CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2014-0160
AMENDING TIME SCHEDULE ORDER NO. R5-2011-0045

MODOC JOINT UNIFIED SCHOOL DISTRICT
GEOTHERMAL PROJECT
MODOC COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) finds:

1. On 10 June 2011, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2011-0044, NPDES Permit No. CA0082406, for the Modoc Joint Unified School District (hereinafter Discharger) for its Geothermal Project (hereafter Facility).

2. WDR Order No. R5-2011-0044 included final effluent limits, in part, for copper and pH as contained in Effluent Limitations VI.A.1.a.

3. On 10 June 2011, the Central Valley Water Board adopted Time Schedule Order (TSO) No. R5-2011-0045, which included an interim effluent limit for copper and a time schedule that outlined tasks corresponding with interim compliance dates. Facility compliance with the final effluent limit for copper was to be completed by 30 September 2014.

4. On 18 September 2014, the Discharger submitted a request for additional time to comply with copper effluent limitations. The 18 September 2014 letter also contained a request for a time schedule to come into compliance with the instantaneous maximum pH effluent limitation. Justification was provided in the letter, which outlined measures taken by the Discharger in order to comply with TSO No. R5-2011-0045 that resulted in unanticipated delays to meet final effluent limits for copper. The Discharger has completed a review and cost estimate for linking the geothermal heating system to the City of Alturas' sanitary sewer system. The Discharger was also approved for a $3,155,759 award through the California Energy Commission's Geothermal Grant and Loan Program. Additional time is required for the Discharger to determine and complete a final project that allows them to meet final effluent limits.

5. The Discharger plans to eliminate Facility discharge to surface water by injection of waste geothermal fluid into the parent aquifer or conveyance of waste geothermal fluid to the City of Alturas' sanitary sewer system. Proposed changes to the discharge location would result in rescission of the Discharger's existing National Pollutant Discharge Elimination System (NPDES) permit. The Discharger plans to submit documentation to begin the California Environmental Quality Act's (CEQA) environmental review process for injection of geothermal waste fluid back into the parent aquifer.

6. Immediate compliance with the final effluent limitations for copper and maximum pH is not possible or practicable. The Clean Water Act, 40 C.F.R. § 122.47, and Cal. Wat. Code § 13300 authorize time schedules for achieving regulatory compliance. This Order amends

TSO No. R5-2011-0045 by extending the length of the time schedule for copper and adding an interim limitation and time schedule for maximum pH. The amended time schedule does not exceed five years from the effective date of the new effluent limitations.

7. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, the compliance time schedule in the proposed Order (Attachment 1), that amends TSO No. R5-2011-0045, includes interim requirements and dates for achievement for copper and pH.

8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.)(CEQA), pursuant to Cal. Wat. Code § 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 Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, § 15321(a)(2).

9. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend TSO No. R5-2011-0045 for the discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

TSO No. R5-2011-0045 is amended as shown in underline/strikeout format in Attachment 1 to this Order.

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 Cal. Wat. Code § 13320 and California Code of Regulations, title 23, § 2050 et seq. 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 at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 December 2014.

PAMELA C. CREEDON, Executive Officer