

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2020-0900
REQUIRING GRIZZLY LAKE COMMUNITY SERVICES DISTRICT
DELLEKER WASTEWATER TREATMENT PLANT
PLUMAS COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2019-0052 (NPDES PERMIT NO. CA0081744)

The California Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) finds the following:

1. On 7 June 2019, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2019-0052, NPDES Permit No. CA0081744, prescribing WDRs for the Grizzly Lake Community Services District (Discharger) at the Delleker Wastewater Treatment Plant (Facility), Plumas County.
2. The Facility consists of five treatment ponds and primarily relies on evaporation and percolation to dispose of treated effluent. The Discharger only discharges to the Middle Fork of the Feather River (MF Feather River) when the influent flow surpasses the evaporation/percolation rate. This typically corresponds to the winter and spring when inflow and infiltration (I&I) into the sanitary sewer collection system (collection system) increases the influent flow at the Facility.
3. WDRs Order R5-2019-0052 contains final effluent limitations IV.A.1.e, which reads as follows:
 - e. **Total Coliform Organisms:** Effluent total coliform organisms shall not exceed the following with compliance measured immediately after disinfection.
 - (a) 23 most probable number (MPN) per 100 mL, as a 7-day median;
 - (b) 240 MPN/100mL, more than once in any 30-day period
4. The total coliform effluent limitations specified in Order No. R5-2019-0052 are based on guidance from the State Water Resource Control Board's Division of Drinking Water.

5. Prior to the adoption of WDRs Order R5-2019-0052, the Discharger was regulated by WDRs Order R5-2012-0046 which contained the same total coliform effluent limitations as R5-2019-0052.
6. Prior to the adoption of WDRs Order R5-2012-0046, the Discharger was regulated by WDRs Order R5-2007-0019 which contained final effluent limitations IV.A.1.e, which reads as follows:
 - e. **Total Coliform Organisms:** Effluent total coliform organisms shall not exceed:
 - i. 23 most probable number (MPN) per 100 mL as a median of the previous seven samples;
 - ii. 500 MPN/100mL at any time.

Need for a Time Schedule and Legal Basis

7. When WDRs Order R5-2012-0046 was adopted, the total coliform effluent limitations were new and modified regulatory requirements compared to those in previous WDRs Order R5-2007-0019.
8. At the time of adoption of WDRs Order R5-2012-0046, the Discharger was not aware of its inability to consistently comply with the total coliform effluent limitations. During the three years after WDRs Order R5-2012-0046 became effective on 8 June 2012, the Discharger did not consistently discharge treated wastewater to the MF Feather River, largely due to the fact that California was in the midst of a years-long drought that greatly reduced I&I to the Discharger's collection system. Due to the reduced amount of influent flow at the Facility during these drought conditions, the Discharger relied solely on year-round wastewater disposal through evaporation and percolation and did not discharge to the MF Feather River.
9. The Discharger discharged treated wastewater to the MF Feather River during the allowed discharge periods in 2013, 2016, 2017, 2018, and 2019. The Discharger first accrued mandatory minimum penalties (MMPs) for violations of total coliform effluent limitations in March 2016. In subsequent years, the Discharger committed additional violations, indicating the Discharger was not able to consistently comply with the total coliform effluent limitations in WDRs Order R5-2012-0046.

10. The Central Valley Water Board issued the Discharger an amended Notice of Violation (NOV) dated 21 February 2019 that included total coliform effluent violations from March 2016 to March 2018. The Central Valley Water Board issued the Discharger another NOV dated 7 August 2019 that included total coliform effluent violations from April 2018 to April 2019.
11. The Discharger, identified as a severely disadvantaged community, submitted a Plan of Study report in 2016 to the State Water Resources Control Board (State Water Board) to apply for a planning grant to identify and correct deficiencies at the Facility and the collection system. The Discharger received Planning Grant Agreement No. D17-04004 (Planning Grant) from the State Water Board for \$500,000 to, among other items, evaluate the need for Facility upgrades or improvements necessary to comply with the WDRs in a Preliminary Engineering Report (PER).
12. On 12 December 2019, the Discharger submitted a request and justification for additional time to achieve compliance with final total coliform effluent limitations and referenced a letter dated 18 November 2019 explaining actions the Discharger will take to reduce total coliform effluent violations and meet the final effluent limitations in WDRs Order R5-2019-0052. For compliance with the final effluent limitations, the Discharger anticipates that additional time is necessary to purchase equipment for chemical storage, handling, and transportation, purchase and install new chemical feed pumps for greater capacity for disinfection, purchase and install new equipment for monitoring chlorine residual during the disinfection process, and investigate installing a SCADA system to provide real-time monitoring at the disinfection process. In addition, as part of the Planning Grant, the Discharger is working with its consultant to develop a PER to address ways to optimize the treatment process, which will consequently provide better treatment for total coliform.
13. This Order provides a time schedule for the Discharger to make upgrades at the Facility, develop and implement a pollution prevention plan, and complete a PER (as required by their Planning Grant) to identify the necessary treatment plant upgrades to meet the final total coliform effluent limitations.

Mandatory Minimum Penalties

14. California Water Code sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. California Water Code 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 or 13308, if all the [specified] requirements are met.”

15. Following the adoption of WDRs Order R5-2012-0046, in accordance with California Water Code (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 final effluent limitations for total coliform. These limitations are based on new and modified regulatory requirements that became applicable to the Order after the effective date of the WDRs, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
16. Per the requirements of CWC section 13385(j)(3), the Central Valley Water Board finds the following:
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to California Water Code sections 13385(h) and (i).
 - b. The Discharger requires additional time to purchase and install equipment related to the disinfection process, investigate installing a SCADA system at the Facility, and complete the PER to address ways to optimize the treatment process to meet current and future effluent limits. In addition, since limited funding is available to make improvements at the Facility, more time is needed to obtain construction funding for treatment plant upgrades if necessary.
 - c. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
17. Compliance with this Order exempts the Discharger from MMPs for violations of the final effluent limitations for total coliform found in WDRs Order R5-2019-0052 from **05 February 2020** (the date of this Order) until **04 February 2025**.

18. In accordance with CWC section 13385(j)(3)(C), the total length of protection from MMPs for the final effluent limitations for total coliform does not exceed five years.
19. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
20. The interim effluent limitations for total coliform are based on expected treatment capabilities of the current Facility. The following table summarizes the interim effluent limitations for total coliform based on samples collected after the effective date of WDRs R5-2012-0046:

Table 1 – Calculation of Interim Effluent Limitations for Total Coliform

Parameter	Units	# Effluent Samples	Mean (Median)	Maximum Effluent Concentration	7-day median	More than once in any 30-day period
Total Coliform	MPN/100mL	53	277 (30)	>1600	240	500

21. The Central Valley Water Board finds that the Discharger should be able to maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. 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 effluent limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.
22. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in CWC section 13385(j)(3). It is the intent of the Board that a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

Other Regulatory Requirements

23. CWC section 13300 states the following:

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.

24. CWC section 13267, subdivision (b) states the following in relevant part:

[T]he 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 . . . 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.

25. CWC section 13383, subdivision (a), states the following:

The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters

26. The Discharger owns and operates the wastewater treatment facility which is subject to this Order. The technical and monitoring reports required by this Order pursuant to CWC 13267 and 13383 are necessary to determine compliance with the WDRs and with this Order. The burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained therefrom.

27. 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 implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555 556.). Issuance

of this enforcement Order is further exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

28. On 03 January 2020, Central Valley Water Board staff issued a notice of public hearing and provided a 30-day comment period for consideration of adopting a TSO under section 13300 of the Water Code to establish a time schedule for achieving compliance with waste discharge requirements. The notice stated that any member of the public may request an oral hearing before the Executive Officer, and if no hearing is requested, the Executive Officer’s review of the administrative record, including any written comments received shall constitute the public hearing.

IT IS HEREBY ORDERED THAT:

1. Pursuant to CWC sections 13300, 13267, and 13383, the Discharger shall comply with the following time schedule to submit reports and ensure completion of activities described in Finding 12, above:

Table 2 – Compliance Schedule

Task	Compliance Date
Pollution Prevention Plan. Submit and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3 for total coliform organisms. This can be submitted in conjunction with the Preliminary Engineering Report, if applicable.	1 January 2021
Preliminary Engineering Report. Submit a Preliminary Engineering Report as described in the requirements of Planning Grant.	1 January 2021
Construction Funding Application. Submit application for construction funding	1 September 2021
Final Compliance. Achieve compliance with final total coliform effluent limitations.	04 February 2025
Annual Progress Reports. Submit annual progress reports documenting the steps taken to comply with this Order, describing the completion of tasks, evaluation of the effectiveness of the implemented measures of the PPP, and an assessment of whether additional measures are necessary to meet the final compliance date.	1 February 2020 1 February 2021 1 February 2022 1 February 2023 1 February 2024

2. Discharge from Discharge Point 001 shall not exceed the following interim effluent limitations. The interim effluent limitations for total coliform are effective upon adoption of this Order and shall apply in lieu of the corresponding final effluent limitations in WDRs Order R5-2019-0052. The Discharger shall comply with the following interim effluent limitations until **04 February 2025**.

Table 3 – Interim Effluent Limitations for Total Coliform

Parameter	Units	7-day median	More than once in any 30-day period
Total Coliform	MPN/100mL	240	500

3. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”
4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the
5. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDR may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and

13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

6. 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 [laws and regulations](#) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) applicable to filing petitions may be found on the Waterboards webpage or will be provided upon request.

This Order is effective upon the date of signature.



PATRICK PULUPA, Executive Officer

02/05/2020

Date