District includes a total of 1678 lots, 843 of which are undeveloped. The Discharger currently provides services to 799 of these lots.
3. On 22 August 2012, the Discharger submitted a letter, with a proposed time schedule revision, requesting an 18 month extension of the Cease and Desist Order (CDO) R5-2010-0104 to achieve compliance with applicable final effluent limits. Detailed justification was provided in the letter which outlined significant measures taken by the Discharger in order to comply with the CDO that resulted in unanticipated delays and prompted the extension request. The Discharger has completed a wastewater utility rate study, a preliminary engineering report providing two alternatives should the preferred land-based disposal to constructed wetlands project become infeasible, a local election to establish a Community Facilities District (CFD) in order to secure a special tax levy as a funding mechanism for the required Facility improvements, installed piezometers in the proposed constructed wetlands area, prepared final contract documents to acquire the proposed constructed wetlands area from a private entity, complied with U.S. Fish and Wildlife, National Marine Fisheries Service (NMFS), and Federal Emergency Management Agency (FEMA) requests, and expensed over \$400,000 in planning, legal, environmental, and project studies requirements.

4. Additional time is required for the Discharge to secure financing in order to complete the final project design, additional land acquisition, and all proposed Facility improvements. Total project cost is estimated at \$6.125 million. The Discharger has submitted loan applications to both USDA Rural Development and the Clean Water State Revolving Fund (CWSRF). The USDA Rural Development loan application is currently under review for funding in 2012. The Discharger is making progress towards purchasing additional land for the wetlands construction project. CWSRF requires the Discharger to complete the land acquisition before final review and approval of the loan application can be completed. CWSRF requires up to 90 days to complete the final review and approval.
5. The Discharger plans to improve the treatment capabilities of the Facility and to convert from a discharge of treated effluent to the Sacramento River to a land-based disposal, in which the water would be recycled to create constructed wetlands. The conversion would result in the rescission of the Discharger's existing National Pollutant Discharge Elimination System (NPDES) permit for discharges to surface waters and would require the Discharger to obtain Waste Discharge Requirements (WDRs) for a discharge to land. The Discharger completed an environmental initial study and mitigated negative declaration, floodplain analysis, and updated groundwater monitoring data in 2011 in order to proceed with the constructed wetlands project.
6. The Discharger has demonstrated compliance with the interim effluent limitations, but requires additional time to comply with the time schedule as specified in Cease and Desist Order (CDO) R5-2010-0104. In accordance with CWC section 13385(j)(3)(c)(ii)(II) and following a public hearing, the Central Valley Water Board may extend the time schedule for an additional five years.
7. The Discharger has continued to demonstrated due diligence to identify feasible compliance alternatives and is making progress to comply with final effluent limits for zinc, CDBM and DCBM. The Discharger has provided a plan to cease the discharge to surface waters. The planned Facility improvements will achieve four important water quality and water resources goals. First, the direct discharge of wastewater to the Sacramento River will be eliminated; a primary goal of the National Pollutant Discharge Elimination System program. Second, improved treatment of the wastewater will occur as a result of the wetlands treatment component, and from percolation of the treated wastewater through unsaturated soils beneath the ponds. Third, local groundwater resources will be improved by allowing the reclaimed water to return to the aquifer. Fourth, wildlife habitat and recreational opportunities will be created.
8. Issuance of this Order is an enforcement action of a regulatory agency, and therefore, is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

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

IT IS HEREBY ORDERED THAT:

Cease and Desist Order No. R5-2010-0104 is amended as shown in underline/strikeout format in Attachment 1 to this Order.

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 7 December 2012.

PAMELA C. CREEDON, Executive Officer