

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2022-0902

REQUIRING
CITY OF MT. SHASTA
MT. SHASTA WASTEWATER TREATMENT PLANT
SISKIYOU COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0078051

FINDINGS

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

1. The City of Mt. Shasta (Discharger), owns and operates the City of Mt. Shasta Wastewater Treatment Plant (Facility). The Facility discharges up to 0.8 million gallons per day (mgd) (average dry weather flow) of disinfected advanced-secondary treated wastewater to the Sacramento River, a water of the United States. The Facility also discharges treated wastewater to land owned by the United States Department of Agriculture, Forest Service (Forest Service), and produces recycled water for use at the Mt. Shasta Resort Golf Course.
2. On 8 December 2017, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2017-0117, NPDES Permit CA0078051. WDR Order R5-2017-0117 regulates both the discharge to surface water and to land owned by the Forest Service. Summer discharge to the surface water is prohibited.
3. WDR Order R5-2017-0117, contains Final Effluent Limitations IV.A.1., at Discharge Point 001, as shown, in part, in Table 4, as follows:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	15	--	--
Biochemical Oxygen Demand (5-day @ 20°C)	lbs/day	175	262	--	--
Total Suspended Solids	mg/L	10	15	--	--
Total Suspended Solids	lbs/day	175	262	--	--

Parameter	Units	Average Monthly	Average Weekly	Instantaneous Minimum	Instantaneous Maximum
pH	SU	--	--	6.5	8.5

- e. **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed (except as specified in section “f” below):
 - i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median
 - ii. 23 most probable number (MPN) per 100 mL, more than once in any 30-day period; and
 - iii. 240 MPN/100mL, at any time.
- f. **Total Coliform Organisms.** From 16 November through 14 April, during periods of discharge when a receiving water to effluent flow ratio of $\geq 20:1$ exists and the receiving water is < 400 cfs, effluent total coliform organisms shall not exceed:
 - i. 23 MPN/100 mL, as a 7-day median; and
 - ii. 240 MPN/100mL, at any time.

NEED FOR TIME SCHEDULE AND LEGAL BASIS

- 4. WDR Order R5-2012-0086 contained effluent limitations for biochemical oxygen demand (BOD), total suspended solids (TSS), pH, and total coliform organisms that were based on the implementation of new, revised, or newly interpreted water quality objective or criterion in a water quality standard and were more stringent limitations than previously imposed. The Discharger demonstrated a need for additional time to implement actions to comply with these new effluent limitations. Therefore, a compliance schedule for compliance with these effluent limitations was established in WDR Order R5-2012-0086 that required compliance with the new limitations within eight years of the effective date of WDR Order R5-2012-0086 (22 November 2020). Interim effluent limits for these constituents were also included in WDR Order R5-2012-0086.
- 5. On 13 September 2017, the Discharger submitted a request to extend the compliance schedule, which was necessary to implement actions such as securing funding, purchasing equipment, and constructing facilities to comply with the final effluent limitations. The Discharger demonstrated efforts taken to meet the compliance schedule in WDR Order R5-2012-0086, including completion of a Preliminary Engineering Report, passing a rate increase to secure funding for a construction project, and preparing and implementing in a timely and proper manner a Pollution Prevention Plan pursuant to CWC section 13263.3.

6. On 8 December 2017, the Central Valley Water Board adopted WDR Order R5-2017-0117, which included a revised compliance schedule to meet the final limits for BOD, TSS, pH, and total coliform organisms that extended the final compliance date to 22 November 2022. The interim limits from WDR Order R5-2012-0086 were retained.
7. Due to delays involved with funding the selected construction project and material delays and shortages, construction at the Facility will not be complete by the effective date of the final limitations (22 November 2022). On 7 October 2022, the Discharger submitted a request to extend the compliance schedule deadline until construction is complete at the Facility and the Facility is fully operational. Facility upgrades are anticipated to be completed by Spring 2023.
8. State Water Resources Control Board Resolution No. 2008-0025, Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy), specifies a maximum compliance schedule length and conditions for renewal of compliance schedules. In accordance with the Compliance Schedule Policy, a maximum of ten years has been provided by the 22 November 2022 compliance date.
9. The Discharger cannot consistently comply with the BOD, TSS, pH, and total coliform organisms effluent limitations in WDR Order R5-2017-0117 and must implement additional actions to reach compliance. This Order contains a time schedule for compliance with final effluent limitations, sets interim limitations for certain constituents, and is intended to provide protection from mandatory minimum penalties (MMPs) for these constituents.

MANDATORY MINIMUM PENALTIES

10. California Water Code (CWC) section 13385, subdivisions (h) and (i), requires the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) exempts discharges from these MMPs:

... 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 ... Except as provided in [clause (j)(3)(C)(ii)], for the purposes of this subdivision, the time schedule shall not exceed five years in length...
11. Per the requirements of CWC section 13385(j)(3), the Central Valley Water Board finds that:
 - 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 CWC section 13385(h) and (i).

- b. To comply with final effluent limitations, less than one year is necessary to complete construction of the compliance project and startup of the new Facility components. Once complete, the Facility will provide, among other components, activated sludge biological treatment, filtration, and ultraviolet disinfection.
 - c. The final effluent limitations for BOD, TSS, pH, and total coliform organisms are new, more stringent, or modified regulatory requirements that become applicable to the waste discharge on 22 November 2022. New or modified control measures are necessary in order to comply with the final effluent limitations for these constituents. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - d. 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.
12. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for BOD, TSS, pH, and total coliform organisms found in WDR Order R5-2017-0117 and subsequent WDRs from the date of this Order or the effective date of the final effluent limitations (whichever is later) until **15 June 2023**.
13. In accordance with CWC section 13385(j)(3)(C), the total length of protection from mandatory minimum penalties for the final effluent limitations for BOD, TSS, pH, and total coliform does not exceed five years.
14. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for BOD, TSS, pH, and total coliform organisms contained in NPDES Permit CA0078051. The Central Valley Water Board or the Executive Officer may amend this Order as necessary upon reissuance of the permit. The time schedule for completion of actions necessary to bring the waste discharge into compliance does not exceed one year.
15. This Order includes interim effluent limitations for BOD, TSS, pH, and total coliform organisms that are the same as the interim effluent limits in WDR Order R5-2017-0117. The following table summarizes the interim effluent limitations for BOD, TSS, pH, and total coliform organisms:

Table 1. Interim Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	30	45	60	--
Biochemical Oxygen Demand (5-day @ 20°C)	lbs/day	525	788	1050	--
Total Suspended Solids	mg/L	30	45	60	--
Total Suspended Solids	lbs/day	525	788	1050	--
pH	SU	--	--	--	6.0

b. **Total Coliform Organisms.** From 16 November through 14 April, during periods of discharge when a receiving water to effluent flow ratio of <20:1 exists or the receiving water is ≥ 400 cfs, effluent total coliform organisms shall not exceed:

- i. 23 MPN/100 mL, as a 7-day median; and
- ii. 240 MPN/100mL, at any time.

16. The Central Valley Water Board finds that the Discharger can 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. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

17. 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 13385(j)(3). It is the intent of the Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, 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

18. CWC section 13300 states, in part:

“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.”

19. CWC section 13383 states, in part:

“[A] regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge.”

20. The Discharger owns and operates the City of Mt. Shasta Wastewater Treatment Plant. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in this Order, WDR Order R5-2017-0117, and subsequent WDRs.

21. 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.).

22. This Order is issued under authority delegated to the Executive Officer in accordance with Central Valley Water Board Resolution No. R5-2018-0057, and Water Code section 13223.

23. On 20 October 2022, 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 California Water Code Sections 13300 and 13383, the Discharger shall comply with the following time schedule to submit reports and ensure completion of the compliance project described in Finding 11.b, above:

Table 2. Compliance Schedule

Task	Compliance Date
Submit documentation the final treatment system has been installed and facility upgrades are complete	15 June 2023
Comply with final effluent limitations for BOD, TSS, pH, and total coliform organisms	15 June 2023

2. The following interim effluent limitations for BOD, TSS, pH, and total coliform shall take effect on 22 November 2022 or the date this Order is issued, whichever is later. The Discharger shall comply with the following interim effluent limitations through 15 June 2023, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 3. Interim Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	30	45	60	--
Biochemical Oxygen Demand (5-day @ 20°C)	lbs/day	525	788	1050	--
Total Suspended Solids	mg/L	30	45	60	--
Total Suspended Solids	lbs/day	525	788	1050	--
pH	SU	--	--	--	6.0

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	30	45	60	--

3. Any person signing a document submitted under this TSO 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 professional's signature and/or stamp of the seal.

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 Order 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 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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. Links to the laws and regulations applicable to filing petitions may be found on the [Water Quality Petitions Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

PATRICK PULUPA, Executive Officer

21 November 2022

Date