January 18, 2019

Akin Babatola
Laboratory and Environmental Compliance Manager
City of Santa Cruz
Email: ababatola@cityofsantacruz.com

Sent via electronic mail only

Dear Mr. Babatola:

DRAFT TIME SCHEDULE ORDER NO. R3-2019-0005, CITY OF SANTA CRUZ WASTEWATER TREATMENT PLANT, SANTA CRUZ COUNTY, WDID 3 440102001

This letter transmits Draft Time Schedule Order (TSO) No. R3-2019-0005 for the City of Santa Cruz (Discharger) Wastewater Treatment Plant. On December 20, 2018, the Discharger submitted a request for a time schedule order for compliance with the monthly average effluent total organic carbon concentration limit stipulated by Central Coast Water Board Order No. R3-2017-0030 (NPDES permit CA0048194). The Discharger requests the time schedule order to accommodate implementation of system improvements and engineering enhancements in the wastewater treatment plant's secondary treatment stages to improve removal of total organic carbon in the wastewater effluent.

The attached draft TSO provides an opportunity for the Discharger to make the necessary operational adjustments and facility upgrades to achieve compliance. In accordance with California Water Code section 13167.5, the Central Coast Water Board is providing notice and a comment period of 30 days for proposed Order No. R3-2019-0005. Interested persons may download the proposed TSO from the Water Board's website after January 23 at:
http://www.waterboards.ca.gov/centralcoast/board_decisions/tentative_orders/

Persons wishing to comment on the draft Order must submit comments in writing to the address below **no later than February 22, 2018**. Comments submitted after that date will not be accepted into the record. Please send comments to Phillip.Hammer@waterboards.ca.gov.

If you have any questions, please contact Phil Hammer **at (805) 549-3882** or Phillip.Hammer@waterboards.ca.gov.

Sincerely,

Phillip Hammer
2019.01.18 09:02:44 -08'00'

for John M. Robertson
Executive Officer

Attachment: Draft Time Schedule Order No. R3-2019-0005

cc:

David Smith, EPA Region IX, Smith.davidw@epa.gov
Jamie Marincola, EPA Region IX, Marincola.JamesPaul@epa.gov
Stephanie Yu, State Water Board, Stephanie.Yu@waterboards.ca.gov
Todd Stanley, Central Coast Water Board, todd.stanley@waterboards.ca.gov
Phil Hammer, Central Coast Water Board, Phillip.Hammer@waterboards.ca.gov
Harvey Packard, Central Coast Water Board, Harvey.Packard@waterboards.ca.gov

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

DRAFT TIME SCHEDULE ORDER NO. R3-2019-0005

REQUIRING THE CITY OF SANTA CRUZ WASTEWATER TREATMENT FACILITY TO COMPLY WITH REQUIREMENTS PRESCRIBED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. CA0048194, ORDER NO. R3-2017-0030

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds:

1. The City of Santa Cruz (hereafter Discharger) owns and operates wastewater collection, treatment, and disposal facilities to provide sewerage service to the City and nearby communities.

2. The Central Coast Water Board adopted waste discharge requirements regulating the discharge of secondary-treated effluent from the Discharger's wastewater treatment plant (WWTP) to the Pacific Ocean. Order No. R3-2017-0030 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES Permit No. CA0048194) authorizing discharge from the WWTP.

3. Clean Water Act section 301(b) requires U.S. EPA to develop secondary treatment standards for publicly owned treatment works. U.S. EPA promulgated such technology-based effluent guidelines at 40 CFR 133. As allowed by 40 CFR 133.104, the Executive Officer of the Central Coast Water Board has determined that the Discharger has demonstrated an adequately robust statistical correlation between total organic carbon (TOC) and biochemical oxygen demand (BOD) at this facility. As such, the Executive Officer has approved the establishment of effluent limitations for TOC to meet the technology-based effluent limitation for BOD. Technology-based effluent limitations for TOC have thus been established in Order No. R3-2017-0030 based on 40 CFR 133.

4. Order No. R3-2017-0030 prescribes final effluent limitations for TOC as shown in Table 1.

Table 1 – Final Effluent Limitations

Parameter	Units	Final Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Total Organic Carbon (TOC)[1]	mg/L	17	23	--
	lbs/day[2]	2,412	3,263	--

[1] As allowed by 40 CFR §133.104, the Executive Officer of the Central Coast Water Board has determined that the Discharger has demonstrated an adequately robust statistical correlation between TOC and BOD5 at this facility and has approved the establishment of effluent limitations for TOC to meet the technology-based effluent limitation for BOD5. A detailed discussion of the approved correlation is provided in section IV.B of the Fact Sheet (Attachment F).

[2] For flows equal to or less than 17 MGD, the effluent mass emission rate shall not exceed the maximum allowable mass emission rate.

5. The Discharger intends to make system improvements and engineering enhancements in its secondary treatment stages to improve removal of TOC in the wastewater effluent. During these improvements, the Discharger may be temporarily unable to comply with Order No. R3-2017-0030 TOC final average monthly effluent limitations and has requested this Time Schedule Order for the period of December 1, 2018, through April 30, 2019. The Time Schedule Order would allow the Discharger to make system improvements and engineering enhancements in its secondary treatment stages to improve and optimize its processes for removing TOC in the wastewater effluent.

6. The Discharger has taken and will take the following steps to improve TOC removal efficiency:
   a. The Discharger hired a professional engineering consultant in 2018 to review and advise on plant efficiency for TOC removal.
   b. The Discharger will hire a second set of engineering consultants to design an upgraded secondary treatment system engineering plan with a delivery date of January 31, 2019.
   c. The Discharger will immediately report the engineering plan to Central Coast Water Board staff and implement the engineering plan by March 1, 2019.

7. During the period of the Time Schedule Order, the Discharger will continue to operate and discharge under all the limits specified in Order R3-2017-0030 and report on all parameters as specified therein. For TOC analyses, however, there will be a suspension for compliance with the monthly average limit concentration of 17.0 mg/L.

8. During the period of the Time Schedule Order, effluent TOC concentrations will continue to be monitored three times weekly. Compliance data will be submitted for all the following TOC limits:
   a. Effluent weekly concentration limits set at 23 mg/L;
   b. Effluent monthly loading limits set at 2,412 lbs/day;
   c. Weekly loading limits set at 3,263 lbs/day; and
   d. Monthly percentage removals set at 85%.

9. California Water Code (CWC) section 13300 authorizes the Central Coast Water Board to require dischargers to establish a time schedule, subject to Central Coast Water Board approval, of specific actions a discharger shall take in order to correct or prevent actual or threatened discharges of waste in violation of requirements.

10. Pursuant to CWC section 13223, the Central Coast Water Board has delegated to its Executive Officer the authority to issue a time schedule order pursuant to CWC section 13300.

11. The Discharger is unable to consistently comply with the average monthly TOC limit of 17 mg/L. The Discharger reported an average monthly TOC concentration of 17.3 mg/L for November 2018 and 16.1 mg/L for December 2018. Since the construction of the WWTP, influent TOC levels have changed and are increasingly at significantly higher concentrations than the design limits of the facility (approximately 170 mg/L). Pretreatment data indicate that high TOC influent is from select dischargers, such as breweries, wineries, and high-volume nutritional industry dischargers. The City's request for a time schedule order is based on the need to optimize its treatment of TOC to a more reliably compliant level, while developing additional pretreatment and control options for high concentration TOC dischargers within the City. The Discharger may not be able to consistently comply with the TOC final effluent limitations in Order No. R3-2017-0030 while new or modified control measures are implemented to increase TOC removal efficiency. In addition, the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days. As a result, a discharge of waste from the WWTP may take place that threatens to violate requirements prescribed by the Central Coast Water Board.

12. Pursuant to CWC section 13385(j)(3), violations of the final effluent limits for TOC in Order No. R3-2017-0030 are not subject to CWC section 13385 subdivisions (h) and (i) mandatory minimum penalties provided the Discharger complies with all the requirements of this Time Schedule Order and all the following conditions are met:
    a. The Time Schedule Order specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).
    b. The regional board finds that the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge, for one of the reasons described in CWC section 13385(j)(3)(B)(i)-(iv) (see Finding 11 above).
    c. The Central Coast Water Board establishes a time schedule for bringing the waste discharge into compliance with the final effluent limitation that is as short as possible and does not exceed five years in length.
    d. For time schedules that exceed one year from the effective date of the time schedule order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:
        i. Effluent limitations for the pollutant or pollutants of concern.
        ii. Actions and milestones leading to compliance with the effluent limitation.
    e. The Discharger has prepared and is implementing in a timely and proper manner or is required by the regional board to prepare and implement a pollution prevention plan pursuant to CWC section 13263.3. This Time Schedule Order requires the Discharger to prepare, implement, and submit a pollution prevention plan for TOC.

    This Time Schedule Order satisfies the above conditions 12.a-e.

13. This Time Schedule Order requires the Discharger to comply with a time schedule by April 30, 2019, which will allow the Discharger to achieve full compliance with TOC final effluent limitations in Order No. R3-2017-0030.

14. The Central Coast Water Board publicly noticed this Time Schedule Order from [PLACEHOLDER] to [PLACEHOLDER].

15. Issuance of this Time Schedule Order is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA) pursuant to CWC section 13389 because the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Time Schedule 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). This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to sections 13267, 13383, and 13300 of the CWC, the City of Santa Cruz shall:

1. Comply with the TOC monthly average limit concentration of 17.0 mg/L by April 30, 2019.

2. Comply with the following time schedule commencing on the effective date of Time Schedule Order No. R3-2019-0005:

Table 2 – Time Schedule

Required Actions	Compliance Due Dates
The Discharger shall hire a second set of engineering consultants to design an upgraded secondary treatment system engineering plan.	January 31, 2019
The Discharger shall immediately report the engineering plan to Central Coast Water Board staff and implement the engineering plan.	March 1, 2019

3. If the Discharger fails to achieve any required action by its compliance due date, then the Discharger shall notify Central Coast Water Board staff by email report within two business days at Peter.vonLangen@waterboards.ca.gov, or as directed.

4. All reports shall be submitted under Discharger signed/certified cover letter to the California Integrated Water Quality System (CIWQS). The Executive Officer may require revisions to the form or types of data and information reported.

5. All reports required by this Time Schedule Order shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a. The authorization is made in writing by a person described above;
   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the owner of the regulated facility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
   c. The written authorization is submitted to the Central Coast Water Board.

6. Any person signing a report required by this Time Schedule Order shall make the following certification:

   "I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision, following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

7. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provisions of this Time Schedule Order or fails to consistently demonstrate substantive progress towards achieving full compliance with effluent limitations in Order No. R3-2017-0030, the Executive Officer may terminate this Time Schedule Order. In that case, or if compliance with the final effluent limitations of Order No. R3-2017-0030 is not achieved by the full compliance dates shown above in Table 2, the Discharger will not be exempt from the mandatory minimum penalties for violation of those effluent limitations and will also be subject to issuance of a cease and desist order in accordance with CWC section 13301. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.

8. During the effective period of this Time Schedule Order, the Discharger shall comply with all provisions of Order No. R3-2017-0030, as renewed or revised, that are not in conflict with this Time Schedule Order.

The Central Coast Water Board's requirement that you submit the reports required by this Time Schedule Order is made pursuant to sections 13267 and 13383 of the CWC. Pursuant to section 13268 of the CWC, a violation of a CWC section 13267 requirement may subject you to civil liability of up to $1,000 per day for each day in which the violation occurs. Pursuant to section 13385 of the CWC, a violation of a CWC section 13383 requirement may subject you to civil liability of up to $10,000 per day for each day in which the violation occurs.

The Central Coast Water Board needs the reports required by this Time Schedule Order to ensure the Discharger's compliance with this Time Schedule Order and its timely achievement of full compliance with the final effluent limitations of Order No. R3-2017-0030. The burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained from the reports. The Discharger is required to submit this information because based on the available data it is responsible for the discharge and for compliance with Order No. R3-2017-0030. The evidence supporting this requirement is discussed above. More detailed information is available in the Central Coast Water Board's public file on this matter.

Any person aggrieved by this action of the Central Coast 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 the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received 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 signature by the Executive Officer. The Executive Officer may modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the Discharger demonstrates and the Executive Officer determines that the delay was beyond the reasonable control of the Discharger to avoid.

ORDERED BY_____
John M. Robertson, Executive Officer

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