

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2016-XXXX  
REQUIRING  
THE CITY OF COLUSA  
WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED IN ORDER  
R5-2016-0062  
(NPDES PERMIT NO. CA0078999)

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

1. On 18 August 2016, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2016-0062, prescribing waste discharge requirements for the City of Colusa (Discharger) Wastewater Treatment Plant (Facility).
2. WDR Order R5-2016-0062, contains Final Effluent Limitations IV.A.1.a. for Discharge Point No. 001, which reads, in part, as follows:

**Table 4. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper	µg/L	5	--	9.3	--	--

3. On 16 August 2016, the Discharger submitted an Infeasibility Analysis requesting a compliance schedule to comply with the final copper effluent limitation prescribed in section IV.A.1.a. of WDR Order R5-2016-0062.
4. On 18 August 2016, the Central Valley Water Board adopted WDR Order R5-2016-0062, which contained, in part, final copper effluent limitations at 5 micrograms per liter (µg/L) as an average monthly, and 9.3 µg/L as maximum daily effluent limitations. WDR Order R5-2016-0062 contains more stringent final copper average monthly effluent limitations (AMEL) and maximum daily effluent limitations (MDEL) than prescribed in WDR Order R5-2008-0184.

**Need For Time Schedule Extension and Legal Basis**

5. The Discharger owns and operates the Facility which was upgraded in October 2008. The treatment process includes an influent pump station, plant headworks with mechanical screens and flow metering, a nitrifying activated sludge system (an aeration basin, air blowers, secondary clarifier, and return sludge pump station), tertiary filtration facilities (chemical addition, flocculation, and cloth media filtration), ultraviolet (UV) light disinfection, and an effluent re-aeration basin and pump station. The design daily average flow capacity of the Facility is 0.7 million gallons per day. Tertiary-treated effluent from the Facility is discharged to an unnamed tributary to Powell Slough, a water of the United States.

6. At times, generally during the summer months, the Discharger has not been able to meet the effluent limitation for copper. The City has proposed a two-phase compliance schedule. Over the next year, the City proposes to complete a streamlined copper water effects ratio (WER) study to determine if site-specific copper limits can be developed. If the study results in a low multiplier that is still above effluent copper concentrations, the City will pursue relocating its discharge to land with the intent of ceasing discharge to surface water. The project is contingent on acquiring nearby farmland and is expected to take several years to complete.
7. The interim effluent limitations consist of statistically calculated performance-based average monthly and maximum daily effluent limits derived using sample data provided by the Discharger. The interim effluent limitations were developed using the statistical based approach provided in EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD)*. The TSD provides guidance on estimating the projected maximum effluent concentration using a lognormal distribution of the observed effluent concentrations at a desired confidence level, as detailed in Section 3.3 of the TSD. The multipliers in Table 3-1 of the TSD were used to calculate the 99<sup>th</sup> percent confidence level and 99<sup>th</sup> percentile of the data set based on the number of effluent samples and the coefficient of variation. The multipliers from the table were multiplied by the highest observed effluent concentration (MEC) to estimate the maximum expected effluent concentration; this value was used as the interim effluent limitation for the AMEL. The interim performance-based MDEL was established in accordance with section 1.4 and Table 2 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP)*, by multiplying the interim AMEL by the MDEL/AMEL multiplier.

#### **Mandatory Minimum Penalties**

8. California Water Code (Water Code) sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMP's) upon dischargers that violate certain effluent limitations. Water Code section 13385(j)(3) exempts the discharge from 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 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...*"
9. Per the requirements of Water Code section 13385(j)(3), the Central Valley Water Board finds that:
  - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to Water Code section 13385(h) and (i).
  - b. To comply with final copper effluent limitations the Discharger is requesting additional time to implement a two-phase copper compliance schedule. The phases include completing a copper WER followed by relocating the discharge to land if necessary. The Discharger proposes to (1a) Submit a copper WER work plan, (1b) perform two WER sampling events, and (1c) submit the WER Summary Report. And if necessary to (2a) submit a reclamation system design and schedule to cease discharging to surface water as well as a Report of Waste Discharge to discharge to land, (2b) complete construction of a storage and irrigation system, and (3a) comply with new discharge to land WDRs. The Discharger will submit annual progress reports detailing steps that have been implemented towards achieving compliance with WDRs.

- c. This Order establishes a time schedule to bring 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. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence and is making diligent progress to bring the waste discharge into compliance with final effluent limitations.
10. Per the requirements of Water Code Section 13385(j)(3)(C)(i), a time schedule order generally shall not exceed five years. Per the requirements of Water Code Section 13385(j)(3)(C)(ii)(II) following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional five years beyond the initial five years, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
  11. Compliance with this Order exempts the Discharger from MMPs for violations of the effluent limitations found in WDR Order R5-2016-0062 as follows:
    - a. This Order provides protection from MMPs at Discharge Point No. 001 until 29 June 2020.
  12. In accordance with Water Code section 13385(j)(3)(C)(i), the length of protection from MMPs for copper does not exceed five years from the date the effluent limitations became applicable to the waste discharge.
  13. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for copper at Discharge Point No. 001 contained in WDR Order R5-2016-0062. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.

This Order includes performance-based interim effluent limitations for copper at Discharge Point No. 001. The interim effluent limitations are based on the current treatment plant performance.

14. Effluent data from June 2012 through January 2016 was used to calculate the interim effluent limitations in the table below. The following table summarizes the calculations of the daily maximum and average monthly interim effluent limitation for these constituents:

Parameter	Units	MEC	Number of Data Points	Mean	Standard Deviation	Coefficient of Variation	Interim Average Monthly Effluent Limitation	Interim Maximum Daily Effluent Limitation
Copper, Total Recoverable	µg/L	8	44	4.65	1.98	0.43	12	26

15. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. 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 effluent limitations,

however, establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

16. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

### **Other Regulatory Requirements**

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 states in part: *“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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.”*
19. The Discharger owns and operates the Facility which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
20. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) pursuant to Water Code 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.) Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

**IT IS HEREBY ORDERED THAT,**

- Pursuant to California Water Code Sections 13300 and 13267, the Discharger shall comply with the following time schedule to ensure completion of the compliance project described in Finding 6, above, for effluent copper. All reports shall be signed and stamped by a registered professional, as described in ordered item 4 below.

<b>Task</b>	<b>Compliance Date</b>
<b>Submit Progress Reports</b> <sup>1</sup> The Discharger shall submit annual progress reports. The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.	31 January, annually
<b>Submit Copper WER Workplan</b>	31 October 2016
<b>Complete Copper WER Sampling Event #1</b>	31 May 2017
<b>Complete Copper WER Sampling Event #2</b>	30 June 2017
<b>Submit Copper WER Summary Report</b>	27 October 2017
<b>Submit Design and Schedule for Reclamation System and Report of Waste Discharge.</b> The Discharger shall submit a construction design and a schedule to implement improvements to meet the final effluent limitations, and a Report of Waste Discharge for the land discharge system, if necessary.	29 June 2018
<b>Submit Storage and Irrigation System Construction Report</b>	31 January 2020
<b>Comply with new WDRs and copper limits.</b> Submit documentation showing that the facility has ceased discharging to surface water or fully complies with the final effluent limitations for copper.	30 June 2020
1. The progress reports shall detail the steps taken to comply with this Order, including documentation showing completion of tasks, construction progress, evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.	

- The following interim receiving water limitation shall be effective immediately and until 30 June 2020, or when the Discharger is able to come into compliance, whichever is sooner:

<b>Parameter</b>	<b>Units</b>	<b>Interim Average Monthly Effluent Limitation</b>	<b>Interim Maximum Daily Effluent Limitation</b>
Copper	µg/L	12	26

- Any person signing a document submitted under 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."*

4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

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, may issue a complaint for administrative civil liability, or may take other enforcement actions. 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 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](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 XX October 2016.

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**PAMELA C. CREEDON**, Executive Officer