

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2010-0907

REQUIRING CALIFORNIA DEPARTMENT OF GENERAL SERVICES
OFFICE OF STATE PUBLISHING
SACRAMENTO COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2005-0086
(NPDES PERMIT NO. CA0078875)

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, (hereinafter Central Valley Water Board) finds that:

1. On 24 June 2005, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2005-0086 and Time Schedule Order (TSO) R5-2005-0087, prescribing waste discharge requirements and time schedules for the California Department of General Services, Office of State Publishing. WDR Order No. R5-2005-0086 and TSO No. R5-2005-0087 were subsequently amended on 6 December 2007 by Resolution No. R5-2007-0164. For the purposes of this Order, the California Department of General Services is hereafter referred to as "Discharger" and the Office of State Publishing facility is hereafter referred to as "Facility."
2. WDR Order R5-2005-0086 contains Final Effluent Limitations No. B.1. which reads, in part, as follows:

<i>Parameter</i>	<i>Units</i>	<i>Effluent Limitations</i>				
		<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
<i>Arsenic</i>	<i>µg/L</i>	--	--	10	--	--
<i>Barium</i>	<i>µg/L</i>	--	--	100		
<i>Cadmium</i>	<i>µg/L</i>	0.41	--	0.82		
<i>Copper</i>	<i>µg/L</i>	1.7	--	3.4	--	--
<i>Lead</i>	<i>µg/L</i>	0.41	--	0.82	--	--
<i>Manganese</i>	<i>µg/L</i>	--	--	50	--	--
<i>Nickel</i>	<i>µg/L</i>	12	--	24	--	--
<i>Selenium</i>	<i>µg/L</i>	4.1	--	8.2	--	--
<i>Total Dissolved Solids</i>	<i>mg/L</i>	--	--	125	--	--

3. The effluent limitations for cadmium, copper, lead, nickel, and selenium are based on California Toxic Rule (CTR) water quality criteria. Amended WDR Order No. R5-2005-0086 contains a compliance schedule for these constituents with full compliance required by 22 May 2010.
4. The effluent limits for arsenic, barium, manganese, and total dissolved solids (TDS) are based on site specific Basin Plan objectives. Amended TSO No. R5-2005-0087 contains a compliance schedule for these constituents with full compliance required by 1 June 2010.
5. Amended TSO No. R5-2005-0087 and amended WDR Order No. R5-2005-0086 contain Interim Effluent Limitations, which read, in part, as follows:

<i>Parameter</i>	<i>Units</i>	<i>Interim Effluent Limit</i>
<i>Cadmium</i>	$\mu\text{g/L}$	16 ¹
<i>Copper</i>	$\mu\text{g/L}$	422 ¹
<i>Lead</i>	$\mu\text{g/L}$	33 ¹
<i>Nickel</i>	$\mu\text{g/L}$	133 ¹
<i>Selenium</i>	$\mu\text{g/L}$	66 ¹
<i>Arsenic</i>	$\mu\text{g/L}$	72 ²
<i>Barium</i>	$\mu\text{g/L}$	940 ²
<i>Manganese</i>	$\mu\text{g/L}$	3854 ²
<i>TDS</i>	mg/L	1504 ²

¹ Amended WDR Order No. R5-2005-0086 (Average Monthly)

² Amended TSO No. R5-2005-0087 (Maximum Daily)

6. On 23 February 2006 the Discharger submitted a Pollution Prevention Plan (PPP) for achieving compliance with the final effluent limitations for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium and TDS. The PPP proposed source investigations for each constituent to determine potential source control actions necessary to achieve compliance with the applicable final effluent limitations in WDR Order No. R5-2005-0086.

7. California Water Code (CWC) 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.”*

8. On 5 November 2009, the Discharger submitted documentation demonstrating the diligent efforts it has been making to terminate river discharge as the method of compliance. Currently, a project is underway to retrofit the Facility ventilation system with equipment which will eliminate the surface water discharge. But, the Discharger informed Central Valley Water Board staff that the project has been delayed due to various complexities associated with the construction and financing of the project. The Discharger submitted an updated construction schedule indicating award of bid by 30 April 2010, and project completion by 16 March 2011. Since the discharge of cooling water will have to continue during the period of May through September 2010, the Discharger believes that compliance with the new effluent limitations is not possible or practicable without major upgrades and/or modifications to the Facility.

9. On 15 March 2010 the Discharger submitted justification for a compliance schedule for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium and TDS. The Discharger’s PPP and justification submittal included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollution minimization measures efforts currently underway or completed; and (c) a

proposal for additional or future source control measures, pollutant minimization actions, waste treatment (i.e., facility upgrades) or cease discharge with projected time schedules to achieve compliance with final effluent limitations. The Discharger indicated that the proposed schedule is as short as possible, and that full compliance by 22 May 2010 and 1 June 2010 for CTR and non-CTR constituents, respectively, may not provide adequate time for the Discharger to implement actions for the Facility to consistently comply with the final effluent limits for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS. Therefore, the Discharger has requested additional time for compliance with the final effluent limitations in WDR Order No. R5-2005-0086 and TSO No. R5-2005-0087.

10. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance. Therefore, this Order provides a time schedule for the Discharger to meet the new effluent limitations for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS.

Mandatory Minimum Penalties

11. California Water Code (CWC) Section 13301 states, in part: *“When 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 (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 preventive action.”*
12. In accordance with CWC section 13385(j)(3)(B)(i), the Executive Officer finds that the Discharger is not able to comply consistently with Effluent Limitations B.1. of WDR Order No. R5-2005-0086 for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS. The final effluent limitations for these constituents are new requirements that became applicable after the effective date of adoption of the WDRs, and after 1 July 2000 for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
13. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. However, CWC section 13385(j) exempts certain violations from the 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, if all the [specified] requirements are met.”* For purposes of this subdivision the time schedule may not exceed five years in length.
14. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years. For arsenic, barium, manganese, and TDS, TSO No. R5-2005-0087 provided protection from MMPs beginning 24 June 2005. Because the five years of protection ends on 24 June 2010, additional protection from MMPs is not allowed in this Order. A Time Schedule Order has not previously been issued for cadmium,

copper, lead, nickel, and selenium. Therefore, compliance with this Order exempts the Discharger from mandatory penalties for violations of Final Effluent Limitations B.1 for cadmium, copper, lead, nickel, and selenium from 23 June 2010 until 1 November 2010. CWC section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to CWC section 13263.3. Therefore, until the facility retrofit project is completed, continued implementation of the pollution prevention plan will be necessary for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS.

15. The compliance time schedules in this Order include interim effluent limitations for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS. The interim effluent limitations are carried over from amended WDR Order No. R5-2005-0086 and amended TSO No. R5-2005-0087, as shown in Finding 5, and remain in effect pursuant to this Order.
16. The Executive Officer finds that the Discharger, until the surface water discharge is terminated, can undertake source control and treatment plant operational measures to maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. 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 limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved. The Executive Officer finds that the time schedules contained herein are as short as possible, taking into account the technological, operational and economic factors that affect the development, and implementation of control measures that are necessary to comply with the final effluent limitations.

Other Regulatory Requirements

17. On 10 December 2009, the Central Valley Water Board adopted Resolution R5-2009-0114 authorizing the Executive Officer to issue or modify time schedule orders that meet the requirements of Water Code section 13385, subdivision (j)(3).
18. The Executive Officer has provided a 30-day public comment period and addressed all pertinent comments.
19. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with California Water Code (CWC) section 13389 and sections 15061(b)(3) and 15321 (a)(2), Title 14, of the California Code of Regulations (CCR).

IT IS HEREBY ORDERED THAT, Amended Time Schedule Order No. R5-2005-0087 is rescinded, except for enforcement purposes, and pursuant to CWC Section 13300:

1. The Discharger shall comply with the final effluent limitations for arsenic, barium, cadmium, copper, lead, manganese, nickel, selenium, and TDS contained in Amended WDR Order No. R5-2005-0086 and as described in the above Findings, by 1 November 2010. The Discharger shall continue to implement the Pollution Prevention Plan submitted on 23 February 2006, as described in Finding 6, above.
2. The following interim effluent limitations shall be effective immediately through 31 October 2010, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Interim Effluent Limitation
Arsenic	72 µg/L ¹
Barium	940 µg/L ¹
Manganese	3852 µg/L ¹
Total Dissolved Solids (TDS)	1504 mg/L ¹
Cadmium	16 µg/L ²
Copper	422 µg/L ²
Lead	33 µg/L ²
Nickel	133 µg/L ²
Selenium	66 µg/L ²

¹ Maximum Daily Effluent Limitation

² Average Monthly Effluent Limitation

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or may issue an Administrative Civil Liability Complaint pursuant to CWC section 13323.

Any person aggrieved by this action of the Executive Officer may petition the State Water Board to review the action in accordance with CWC 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 (including mandatory furlough days), 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.

This Order is effective upon the date of signature.

ORIGINAL SIGNED BY

PAMELA C CREEDON, Executive Officer

28 June 2010
Date