
North Coast Regional Water Quality Control Board

California Regional Water Quality Control Board North Coast Region

TIME SCHEDULE ORDER No. R1-2020-0003 TO PROVIDE TIME SCHEDULES TO COMPLY WITH ORDER No. R1-2020-0002

LOLETA COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT FACILITY NPDES No. CA0023671

Humboldt County WDID No. 1B80081OHUM

The California Regional Water Quality Control Board, North Coast Region (hereafter Regional Water Board), finds:

1. The Loleta Community Services District (Permittee) is the owner and operator of the Loleta Wastewater Treatment Facility (Facility) located in Loleta, California. The Facility is a publicly owned treatment works, which discharges secondary treated wastewater under Waste Discharge Requirements (WDRs) contained in Order No. R1-2020-0020 (Proposed Permit), adopted by the Board on April 16, 2020. The Proposed Permit also serves as the National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0023671) and Master Recycling Permit. The Proposed Permit contains discharge prohibitions, effluent and receiving water limitations, compliance provisions and monitoring and reporting requirements.
2. The Facility provides secondary treatment and consists of a gravity collection system, an aeration basin, clarifier, chlorine contact chamber, and chlorine and sulfur dioxide flow-proportioning equipment. The Facility has an average dry weather design treatment capacity of 0.081 million gallons per day (mgd) and an average wet weather treatment capacity of 0.143 mgd. Effluent is discharged, via a subsurface pipe at Discharge Point 001, to a wetland located approximately 0.66 miles southwest and downgradient from the Facility. The wetland is tributary to Ropers Slough, a slough that discharges directly to the Eel River during wet weather conditions.

3. The Permittee was previously regulated under WDR Order No. R1-2014-0013 (2014 Permit). The 2014 Permit was adopted on May 8, 2014 and included a discharge prohibition from May 15 through September 30 (summertime discharge prohibition) and final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate.
4. On November 20, 2014, the Permittee submitted a statement of noncompliance for the Facility. The Permittee indicated concerns that the Facility would be unable to comply with the summertime discharge prohibition identified under Finding 3 above as well as final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate as required by the 2014 Permit.
5. On March 12, 2015, the Regional Water Board adopted Cease and Desist Order No. R1-2015-0008 (2015 CDO) requiring the Permittee to complete specific tasks to achieve compliance with discharge prohibitions and final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate as required by the 2014 Permit.

The 2015 CDO required the Permittee to complete the following tasks:

- a) Develop and implement a pollution minimization program and source control measures,
- b) Develop a Facilities Plan to identify a Preferred Alternative to treat the pollutants listed above,
- c) Submit a preliminary Report of Waste Discharge (ROWD),
- d) Complete a sanitary sewer evaluation survey to identify collection system deficiencies,
- e) Submit documentation to complete the California Environmental Quality Act process,
- f) Submit a progress report and completion dates for additional agency permits,
- g) Acquire a long-term lease for land necessary for recycled water application,
- h) Submit documentation showing funding has been secured for the Preferred Alternative,
- i) Develop and submit design plans for a Preferred Alternative to upgrade the current Facility, and
- j) Construct the Preferred Alternative and fully comply with final effluent limitations and discharge prohibitions in the 2014 Permit.

6. The Permittee completed tasks (a) through (h) on time, listed above, during the term of the 2015 CDO.
7. On April 5, 2018, the Permittee requested an extension of tasks (i) and (j) from December 31, 2019, to December 31, 2021. The Permittee requested the extension because of setbacks in securing a summertime location to apply recycled water to meet the summertime discharge prohibition. The Permittee has since been successful in attaining a 10-year lease with a landowner to use the property as the Recycled Water Use Site. However, the delay in gaining the long-term lease affected the Permittee's ability to move forward with permit applications and securing grant funding for the necessary facility improvements. As such, the Permittee has requested additional time to complete tasks (i) and (j).
8. The Regional Water Board concurs that, based on the current Facility design and performance, it is infeasible for the Permittee to comply with final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorodibromomethane, nitrate, and TDS. The completion of the proposed Facility improvements will bring the Permittee into compliance with the Proposed Permit summertime discharge prohibition and the final effluent limitations for all constituents listed above except for copper.
9. The Permittee plans to upgrade the treatment system to an extended aeration system with disinfection occurring with ultraviolet light (UV). Switching from chlorine to UV disinfection will eliminate the potential formation of, carbon tetrachloride, chlorodibromomethane and dichlorobromomethane. The extended aeration system is expected to treat ammonia and nitrate down to a level of <1 mg/L and 4 mg/L respectively, which are below water quality objectives for these parameters. The Permittee is planning to conduct a Water-Effect Ratio study to determine a site specific copper criteria at their point of discharge to the Eel River.

10. The Permittee has chosen to use their treated effluent for irrigation of pasture (Recycled Water Use Site) for the production of beef cattle to achieve compliance with the summertime discharge prohibition (May 15 through September 30). As a result, and pursuant to California Code of Regulations, title 22, division 4, chapter 3 (herein referred to as Uniform Statewide Recycling Criteria), the Permittee is required to produce recycled water of at least undisinfected secondary quality (Cal. Code Regs., tit. 22, § 60301.900). However, the Regional Water Board has established in the Proposed Permit technology-based effluent limitations consistent with disinfected secondary-23 recycled water (Cal. Code Regs., tit. 22, § 60301.225) because the Permittee currently treats to secondary standards under the existing permit and is required to meet technology based effluent limitations for secondary treatment when discharging to the Eel River. In addition, the Permittee must prepare and submit a title 22 Engineering Report approved by the State Water Board's Division of Drinking Water (DDW) addressing protection of public health before authorization to use recycled water. The TSO provides one year for the Permittee to prepare and obtain approval of a Title 22 Engineering Report.
11. The Proposed Permit requires groundwater monitoring at the Recycled Water Use Site to monitor possible impacts to groundwater at the Recycled Water Use Site and to comply with Basin Plan groundwater limitations. Consequently, the Permittee must install a groundwater monitoring well network that characterizes the groundwater quality. It is anticipated that the Permittee will require some time to develop a groundwater monitoring program to monitor impacts to groundwater. The TSO provides 16 months for the Permittee to install an approved groundwater monitoring network to maintain compliance with the Basin Plan and the Uniform Statewide Recycling Criteria.
12. The Proposed Permit implements provisions of the California Toxics Rule (CTR) and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP) by requiring the Permittee to monitor its effluent for CTR constituents that may have reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water. Section 1.2 of the SIP allows the Regional Water Board to adjust the criteria/objective for metals with discharge-specific water effect ratios (WERs) established in accordance with U.S. Environmental Protection Agency (U.S. EPA) guidance as established in Interim Guidance on Determination and Use of Water Effect Ratios for Metals (EPA-823-B-94-001) (Interim Guidance) or Streamlined Water Effect Ratio Procedure for Discharges of Copper (EPA-822-R-01-005) (Streamlined Procedure). The Interim Guidance and Streamlined Procedure determine site-specific values for a WER, a criteria adjustment factor accounting for the effect of site-specific water characteristics on pollutant bioavailability and toxicity to aquatic life.

13. Because the Permittee has been unable to consistently comply with final effluent limitations for total recoverable copper, it plans to conduct a WER study to determine a site specific copper criteria and provide evidence that supports the application of a WER for copper at the point of discharge to the Eel River.
14. The Proposed Permit includes new TDS effluent limitations based on monitoring data from the 2014 Permit that shows reasonable potential to exceed the drinking water maximum contaminant level of 500 mg/L. The Permittee sampled for TDS 68 times in the 2014 Permit and exceeded the 500 mg/L threshold 41 times. The Permittee requested interim effluent limitations for TDS be established in their TSO comment letter. The interim effluent limitation for TDS is needed to allow the Permittee to implement source control measures to reduce TDS in the influent. The Permittee is required to submit a Pollution Prevention Plan to identify and control sources of TDS among other pollutants at the Facility.
15. Terms in the Proposed Permit that Permittee violates and/or threatens to violate are:

III. DISCHARGE PROHIBITIONS

I. Discharges of waste to the Eel River and its tributaries, including wetlands, are prohibited during the period of May 15 through September 30 each year.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

a. The discharge of treated wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the MRP (Attachment E).

Table 1: Effluent Limitations

Parameter	Units	Average Monthly (AMEL)	Maximum Daily (MDEL)
Copper	µg/L	8.9	14
Carbon Tetrachloride	µg/L	0.25	0.50
Chlorodibromomethane	µg/L	0.40	1.0
Dichlorobromomethane	µg/L	0.56	1.3
Nitrate	mg/L	10	--
Total Dissolved Solids	mg/L	500	--

16. Section 13301 of the California Water Code (Water Code) states "Whenever a regional board finds that a discharge of waste is taking place, or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions to (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."
17. Water Code section 13300 states:

"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."
18. Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any waters of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order, pursuant to Water Code section 13267, are necessary to ensure that the future threat to water quality created by activities at the Facility are properly assessed and controlled. Due to the importance of protecting water resources as explained herein, the costs associated with developing the required reports and work plans bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the Regional Water Board to properly regulate and monitor the Facility.
19. Water Code section 13383, subdivision (a) provides the Regional Water Board may establish monitoring, inspection, entry reporting, and record keeping requirements, as authorized by section 13160, 13376, or 13377 for any person who discharges, or proposes to discharge to navigable waters. Subdivision (b) provides that the Regional Water Board may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required.
20. Pursuant to Water Code section 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate or total dissolved solids (TDS), during the term of this Order, if:

- a) A cease and desist or time schedule order is issued on or after July 1, 2000, and specifies the actions that the Permittee is required to take in order to correct the violations that would otherwise be subject to MMPs;
 - b) The Regional Water Board finds that the Permittee is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days;
 - c) The Regional Water Board establishes a time schedule for bringing 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, and where the time schedule exceeds one year, the time schedule includes interim requirements and actions and milestones leading to compliance; and
 - d) The Permittee has prepared and is implementing in a timely and proper manner or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code section 13263.3.
 - e) Following a public hearing, and upon a showing that the discharger is making diligent progress towards bringing the waste discharge into compliance with the effluent limitation, the regional board may extend the time schedule for an additional period not exceeding five years in length, if the discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
21. This Order establishes compliance schedules below that address anticipated future violations of final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS. In accordance with California Water Code section 13385 (j)(3)(B) and the terms of this Order, MMPs will not be assessed for violations of the final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS as stipulated in Finding 20 above. Specifically, the Regional Water Board finds that:
- a) This time schedule order is being issued after July 1, 2000 and specifies the actions the Permittee is required to take to correct the violations of Order No. R1-2014-0013.

- b) The Permittee is unable to consistently comply with Discharge Prohibition I. or the Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS because new or modified control measures are needed to achieve compliance, and the new or modified control measures are dependent on the completion of a series of studies, thus the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
- c) Requirements of this Order establish a time schedule for bringing the Facility into compliance with Discharge Prohibitions and the Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS that is as short as possible.
- d) A maximum of 24 months is provided to the Permittee to design, install and implement control measures that will lead to compliance with the Discharge Prohibitions and the Effluent Limitations.
- e) The Discharger has made diligent progress towards meeting the final effluent limitations. The Permittee has developed a Facilities Plan to identify a Preferred Alternative to upgrade the treatment at the Facility, contracted with a local landowner to lease nearby property for recycled water use, initiated rehabilitation of the sanitary sewer system, secured funding from the State Revolving Fund and developed final design plans for the Preferred Alternative that will be used during the bidding process to secure a contractor to build the upgraded Facility.
- f) This Order establishes interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS and establishes compliance schedules for bringing the Facility into compliance with final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS in the Proposed Permit that are as short as possible.
- g) Provisions VI.C.3.a and VI.C.5.b of Order No. R1-2020-0002 require the Permittee to update and implement a pollution minimization program and source control measures designed to identify and control pollutant sources including, but not limited to copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS at the Facility.

22. Accordingly, the Regional Water Board finds that MMPs for violations of final effluent limitations when discharging to the Eel River at Monitoring Location EFF-001 as specified in Effluent Limitations section IV.A.1.a of the Proposed Permit do not apply for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS through October 31, 2023 as long as the Permittee complies with the interim effluent limitations contained in this Order. If an interim effluent limitation contained in this Order is exceeded, then the Permittee is subject to MMPs for that particular exceedance as it will no longer meet the exception in Water Code section 13385(j)(3)(B)(i)(ii).
23. The Permittee submitted a Pollutant Minimization Program and Source Control Work Plan (Work Plan) on September 2, 2015, as required under the 2015 CDO. The Work Plan identified a field program that consisted of accessing manholes in the collection system near commercial and industrial facilities, sampling the wastewater influent at each location and analyzing those samples for pollutants listed above. The sampling and reporting are conducted annually until the pollutants identified above have been removed.
24. The Permittee proposes to complete an upgrade of their treatment plant by October 31, 2023, as identified as the Preferred Alternative in the submitted Facilities Plan, that will consist of a new influent pump station, headworks, extended aeration system, UV disinfection system and a water recycling disposal system. The Permittee has secured funding for the Preferred Alternative and are in the process of finalizing design plans before putting the project out for bid and construction.
25. The compliance schedule established in this Order is intended to be as short as possible. This Order provides a compliance schedule for the Permittee to develop, submit and implement methods of compliance, including developing pollution prevention activities and constructing necessary treatment facilities to meet effluent limitations listed in Finding 12 above.

26. This Order requires the Permittee to comply with interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS. The SIP requires that interim effluent limitations for pollutants be based on past performance or limits in previous orders, whichever is more stringent. It is appropriate to apply this approach for establishing interim effluent limitations for non-CTR pollutants as well. Interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS established in this Order were derived based on Facility performance using available effluent monitoring data at Monitoring Location EFF-001, the point of discharge to the Eel River. These performance based interim effluent limitations were calculated using statistical methodology described in the U.S. EPA *Technical Support Document for Water Quality-based Toxics Control* (TSD) and a statistical tool, RPCalc, developed by State Water Resources Control Board staff to assist State and Regional Water Board staff in the development of interim effluent limitations. The 95th percentile concentrations of each pollutant were calculated at the 95 percent confidence level to determine the interim Average Monthly Effluent Limitations (AMELs). The calculated AMELs were rounded to the nearest whole number.

Table 2: 95th Percentile Concentrations for Interim Effluent Limitations

Constituent	Calculated 95 th Percentile (AMEL)
Copper (ug/L)	23
Carbon Tetrachloride (ug/L)	1.2
Chlorodibromomethane (ug/L)	5.9
Dichlorobromomethane (ug/L)	31
Nitrate (mg/L)	54
Total Dissolved Solids (mg/L)	878

The interim limitations in this Order are intended to ensure that the Permittee maintains at least its existing performance while implementing pollution prevention measures to improve performance to the extent possible and completing all tasks required by the compliance schedules.

27. The Regional Water Board has notified the Permittee, interested agencies and persons, of its intent to issue a Time Schedule Order in accordance with Water Code section 13167.5.

28. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to CWC 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.).

IT IS HEREBY ORDERED, pursuant to Water Code section 13300, 13267 and 13383, the Permittee shall comply with the following requirements and schedule of actions to comply with the Proposed Permit:

1. The Permittee shall comply with the following interim effluent limitations in the interim period established by this Order for the Permittee to achieve compliance with the final effluent limitations set forth in section IV.A.1 of the Proposed Permit:

Table 3: Interim Effluent Limitations

Parameter	AMEL
Copper (ug/L)	23
Carbon Tetrachloride (ug/L)	1.2
Chlorodibromomethane (ug/L)	5.9
Dichlorobromomethane (ug/L)	31
Nitrate (mg/L)	54
Total Dissolved Solids (mg/L)	878

2. All required reports and documents shall be submitted to the Regional Water Board. The Pollutant Minimization Program and Source Control Work Plan requires Executive Officer approval. The Title 22 Engineering Report shall be submitted to both the Division of Drinking Water and the Regional Water Board. DDW must approve the Title 22 Engineering Report.
3. The Permittee shall implement the tasks in the following compliance schedule in order to achieve compliance with the final effluent limitations for copper, chlorodibromomethane, dichlorobromomethane, carbon tetrachloride nitrate and TDS in section IV.A.1.a of the Proposed Permit at the earliest possible date in accordance with the following schedule:

Table 4: Compliance Schedule, Tasks and Dates to Achieve Compliance with the Proposed Permit

Task	Task Description	Compliance Date
A1	Submit final design plans and specifications for construction of the Preferred Sanitary Sewer Collection System (SSCS) Project Alternative	May 1, 2020
A2	Submit final design plans and specifications for construction of the Preferred WWTF Project Alternative	July 1, 2021
B	Submit a Groundwater Well Workplan that includes a schedule of implementation, for Regional Water Board Executive Officer review and concurrence, that describes the monitoring well network that will be installed to meet	June 1, 2020

Task	Task Description	Compliance Date
	the groundwater monitoring requirements in the Proposed Permit. Upon receiving Executive Officer concurrence, the Permittee shall implement Groundwater Well Workplan in accordance with the schedule of implementation.	
C	Submit a pollution prevention plan (PPP) that includes a schedule of implementation, for Regional Water Board Executive Officer review and concurrence, that meets the requirements of Water Code section 13263.3(d)(3). The PPP shall describe a plan to identify and control pollution at the Facility by implementing pollution control actions identified in the PPP schedule of implementation until the Facility achieves full compliance with final effluent limitations listed in this Order. Upon receiving Executive Officer concurrence, the Permittee shall implement the PPP in accordance with the schedule of implementation.	June 1, 2020
D	Submit a Copper Water-Effects Ratio (WER) Work Plan for Executive Officer concurrence.	December 31, 2020
E	Submit a Title 22 Engineering Report to the Division of Drinking Water with a copy to the Regional Water Board, for Division of Drinking Water Approval, that meets the requirements of California Code of Regulations, title 22, section 60301 through 60357 and the requirements in Attachment G of the Proposed Permit.	October 1, 2021
F	Submit to the Regional Water Board, for Executive Officer approval, proof that sufficient groundwater monitoring wells were installed around the Recycled Water Use Site to show compliance with groundwater limitations listed in the Proposed Permit.	July 1, 2022
G1	Complete and submit a final report with the as-built plans of the Construction of the Preferred SSCS Project Alternative.	December 31, 2021
G2	Complete and submit a final report, including the results of the WER study with the as-built plans of the Construction of the Preferred WWTF Project Alternative and achieve compliance with all Regional Water Board waste discharge requirements including Discharge Prohibitions and Final Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, nitrate and TDS.	October 31, 2023

4. Until the Permittee can achieve full compliance with the Proposed Permit, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements identified in the Proposed Permit or any future waste discharge requirements issued for the Facility.
5. If the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in this Order the Permittee may request, in writing, that the Regional Water Board Executive Officer grant an extension of the time. The extension request shall include justification for the delay and shall be submitted at least 21 days prior to the respective deadline to be considered timely. A minor extension may be granted by the Regional Water Board Executive Officer for good cause.
6. If the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Regional Water Board may take all actions authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.
7. Any person aggrieved by this action of the North Coast Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050. 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](#) or will be provided upon request.

Ordered by: _____

Matthias St. John

Executive Officer

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