

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2008-YYYY

**AMENDING TIME SCHEDULE ORDER NO. R4-2007-0038
REQUIRING THE CITY OF SIMI VALLEY
(SIMI VALLEY WATER QUALITY CONTROL PLANT)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2008-XXXX
(NPDES PERMIT NO. CA0055221)**

The California Regional Water Quality Control Board, Los Angeles Region (hereafter Regional Board), finds:

1. The City of Simi Valley (City or Discharger) discharges wastes from its Simi Valley Water Quality Control Plant (Simi Valley WQCP) under waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permit (CA0055221) contained in Order No. R4-2003-0081 adopted by this Regional Board on May 1, 2003. This NPDES Order is being superseded by NPDES Order No. R4-2008-XXXX adopted by this Regional Board on June 5, 2008.
2. Order No. R4-2003-0081 contains the following effluent limits for nitrate plus nitrite as nitrogen:

Table 1. Final Effluent Limitation

| Constituent | Units | Discharge Limitations | | |
|---------------------------------------|-------|-----------------------|---------------|-----------------|
| | | Daily Maximum | 7-Day Average | Monthly Average |
| Nitrate + nitrite as nitrogen (final) | mg/L | -- | -- | 9.0 |

3. The Regional Board adopted Time Schedule Order (TSO) No. R4-2007-0038 on August 9, 2007. This TSO allows the Discharger to achieve compliance with the final nitrate + nitrite as nitrogen by April 30, 2009. The interim effluent limitation for nitrate + nitrite as nitrogen prescribed in the aforementioned TSO is presented in the Table below:

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Table 2. Interim Effluent Limitations

| Constituent | Units | Discharge Limitations | | |
|---|-------|-----------------------|---------------|-----------------|
| | | Daily Maximum | 7-Day Average | Monthly Average |
| Nitrate + nitrite as nitrogen (interim) | mg/L | 17 ¹ | -- | 14 ² |

4. This Order amends TSO No. R4-2007-0038 providing the same effluent limitations and compliance date for nitrate plus nitrite as nitrogen. The date to achieve full compliance with the nitrate plus nitrite as nitrogen limitation remains April 30, 2009.
5. The action taken by this Regional Board pertaining to the TSO does not preclude the possibility of actions to enforce the waste discharge requirements and permit by third parties pursuant to section 505 of the Federal Clean Water Act.
6. The Regional Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted.
7. This TSO concerns an existing facility, does not otherwise alter the status quo with respect to the facility, and is, therefore, categorically exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et.seq.) in accordance with Section 15301 of Title 14, California Code of Regulations.

The Board notified the Discharger and interested agencies and persons of its intent to issue a Time Schedule Order concerning violations or threatened violations of waste discharge requirements.

The Board, in a public hearing, heard and considered all testimony pertinent to this matter. All Orders referred to above, Regional Board files on this matter, and records of hearings and testimony therein are included herein by reference.

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¹ The Interim limit is based on effluent performance data from September 2004 through April 2007 for the Simi Valley WQCP. Daily maximum interim effluent limits were derived statistically as the 99% confidence level of the 99th percentile, using P-Limit program. This program incorporates the procedure in Appendix E of *the Technical Support Document (TSD) For Water Quality-based Toxics Control [EPA/505/2-90-001]* for the limit calculation.

² The Interim limit is based on effluent performance data from September 2004 through April 2007 for the Simi Valley WQCP. Monthly average interim effluent limit was derived statistically as the 99% confidence level of the 95th percentile, using the P-limit program. This program incorporates the procedure in Appendix E of *the Technical Support Document (TSD) For Water Quality-based Toxics Control [EPA/505/2-90-001]* for the limit calculation.

IT IS HEREBY ORDERED that, pursuant to the California Water Code section 13300, the City of Simi Valley, as operator of the Simi Valley Water Quality Control Plant, shall:

1. Comply with the following interim effluent limit on the effective date of Time Schedule Order R4-2008-YYYY:

Table 3. Interim Effluent Limitations

| Constituent | Units | Discharge Limitations | | |
|---|-------|-----------------------|---------------|-----------------|
| | | Daily Maximum | 7-Day Average | Monthly Average |
| Nitrate + nitrite as nitrogen (interim) | mg/L | 17 | -- | 14 |

2. Achieve full compliance with the nitrate plus nitrite as nitrogen effluent limitations in NPDES Order No. R4-2008-XXXX by April 30, 2009.
3. Submit quarterly progress reports of efforts towards compliance with the effluent limits for nitrate plus nitrite as nitrogen, to include, but not limited to:
 - a. Status of the NDN plant modification activities; and/or
 - b. Status of the development of any Water Effects Ratios (WERs), Site-Specific Objectives (SSOs) and/or Use Attainability Analysis (UAAs).

Progress reports shall be submitted by the fifteenth day of the first month following the reporting quarter (January 15, April 15, July 15 and October 15). The first progress report shall be received at the Regional Board by October 15, 2008, and will cover the months of July 2008 through September 2008. The first progress report shall also include an update on the status of the derivation of the SSO and/or UAA.

4. If the Discharger fails to comply with any provisions of this Order, the Executive Officer may issue an Administrative Civil Liability Complaint pursuant to California Water Code section 13323. The Regional Board may also refer the case to the Attorney General for injunction and civil monetary remedies, pursuant to California Water Code sections 13331 and 13385.
5. All other provisions of NPDES Order No. R4-2008-XXXX not in conflict with this Order is in full force and effect.

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I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 5, 2008.

Tracy J. Egoscue
Executive Officer

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