CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2009-0031

RESCISSION OF CEASE AND DESIST ORDER FOR
SANITARY DISTRICT NO. 5 OF MARIN COUNTY
TIBURON WASTEWATER TREATMENT PLANT
MARIN COUNTY

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board) finds that:

1. Sanitary District No. 5 of Marin County (hereinafter the Discharger) owns and operates the Tiburon Wastewater Treatment Plant, located at 2001 Paradise Drive in Tiburon. The plant provides secondary treatment of wastewater from domestic and, to a lesser extent, commercial sources within the Town of Tiburon, City of Belvedere, and other unincorporated areas. The plant has a dry weather design capacity of 0.98 million gallons per day.

2. Treated, disinfected and dechlorinated secondary effluent from the Tiburon Wastewater Treatment Plant is combined with treated, disinfected, and dechlorinated effluent from the Sewerage Agency of Southern Marin's wastewater treatment plant. The combined effluent is discharged through a pipe in Central San Francisco Bay to Discharge Point 001 in Raccoon Straits, a water of the United States. Treated wastewater is discharged through a submerged diffuser at 37° 52' 12" N. latitude, 122° 27' 05" W. longitude, which is 840 feet offshore, at a depth of about 84 feet.

3. On July 9, 2008, the Regional Water Board reissued National Pollutant Discharge Elimination System (NPDES) Permit CA0037753 (Order No. R2-2008-0057). The Order included effluent limitations for selenium with which the Discharger could not immediately comply.

4. Because it was infeasible for the Discharger to immediately comply with the selenium effluent limits, the Regional Water Board adopted Cease and Desist Order No. R2-2008-0059 on July 9, 2008, to require the Discharger to implement actions to achieve compliance. This Cease and Desist Order required that, by November 30, 2008, the Discharger investigate sample collection, analytical methods, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for selenium are accurately determined and reported.

5. By letter dated, November 21, 2008, the Discharger indicated that it investigated sample collection, sample handling, and sample storage techniques and concluded that it has done everything correctly. The Discharger also reported on its investigation of analytical techniques. Based on this investigation, the Discharger concluded that previous selenium results were in error because of matrix interferences. Additionally,

the Discharger reported that it has implemented a newly approved U.S. EPA process for Method 200.8 (ICPMS) that is not subject to such interferences. As such, the Discharger indicates that it can comply with the selenium effluent limitations contained in Order No. R2-2008-0057.

6. Because the Discharger can comply with the selenium effluent limitations in Order No. R2-2008-0057, the Cease and Desist Order is no longer necessary, and therefore, Order No. R2-2008-0059 can be rescinded.

Public Notice

7. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to rescind the Cease and Desist Order, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

8. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of the Cease and Desist Order.

IT IS HEREBY ORDERED, pursuant to the provisions of Division 7 of the California Water Code, regulations, and plans and policies adopted thereunder, that Order No. R2-2008-0059 is rescinded effective April 8, 2009.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, and true and correct copy of an Order adopted by the California Regional Board Quality Control Board, San Francisco Region, on April 8, 2009.

Digitally signed by Bruce Wolfe
Date: 2009.04.09 14:21:10 -07'00'

Bruce H. Wolfe, Executive Officer