

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2017-0042

AMENDING TIME SCHEDULE ORDER NO. R5-2012-0087

CITY OF MT. SHASTA
MT. SHASTA WASTEWATER TREATMENT PLANT
SISKIYOU COUNTY

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

1. On 21 June 2007 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0056 (NPDES Permit No. CA CA0078051) prescribing WDRs for the City of Mt. Shasta (hereinafter Discharger) for the Mt. Shasta Wastewater Treatment Plant (hereinafter Facility), Siskiyou County.
2. WDR Order R5-2007-0056 contained new ammonia effluent limits that the Discharger could not immediately meet. Because the Discharger could not immediately meet the new effluent limitations, WDR Order R5-2007-0056 also contained interim effluent limits for ammonia with a final compliance date of 18 May 2010.
3. WDR Order R5-2007-0056 contained new copper and zinc effluent limits that the Discharger could not consistently meet. Because the Discharge could not consistently comply with the new effluent limitations for copper and zinc, the Discharger requested a compliance schedule to come into compliance with the copper and zinc effluent limitations in WDR Order R5-2007-0056.
4. The copper and zinc effluent limitations were new requirements that became applicable to the permit after the effective date of adoption of the WDRs, and after 1 July 2000. Because the copper and zinc effluent limitations were based on the existing Basin Plan water quality objectives that were adopted prior to 25 September 1995, a compliance schedule for these effluent limitations were placed in a Cease and Desist Order (CDO). CDO R5-2007-0057 contained interim effluent limits for copper and zinc with a final compliance date of 18 May 2010.
5. On 27 May 2010 the Central Valley Water Board issued CDO R5-2010-0064 to the Discharger setting new interim ammonia, copper, and zinc effluent limits for the discharge. The CDO required final compliance by 1 June 2012.
6. On 26 July 2012, the Discharger submitted justification and a request for additional time to come into compliance with ammonia, copper, and zinc effluent limitations.
7. On 4 October 2012 the Central Valley Water Board adopted WDR Order R5-2012-0086, NPDES Permit No. CA0078051, prescribing WDRs for the Discharger and the Facility.

8. WDR Order R5-2012-0086 contains final effluent limitations, in part, for ammonia, copper, and zinc. Immediate compliance with the final effluent limitations contained in WDR Order R5-2012-0086 for ammonia, copper, and zinc is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance. The Discharger is proposing to construct upgrades to the Facility in order to come into compliance with the final effluent limitations for ammonia, copper, and zinc. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance and Time Schedule Order (TSO) R5-2012-0087 was adopted on 4 October 2012 concurrently with WDR Order R5-2012-0086 in order to provide the Discharger with additional time to come into compliance with final effluent limitations for ammonia, copper, and zinc. TSO R5-2012-0087 required compliance with final effluent limitations for ammonia, copper, and zinc by 1 June 2017.
9. On 2 December 2016 the Discharger submitted a request for additional time beyond the 1 June 2017 deadline established in TSO R5-2012-0087 to comply with final effluent limits. The Discharger has made diligent progress towards implementing upgrades to the Facility in order to bring the discharge into compliance with the final effluent limits as described in WDR Order R5-2012-0086. Additionally, the 2 December 2016 request outlined reasons why the Discharger will be unable to achieve compliance with final effluent limits for ammonia, copper, and zinc by the 1 June 2017 deadline established in TSO R5-2012-0087. Due to events beyond the Discharger's control, anticipated grant funding for Facility upgrades did not materialize and alternate funding must now be procured in order for Facility upgrades to be constructed.
10. The amended order, TSO R5-2012-0087-01, provides a time schedule for the Discharger to develop, submit and implement methods of compliance, and/or construct the necessary treatment plant upgrades to meet the final effluent limitations for ammonia, copper, and zinc.
11. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds 1 year, TSO R5-2012-0087-01 includes interim requirements and dates for achievement. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim limitations included in TSO R5-2012-0087-01.
12. The Central Valley Water Board has notified the Discharger and interested persons of its intent to amend TSO R5-2012-0087 and has provided them with the opportunity to submit their written views and recommendations.
13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) ("CEQA"), under Water Code Section 13389, since any adoption or modification of a NPDES Permit for an existing source is exempt and this order only serves to implement such a NPDES permit. This Order is also exempt from CEQA in accordance with Section 15321(a)(2), Title 14, California Code of Regulations. This Order is not subject to the

limitations of Government Code section 65962.5(c)(3) [Cortese List] on use of categorical exemptions because it does not involve the discharge of “hazardous” materials as used in that statute, but rather involves the discharge of treated domestic wastewater. In addition, adoption of this Order is not subject to CEQA because this Order does not have the potential to cause a significant impact on the environment (Title 14 CCR section 15061(b)(3)) as it is intended to enforce preexisting requirements to improve the quality of ongoing discharges that are part of the CEQA “baseline”. Any plant upgrades or replacement are the result of WDR Order R5-2012-0086 and not this Order.

14. In the event the selected alternative requires additional review under CEQA, the Discharger shall conduct required review and obtain appropriate approval prior to initiating construction.

IT IS HEREBY ORDERED THAT:

TSO R5-2012-0087 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 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 7 April 2017.

Original Signed By

PAMELA C. CREEDON, Executive Officer