CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2011-0019

CEASE AND DESIST ORDER
FOR
CITY OF IONE WASTEWATER TREATMENT FACILITY
AMADOR COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 26 May 1995, the Central Valley Water Board adopted Waste Discharge Requirements Order 95-125 (the "WDRs") for a wastewater treatment and disposal facility owned and operated by the City of Ione (hereafter referred to as "Discharger").

2. The City of Ione wastewater treatment facility ("WWTF") is in Amador County in Section 26, T6N, R9E MDB&M. The WWTF treats domestic wastewater from the City of Ione, filter backwash water from a water treatment plant operated by Amador Water Agency, and domestic wastewater from Preston Youth Authority's administration buildings. In addition to treated effluent from its own treatment plant, the Discharger accepts secondary effluent from Preston Reservoir[1] for disposal in the WWTF's percolation/evaporation ponds.

3. The WWTF consists of seven unlined ponds covering approximately 28 acres. The first four ponds provide secondary treatment via aeration and settling and the remaining three ponds provide disposal of treated effluent via percolation and evaporation. The seventh pond is not permitted under the WDRs. The capacity of the treatment plant is 0.55 MGD as an average daily dry weather flow[2] and the disposal capacity is 0.75 MGD as an average daily flow[3].

4. The unlined ponds are constructed in alluvial deposits overlaying a clay formation. Groundwater at the site and surrounding properties is very shallow (approximately 5 to 25 feet below ground surface). The Discharger has been monitoring shallow groundwater since 2002.

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1 Preston Reservoir is an effluent storage reservoir operated by the Amador Regional Sanitation Agency (ARSA). Whenever possible, this effluent receives tertiary treatment at a separate treatment plant that is operated by the City of Ione for the express purpose of providing recycled water to irrigate the Castle Oaks Golf Course. Effluent from the Preston Reservoir is only discharged to the Discharger's percolation evaporation ponds for disposal to the extent that the golf course cannot accept more recycled water.

2 City of Ione Wastewater Master Plan, June 2009.

3 Report of Waste Discharge, 22 March 2010.

5. Prohibition A.1 of the WDRs states:

   Discharge of wastes to surface waters or surface water drainage course is prohibited.

6. The Groundwater Limitations of the WDRs state:

   The discharge shall not cause the underlying groundwater to:

   1. *Be degraded.*
   2. *Contain chemicals, heavy metals, or trace elements in concentrations that adversely affect beneficial uses or exceed maximum contaminant levels specified in 22 CCR, Division 4, Chapter 15.*
   3. *Contain taste or odor-producing substance in concentrations that cause nuisance or adversely affect beneficial uses.*
   4. *Contain concentrations of chemical constituents in amounts that adversely affect agricultural use.*

2001-2003 Enforcement Actions

7. Sutter Creek flows from east to west approximately 100 feet north of the northernmost WWTF ponds. Beginning in September 2000, Board staff observed seepage entering the creek along the southern bank of Sutter Creek. Staff was concerned that the observed seepage was a discharge of effluent from the WWTF's ponds to Sutter Creek. However, creek water analyses completed by both the Discharger and staff did not conclusively show evidence of wastewater in the seepage. During a 21 September 2001 inspection, staff observed that the Discharger had begun construction of the seventh percolation pond without submitting a Report of Waste Discharge ("RWD"). Staff advised the Discharger that the WDRs would have to be revised before any wastewater was discharged into the pond. However, the Discharger began using the pond without obtaining regulatory coverage for the expanded facility.

8. On 9 October 2001, the Executive Officer issued an Order pursuant to Water Code section 13267 (the "13267 Order"), requiring the Discharger to submit technical reports, because the Discharger had not yet submitted a RWD. The 13267 Order required the Discharger to submit a groundwater monitoring well installation workplan by 1 December 2001; a monitoring well installation report by within 60 days of Board staff's approval of the workplan; and a complete RWD (to address the new pond) by 15 April 2002 . The Discharger installed the monitoring wells but did not submit the RWD.

9. On 21 January 2003, the Discharger submitted a *Hydrogeologic and Geotechnical Report.* The report documented installation of groundwater monitoring wells and provided an assessment of potential seepage to Sutter Creek. Based on the subsurface investigation, groundwater levels, and in situ hydrogeologic testing, the report stated that shallow groundwater immediately adjacent to and downgradient of the ponds exhibited increased mineral concentrations[4]. At the time of the investigation, seepage was

[4] Wallace Kuhl Associates, Hydrogeologic and Geotechnical Report, page 2.

observed in Sutter Creek[5]. The report estimated the seepage rate to be approximately 173 gallons per day[6] into the creek. The report concluded that, at times of very low flow or no flow, there is a potential for groundwater to flow from the area underlying the wastewater treatment facility to the creek[7]. The report did not include recommendations for further evaluation, nor did it propose facility improvements to stop the seepage discharge into the creek.

2003 Cease and Desist Order

10. On 11 July 2003, the Central Valley Water Board issued Cease and Desist Order R5-2003-0108 (the "2003 CDO") as a result of wastewater-impacted seepage to Sutter Creek, degradation of groundwater quality, and failure to submit a RWD as required by the 13267 Order.

11. Item 1 of the 2003 CDO required that the Discharger come into compliance with Discharge Prohibition A.1 and the Groundwater Limitations of the WDRs no later than 30 December 2005. The 2003 CDO also required that the Discharger comply with a schedule for submittal of certain technical reports, as discussed below.

12. Item 6 of the 2003 CDO states:

> *By **1 January 2004**, the Discharger shall submit a Facility Guidance Document designed to address certain water quality policies, and their application to the discharge from the City of Ione's wastewater treatment plant. The document shall address both NPDES and Anti-Degradation issues, specifically:*
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> *a. Is an NPDES permit necessary due to the seepage from the treatment/storage ponds into Ione Creek? If yes, and if the City does not desire to apply for an NPDES permit, then what modifications would the City need to make such that an NPDES permit is no longer necessary?*
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> *b. Is the discharge complying with the directives of State Board Resolution No. 68-16 (the "Anti-Degradation Policy")? If not, what changes are necessary? If the groundwater has been degraded above background concentrations, then what reasonable Best Practicable Treatment and Control (BPTC) measures may be implemented to reduce the degradation to the extent possible? If the groundwater has been degraded above water quality objectives, what BPTC measures may be implemented to reduce the degradation to less than the objectives?*
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> *The document shall discuss the range of alternatives for facility modifications and BPTC measures necessary to comply with State policies, and shall provide a general discussion of the pros/cons of each one, as they pertain to this facility.*

13. The Discharger submitted a Facility Guidance Document on 26 January 2004. The report stated that the preponderance of evidence from a review of other site permits and situations, as cited in the report, indicates that an NPDES permit is not needed for the Discharger's ponds; however, the report stated that many of the reviewed situations

[5] Wallace Kuhl Associates, Hydrogeologic and Geotechnical Report, Plate 6.

[6] Wallace Kuhl Associates, Hydrogeologic and Geotechnical Report, pages 3-7.

[7] Wallace Kuhl Associates, Hydrogeologic and Geotechnical Report, page 10

involved disinfection of effluent, greater setbacks, or greater separations between effluent and surface water. The report suggested that the Discharger should line all ponds within 200 feet of Sutter Creek or backfill all the ponds within 200 feet. The report evaluated alternatives for facility modifications and Best Practicable Treatment and Control ("BPTC") measures, and concluded that due to the limited sampling/analysis performed for the study (i.e., one sampling event), further research should be done. The report stated that based on the results of further research, modifications to the facilities must be completed to eliminate groundwater degradation in excess of water quality objectives. Staff approved the report on 18 March 2004.

14. Item 7 of the 2003 CDO states:

> *By **30 November 2004,** the Discharger shall submit a Final Wastewater Master Plan. The master plan shall describe all facility improvements needed to:*
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> *a. Accommodate reasonable growth projections;*
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> *b. Provide for sufficient containment for the 100-year total annual precipitation event;*
>
> *c. Provide for appropriate maintenance schedules to ensure stable effluent disposal capacity and prevent significant erosion of Sutter Creek along the ponds;*
>
> *d. Reduce infiltration and inflow to acceptable levels;*
>
> *e. Prevent sanitary sewer overflows;*
>
> *f. Prevent seepage discharges to surface water (or obtain an NPDES permit to regulate those discharges); and*
>
> *g. Evaluate and implement Best Practicable Treatment and Control measures to ensure that any groundwater degradation complies with State Board Resolution No. 68-16.*
>
> *The master plan shall set forth a specific, detailed scope and schedule for studies, design, permitting, and construction of facility expansions and other improvements needed to comply with this Order and protect water quality.*

15. The Discharger submitted a Wastewater Master Plan on 30 November 2004, a draft Wastewater Master Plan in August 2009, and a final Wastewater Master Plan on 22 March 2010. Staff had been advised that the 30 November 2004 report was preliminary, and so did not provide comments. On 5 November 2010, staff informed the Discharger that the final Master Plan did not comply with the 2003 CDO because it did not demonstrate that the proposed WWTF modifications would prevent seepage discharges to Sutter Creek. Additionally, the final Master Plan did not include BPTC measures to mitigate the conditions that are degrading groundwater beneath the WWTF.

16. Item 8 of the 2003 CDO states:

> ***Within 60 days of staff's written approval** of the Final Wastewater Master Plan, the Discharger shall submit a Report of Waste Discharge to allow WDRs to be revised to require the implementation of the items in the Master Plan.*

17. The Discharger submitted a RWD on 1 November 2005. Between that date and September 2010, the Discharger submitted numerous revisions to the RWD, but has not

yet submitted a complete RWD that proposes facility changes that will bring the WWTF into compliance with the 2003 CDO. The history of RWD submittals is summarized below:

a. The Discharger submitted a revised RWD on 12 June 2006. In a 19 March 2007 letter, the Discharger agreed to submit a second revised RWD by 12 March 2008. However, the revised RWD was not submitted until March 2010.

b. On 22 March 2010, the Discharger submitted a RWD which proposed to replace the existing WWTF with a tertiary treatment system with UV disinfection. Treatment would take place in concrete tanks, and the four existing treatment ponds would be backfilled. The three existing percolation/evaporation ponds would continue to be used, and an additional percolation/evaporation pond would be built. The two northeastern percolation/evaporation ponds would be partially filled to provide a 200-foot setback from Sutter Creek. The project would increase the WWTF's treatment capacity to 0.8 MGD, and the disposal capacity would be increased to 0.90 MGD. The RWD stated that the project would be completed by August 2012.

c. On 28 June 2010, staff informed the Discharger that the RWD was inadequate because it would not eliminate the seepage and would likely cause additional seepage into adjacent ditches, as well as surfacing of effluent-impacted groundwater at the southern end of the WWTF site. On 17 August 2010, staff issued a Notice of Violation because the RWD was still incomplete in violation of the 2003 CDO.

d. The Discharger submitted another revision to the RWD on 7 September 2010. This submittal included the Final Environmental Impact Report ("EIR"), the Final Wastewater Master Plan, and the results of a numeric model that predicts the effects of the planned expansion on groundwater elevations and gradients. The groundwater model shows that the proposed WWTF expansion would still create seepage discharges to Sutter Creek, even with a 200-foot setback from the creek. The model also shows that the expanded facility would cause the local water table to rise as much as two feet, and would result in seasonal surfacing of groundwater at the south end of the WWTF. Neighboring landowners have already expressed concern about the high water table near the WWTF.

e. On 5 October 2010, the Discharger submitted the results of a second numeric groundwater model for the planned expansion. This model included extraction of groundwater along the southern edge of the proposed new percolation/evaporation pond to control surfacing groundwater and conveyance of the extracted groundwater to the percolation/evaporations ponds for disposal. Although the report states that the Discharger could mitigate surfacing groundwater by pumping groundwater to the WWTF ponds, the RWD's capacity analysis does not account for the additional influent flows, and the seepage to the creek was not addressed. On 5 November 2010, staff again informed the Discharger that the RWD was incomplete.

Violations of the 2003 CDO

18. In summary, the Discharger has not come into compliance with Discharge Prohibition A.1 of the WDRs by 30 December 2005, in violation of Item 1 of the 2003 CDO. The

technical studies and monitoring completed since adoption of the 2003 CDO show that the unlined treatment and disposal ponds have created a localized groundwater "mound" that causes shallow groundwater beneath the WWTF ponds to flow towards Sutter Creek, where it seeps into the creek channel during periods when natural flows in the creek are low.

19. The Discharger has not come into compliance with the Groundwater Limitations of the WDRs, in violation of Item 1 of the 2003 CDO. The Discharger's groundwater monitoring data and technical reports show that the shallow groundwater contains elevated concentrations of iron and manganese downgradient of the WWTF. Specifically, monitoring wells MW2 and MW3A are downgradient of the WWTF ponds, as well as directly adjacent to, and upgradient of, Sutter Creek. These wells consistently have dissolved iron and manganese concentrations greater than the background well (MW1). The following table summarizes dissolved iron and manganese concentrations since 2008[8]:

Dissolved Iron and Manganese Concentrations in Groundwater (µg/L)

	Monitoring Well and Location			
Constituent	**MW1 (Background)**	**MW2 (Downgradient)**	**MW3A (Downgradient)**	**Secondary MCL**
Dissolved Iron				
Range of Results	<5 to 31	25 to 2,600	<50 to 6,800	300
Mean Results	14.3	1,810	3,643	
Dissolved Manganese				
Range of Results	<5 to 28	2,600 to 4,500	5,000 to 7,200	50
Mean Result	8.3	3,704	5,832	

These results show that the discharge has caused dissolved iron and manganese in shallow groundwater to exceed the secondary MCLs, in violation of the groundwater limitations. Although iron and manganese are not present in the WWTF effluent at high concentrations, the presence of degradable organic matter in the wastewater depletes oxygen, which creates reducing conditions in the groundwater mound beneath the WWTF ponds. Reducing conditions promote dissolution of iron and manganese. These minerals are naturally present in the soil beneath the ponds. This mechanism of groundwater degradation was acknowledged in the December 2009 Final EIR, which states:

[8] Prior to 2008, groundwater samples were not filtered before analysis for metals. Without filtration to remove clay and silt particles, analytical results for metals would include any metals contained within the minerals that form the soil. As discussed further below, iron and manganese are naturally present in the soil that underlies the wastewater ponds. Therefore, any assessment of groundwater degradation should be based on filtered samples, which would contain only the metals that were already dissolved in the groundwater.

> *Dissolved iron and manganese levels* [in shallow groundwater] *are likely a result of anaerobic decomposition of biological material. This decomposition occurs either in the anaerobic zone at the bottom of the existing treatment ponds or subsurface as effluent enters the groundwater at the percolation ponds*.[9]

Combined with the fact that MW2 and MW3A are approximately 100 feet upgradient of the portion of Sutter Creek where groundwater has been observed seeping into the creek, these data show that it is likely that the seepage contains constituents that are present as a consequence of the treatment and discharge of waste in unlined ponds. The Discharger's WDRs do not allow these impacts to occur; the Discharger must eliminate the processes that result in the discharge of degraded groundwater to the creek in violation of Resolution 68-16. This could be accomplished by eliminating the groundwater degradation or by eliminating the seepage itself.

20. Despite numerous requests, the Discharger has not complied with Task 8 of the 2003 CDO, which requires submittal of a complete RWD that proposes improvements that will bring the facility into compliance with the WDRs and the 2003 CDO. Board staff concurs that the proposed tertiary treatment in lined ponds, followed by disinfection with ultraviolet light, will greatly improve the quality of the effluent discharged to the percolation/evaporation ponds, and may reduce the level of groundwater degradation caused by the discharge. However, the Discharger has not shown that the design would stop the seepage of degraded groundwater into Sutter Creek, and has not shown that the proposed improvements will result in significantly lower concentrations of iron and manganese in the shallow groundwater. Therefore, this Order requires that the Discharger demonstrate compliance with the Clean Water Act and applicable state regulations and policies, including Resolution 68-16, and to submit a new RWD that reflects the Discharger's compliance plan. In order to give the Discharger options to prevent surfacing wastewater or other impacts associated with raising the water table, this Order also allows the Discharger to propose an alternative to the proposed new percolation/evaporation pond and/or direct discharge of either groundwater or treated effluent to Sutter Creek, if the Discharger demonstrates that such discharge will comply with applicable regulations and policies.

Basis for Reduced Flow Limit

21. As discussed above, it is appropriate to issue a revised CDO because the Discharger has not complied with the 2003 CDO. Additionally, it is appropriate to restrict flows into the treatment facility and disposal ponds to that which the facility has been designed to accommodate.

22. Discharge Specification 2.1 of WDRS Order 95-125 states:

> *The monthly average dry weather discharge flow shall not exceed 1.2 million gallons/day.*

[9] City of Ione Wastewater Treatment Facility Final EIR, pages 2-36.

However, as noted in Finding No. 3, the Discharger's documents state that the capacity of the treatment plant is 0.55 MGD as an average daily dry weather flow, and the disposal capacity is 0.75 MGD as an average daily flow. Therefore, the flow limit that currently applies to the WWTF exceeds its actual capacity. At a minimum, the flow limit must be revised to reflect the actual treatment and disposal capacity.

23. Between September 2007 and October 2010, average monthly influent flows to the treatment plant ranged from 0.31 to 0.47 MGD and averaged 0.35 MGD, which is below the treatment capacity of 0.55 MGD. During the same period, average monthly effluent flows to the percolation/evaporation ponds ranged from 0.31 to 0.84 MGD, as compared to the disposal capacity of 0.75 MGD. The City exceeded its disposal capacity once (November 2007) and was at capacity or close to capacity five times (October 2007, December 2007, June 2009, October 2009, July 2010). For the remainder of the time, the City was significantly below its disposal capacity. The City should be able to comply with revised flow limits that reflect actual capacity.

Regulatory Considerations

24. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised September 2009 (the "Basin Plan"), designates beneficial uses, includes water quality objectives to protect the beneficial uses, and includes implementation plans to implement the water quality objectives.

25. Surface water drainage from the facility is to Sutter Creek, a tributary of the Cosumnes River. The beneficial uses of the Cosumnes River, as stated in the Basin Plan, are municipal and domestic supply, irrigation, stock watering, contact recreation, canoeing and rafting, other noncontact recreation, warm and cold freshwater habitat, warm and cold migration, warm and cold spawning, and wildlife habitat.

26. The beneficial uses of underlying groundwater are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.

27. Water Code section 13301 states, in relevant 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. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by discharges who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing.

28. Water Code section 13267 (b) states:

> In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, … shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

29. The technical reports required by this Order are necessary to assure compliance with both this Order and the WDRs, and to ensure protection of public health and safety. The Discharger owns and operates the facility that discharges the waste subject to this Order.

30. Issuance of this Order is an enforcement action of a regulatory agency, and therefore, is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13301 and 13267, the City of Ione, its agents, successors, and assigns shall implement the following measures necessary to ensure long-term compliance with WDRs Order 95-125, or any superseding permits or orders issued by the Central Valley Water Board.

This Cease and Desist Order rescinds and replaces Cease and Desist Order R5-2003-0108 except for the purpose of enforcing violations that have occurred to date.

Any person signing a document submitted to comply with this Order 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.*

1. **Effective immediately**, the Discharger shall comply with all requirements of WDRs Order 95-125 (or subsequent WDRs that may rescind and/or replace Order 95-125), except as specifically noted below.

2. In accordance with the time schedule set forth in this order, the Discharger shall construct facility improvements that will effectively stop the mechanisms that result in the mobilization and discharge of iron and manganese in violation of State Board Resolution 68-16; and either:

a. Stop any indirect discharge (seepage) of degraded groundwater to Sutter Creek that is in violation of the Clean Water Act; or

b. Obtain an NPDES Permit that regulates the indirect discharge of degraded groundwater to Sutter Creek.

If the Discharger demonstrates that a direct discharge to surface water will comply with current regulations and policies applicable to surface water discharges, then either option above may include obtaining an NPDES permit for seasonal or year round direct surface water discharge of treated effluent and/or groundwater that has been degraded as a result of the existing land discharge.

3. By **30 January 2012**, the Discharger shall submit a *Seepage Discharge Compliance Plan.* At a minimum, the plan shall:

a. Specify the selected seepage compliance option, as described in Item 2, above.

b. Provide a conceptual design of the facility improvements required to achieve compliance with this Order and provide sufficient treatment, storage and disposal capacity through 2020.

c. Describe how the improvements/expansion project will be designed to prevent surfacing groundwater or increases in groundwater levels that could adversely impact neighboring land uses.

d. Provide a proposed scope and schedule of all work required for complete implementation of the selected option. The schedule shall include planning, predesign studies, CEQA compliance, project financing, engineering design, permitting, contractor procurement, construction, and startup testing.

e. Provide a preliminary capital cost estimate and a financing plan describing how the improvement project will be funded.

4. **If the selected seepage discharge compliance option does not require an NPDES permit**, the Discharger shall comply with the following requirements:

a. By **30 May 2012**, the Discharger shall submit an RWD or apply for revised WDRs. The RWD shall, at a minimum, address the items listed in Attachment A.

b. If requested by the Executive Officer, the Discharger shall submit a revised RWD that addresses staff's comments within **45 days** of the request.

c. By **30 October 2013**, the Discharger shall submit a technical report certifying that (1) the improvements/expansion project has been completed, (2) the facility does not discharge to Sutter Creek in violation of the Clean Water Act, and (3) any groundwater degradation that occurs due to treatment and disposal of wastewater is consistent with State Water Board Resolution 68-16.

5. **If the selected seepage discharge compliance option requires an NPDES permit** for either direct discharge or continued seepage discharge, the Discharger shall comply with the following requirements:

   a. By **30 January 2012,** the Discharger shall submit and implement a *Pre-Application Monitoring Plan* designed to provide all groundwater and surface water monitoring data required to support the NPDES permit application. The monitoring plan shall specify the media to be monitored, sampling locations and schedule, constituents to be analyzed, and proposed analytical methods. If flow monitoring data is needed to support a request for dilution credits, the monitoring plan shall also specify the proposed flow monitoring method, location, and schedule.

   b. If requested by the Executive Officer, the Discharger shall submit a revised *Pre-Application Monitoring Plan* that addresses staff's comments within **45 days** of the request.

   c. By **30 August 2012**, the Discharger shall submit a complete RWD to apply for an NPDES permit and revised WDRs for the wastewater treatment facility. The RWD shall, at minimum, address the items listed in Attachments A (for the land discharge WDRs) and B (for the NPDES permit).

   d. If requested by the Executive Officer, the Discharger shall submit a revised RWD that addresses staff's comments within 14 **days** of the request.

   e. By **30 March 2013**, the Discharger shall submit a technical report certifying that the improvements/expansion project has been completed and that any discharges to surface water, whether direct or indirect, are regulated under a valid NPDES permit.

Interim Flow Limits

6. Influent flows to the wastewater treatment plant shall not exceed 0.55 MGD as a monthly average dry weather flow (based on flows from June through September each calendar year). Total effluent flows to the percolation/evaporation ponds shall not exceed 0.75 MGD as a monthly average flow for any calendar month. For the purpose of this Order, total effluent flow is defined as the sum of the monthly average treatment plant effluent flow plus the monthly average effluent flow accepted from the ARSA system which is directed to the percolation/evaporation ponds.

Quarterly Progress Reporting

7. Beginning **1 August 2011**, and by the first day of the second month following each calendar quarter **(i.e., by 1 February, 1 May, 1 August, and 1 November each year)**, the Discharger shall submit a quarterly progress report describing: (a) the work completed to date regarding each of the reporting requirements described above; (b) a cumulative total since April 2011 of the number of new connections that have been permitted and the number of connections that have been removed from the collection

system in terms of equivalent single family dwelling units (EDUs); and (c) data showing whether or not the Discharger has complied with the interim flow limits contained in this Order.

In addition to the above, the Discharger shall comply with all applicable provisions of the Water Code that are not specifically referred to in this Order. As required by the Business and Professions Code sections 6735, 7835, and 7835.1, all technical reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed/stamped by the registered professional.

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 or may issue a complaint for administrative civil liability.

Failure to comply with this Order or with the WDRs 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 13268, 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 that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final 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 8 April 2011.

-- Original signed by---

PAMELA C. CREEDON, Executive Officer

Attachment A Additional Information Requirement for a Report of Waste Discharge (Land Discharge Permits)
Attachment B Application Requirements for NPDES Permits