

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

AMENDED TIME SCHEDULE ORDER NO. R5-2010-0100-01

REQUIRING THE CITY OF GALT
CITY OF GALT WASTEWATER TREATMENT PLANT AND RECLAMATION FACILITY
SACRAMENTO COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2010-0099
(NPDES PERMIT NO. CA0081434)

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

1. On 23 September 2010, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2010-0099, prescribing waste discharge requirements for the City of Galt (hereinafter Discharger) at the City of Galt Wastewater Treatment Plant and Reclamation Facility (hereafter Facility), Sacramento County.
2. On 23 September 2010, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2010-0100, providing time schedules for compliance with the final effluent limitations described in Finding 3. During the Board hearing the Discharger provided testimony that the interim effluent limitation for arsenic did not accurately represent the performance of the Facility and requested the limits be modified. Consequently, the Central Valley Water Board required the Discharger to submit the new information and analytical lab reports to the Central Valley Water Board staff for review.
3. WDR Order No. R5-2010-0099, contains Final Effluent Limitations IV.A.1.a, and h, which reads, in part, as follows:
 - a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper, Total Recoverable	µg/L	3.1		4.3		
Carbon Tetrachloride	µg/L	0.25		0.5		
Cyanide	µg/L	3.4		9.6		
Bis (2-ethylhexyl) phthalate	µg/L	1.8		3.6		
Chlorodibromomethane	µg/L	0.41		0.83		
Dichlorobromomethane	µg/L	0.56		1.3		
Nitrate plus Nitrite, Total (as N)	mg/L	10				
Arsenic	µg/L	10				

3. 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."*
4. The Discharger submitted justification for a compliance schedule for these constituents on 28 June 2010, *City of Galt Compliance Schedule Justification Statement*, and revised this report on 7 October 2010. In addition to pollution prevention and source control measures, the Discharger proposes a number of Facility improvements, which are projected to be completed in two phases. In Phase I the Discharger proposes to construct and implement a Title 22 tertiary filtration system and ultraviolet disinfection facilities. Phase I is projected to be completed and in operation by November 2011. In Phase II the Discharger plans to upgrade the secondary treatment facilities to provide enhanced nitrification/denitrification and to increase the capacity from 3 million gallons per day (mgd) to 4.5 mgd. Phase II is projected to be completed within five to seven years.
5. On 29 April 2008 the Discharger submitted pollution prevention plans (PPPs) for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, chlorodibromomethane (CDBM), and dichlorobromomethane (DCBM). The PPPs proposed source investigations for each constituent to determine potential source control actions necessary to achieve compliance with the anticipated final effluent limitations in Order No. R5-2010-0099.
6. For arsenic, the PPP indicated that the City of Galt's water supply is the major source of arsenic in the wastewater influent, and proposed installing well-head treatment systems at selected drinking water wells to achieve compliance with the arsenic final effluent limitations in WDR Order No. R5-2010-0099. The Discharger requests time to implement well-head treatment units and to evaluate the effectiveness of the proposed source control actions.
7. For bis (2-ethylhexyl) phthalate, the PPP found that the possible sources of bis (2-ethylhexyl) phthalate were the residential and commercial sectors, but determined that source control through pollution prevention would be difficult since bis (2-ethylhexyl) phthalate is a prevalent contaminant. The Discharger requests time to conduct further testing to determine whether the detection of bis (2-ethylhexyl) phthalate in the effluent was the results of improper sampling or analysis procedures. If further testing indicates otherwise, the Discharger requests time to conduct source investigations and evaluate potential source controls that would achieve compliance with the final limits.
8. For carbon tetrachloride, copper, cyanide, CDBM and DCBM, the PPP indicated that pipe corrosion is the dominant source of copper, since influent monitoring results indicated that the copper is predominantly in particulate form, and that the Facility's chlorination system is the major source of carbon tetrachloride, cyanide, CDBM and DCBM. Thus,

the Discharger expects the Phase I Facility upgrades to achieve compliance with the copper, cyanide, CDBM, and DCBM final effluent limitations in WDR Order No. R5-2010-0099. The Discharger requests time to construct and implement the Phase I improvements. Phase I Facility improvements are projected to be completed and implemented by November 2011. If the Phase I improvements do not achieve compliance with the carbon tetrachloride and copper final effluent limitations, the Discharger also requests additional time to conduct source investigations and implement source controls for carbon tetrachloride, and to conduct a copper translator study.

9. The Discharger expects the Phase II Facility upgrades to achieve compliance with the nitrate plus nitrite effluent limit in WDR Order No. R5-2010-0099. The Discharger requests time to construct and implement the Phase II improvements. Phase II Facility improvements are projected to be completed and implemented within five to seven years.
10. In accordance with CWC section 13385(j)(3), the Central Valley Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the new water quality-based effluent limitation for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, CDBM, DCBM, and nitrate plus nitrite. These limitations are new requirements that become applicable to WDR Order No. R5-2010-0099 after the effective date of adoption of the waste discharge requirement 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.
11. Immediate compliance with the new effluent limitations for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, CDBM, DCBM, and nitrate plus nitrite is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.

Mandatory Minimum Penalties

12. CWC section 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC 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, if all the [specified] requirements are met... For the purposes of this subdivision, the time schedule may not exceed five years in length..."*
13. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for no more than five years. Compliance with this Order only exempts the Discharger from mandatory penalties for violations of the final effluent limitations for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, CDBM, DCBM, and nitrate plus nitrite in accordance with CWC section 13385(j)(3).

Protection from MMPs for the final effluent limitations for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, and nitrate plus nitrite begins immediately, and may not extend beyond 1 September 2015. Protection from MMPs for the final effluent limitations for cyanide, CDBM, and DCBM begins immediately, and may not extend beyond 1 November 2011.

CWC section 13385(j)(3) requires the Discharger to update and implement its pollution prevention plan pursuant to section 13263.3 of the California Water Code.

Interim Effluent Limitations

14. Since the time schedule for completion of action necessary to bring the waste discharge into compliance exceeds 1 year, this Order includes an interim requirement and date for achievement. The time schedule does not exceed 5 years.
15. The compliance time schedule in this Order includes an interim maximum daily effluent limitation for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, CDBM, DCBM, and nitrate plus nitrite. For cyanide, the interim maximum daily effluent limit is established as the final maximum daily effluent limit contained in Order No. R5-2010-0099. The interim maximum daily effluent limitation for arsenic is based on data contained in the *City of Galt Revised Compliance Schedule Justification Statement, October 2010*. The interim maximum daily effluent limitations for bis (2-ethylhexyl) phthalate and copper are based on the data collected during the Discharger's special study conducted from April 2007 through March 2008 and post Facility upgrade to discharge directly to Laguna Creek from November 2009 through April 2010. Monitoring results for CDBM, DCBM, and carbon tetrachloride were not obtained during the Discharger's special study. Thus, the interim maximum daily effluent limitation for carbon tetrachloride is based on data obtained from November 2006 through December 2009, and to acquire sufficient data, the interim maximum daily effluent limitations for CDBM and DCBM are based on the data collected from April 2004 through December 2009. For nitrate, the interim maximum daily effluent limitation is based on the data collected from January 2009 through February 2010. In developing the maximum daily interim effluent limitation, where there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean. When at least 80% of the data points are reported as non detected values, interim limitations are based on 3.11 times the maximum observed effluent concentration (MEC) to obtain the daily maximum interim limitation. The following table summarizes the calculations of the daily maximum interim effluent limitation for these constituents:

Parameter	Units	MEC	Mean (x)	Std. Dev. (sd)	Formula Used	Interim Limitation Maximum Daily
Arsenic	µg/L	19	13.3	2.3	$(3.3 * sd) + x$	21
Bis (2-ethylhexyl) phthalate	µg/L	1.9	--	--	$3.1 * MEC$	6
Carbon Tetrachloride	µg/L	2.4	--	--	$3.1 * MEC$	7
Copper	µg/L	5.4	2.79	1.3	$(3.3 * sd) + x$	7
Cyanide	µg/L	5.3	1.46	2.013	Final MDEL	9.6
Chlorodibromomethane	µg/L	1.5	--	--	$3.1 * MEC$	5
Dichlorobromomethane	µg/L	11	ln=0.69	ln=1.04	$(3.3 * sd) + x$	60
Nitrate (as N)	mg/L	26	11.3	6.9	$(3.3 * sd) + x$	35

16. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim limitation 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 effluent limitation can be achieved. The Central Valley Water Board finds that the time schedule contained herein is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of control measures that are necessary to comply with the final effluent limitations.

Other Regulatory Requirements

17. 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 CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.
18. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend the Time Schedule Order for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

1. The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, cyanide, CDBM, BDCM, and nitrate plus nitrite contained in WDR Order No. R5-2010-0099 as described in the above Findings:

Task

Submit Method of Compliance Workplan/Schedule.

Submit and implement an updated, or new as appropriate, Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3.

Annual Progress Reports¹

Full compliance with the final effluent limitations for arsenic, bis (2-ethylhexyl) phthalate, carbon tetrachloride, copper, and nitrate plus nitrite.

Full compliance with the final effluent limitations for cyanide, CDBM, and BDCM.

Date Due

Within 6 months of adoption of this Order

Within 6 months of adoption of this Order

1 December, annually, after approval of workplan until final compliance

1 September 2015

1 November 2011

¹ 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.

2. The following interim maximum daily effluent limitations shall be effective immediately and until the date specified in the table for applicable parameter, or when the Discharger is able to come into compliance, whichever is sooner.

Effective immediately and until:	Parameter	Maximum Daily Effluent Limitation
1 September 2015	Arsenic	21 µg/L
1 September 2015	Bis (2-ethylhexyl) phthalate	6 µg/L
1 September 2015	Carbon Tetrachloride	7 µg/L
1 September 2015	Copper	7 µg/L
1 November 2011	Cyanide	9.6 µg/L
1 November 2011	Chlorodibromomethane	5 µg/L
1 November 2011	Dichlorobromomethane	60 µg/L
1 September 2015	Nitrate plus Nitrite, Total (as N)	35 mg/L

3. For the compliance schedule required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.
4. 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 Central Valley Water Board 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.

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 23 September 2010, and amended on 15 December 2010.

Signed by

PAMELA C. CREEDON, Executive Officer