

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

TENTATIVE TIME SCHEDULE ORDER R5-2024-XXXX

REQUIRING
CITY OF JACKSON
CITY OF JACKSON WASTEWATER TREATMENT PLANT
AMADOR COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN MUNICIPAL GENERAL ORDER R5-2023-0025 (NPDES PERMIT NO. CAG585001), NOTICE OF APPLICABILITY MUNICIPAL GENERAL ORDER ENROLLEE NUMBER R5-2023-0025-002

FINDINGS

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

1. The City of Jackson (Discharger), owns and operates the City of Jackson Wastewater Treatment Plant (Facility). The Facility discharges up to 0.71 million gallons per day of tertiary treated and disinfected municipal wastewater to Jackson Creek, a water of the United States and tributary to Amador Lake and the Upper Mokelumne Watershed.
2. On 27 November 2023, the Central Valley Water Board Executive Officer issued a Notice of Applicability (NOA) R5-2023-0025-002 authorizing the Discharger coverage under the Municipal Wastewater Dischargers that meet Objectives/Criteria at the Point of Discharge to Surface Water Order R5-2023-0025 (Municipal General Order) for discharges from the Facility.
3. NOA R5-2023-0025-002 section V.A., Table 2. Effluent Limitations includes, in part, the following final effluent limitations applicable to discharges from the Facility at Discharge Point 001 with compliance measured at Monitoring Location EFF-001:

Table 2. Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Municipal General Order Section Reference
Cyanide, Total as CN	µg/L	4.0	--	9.2	V.A.1.b.i.(d) Table 5F

NEED FOR TIME SCHEDULE AND LEGAL BASIS

4. The Discharger is currently unable to consistently comply with final effluent limitations for cyanide contained in NOA R5-2023-0025-002. On 5 June 2024, the Discharger submitted the *Infeasibility Analysis and Time Schedule Justification for Compliance with NPDES Permit Limitations for Cyanide*, dated May 2024, and requested a time schedule for compliance with the final effluent limitations for cyanide. The request provided detailed information supporting the infeasibility to immediately comply with the final effluent

limitations for cyanide. The Discharger has investigated causes for cyanide including, evaluating possible sources in the service area, monitoring for cyanide within the collection system, and conducting a pilot study to determine if the sodium hydroxide preservative and/or the sample type was interfering with the analytical results. The Discharger has identified capital improvement/control measure projects to complete in order to control cyanide. For compliance with the final effluent limitations for cyanide, the Discharger has requested time to implement the capital improvement projects and control measures, and to perform a cyanide interference study.

5. This Time Schedule Order (TSO or Order) contains a time schedule for compliance with final effluent limitations for cyanide contained in NOA R5-2023-0025-002, sets interim limitations for cyanide, and provides protection from mandatory minimum penalties (MMPs) for potential exceedances of the final effluent limitations for cyanide.

MANDATORY MINIMUM PENALTIES

6. California Water Code (CWC) section 13385, subdivisions (h) and (i), requires the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) exempts the discharge from MMPs:

“...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...”

7. Per the requirements of CWC 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 CWC sections 13385(h) and (i).
 - b. To comply with the final effluent limitations for cyanide, the Discharger has proposed 2 years and 5 months to develop and implement the actions presented in Finding 4.
 - c. The final effluent limitations for cyanide are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of NOA R5-2023-0025-002, and after 1 July 2000. New and/or modified control measures are necessary in order to comply with the final effluent limitations for cyanide. New and/or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - d. This Order establishes a time schedule to bring the waste discharge into compliance with the final effluent limitations for cyanide 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 final effluent limitations.

8. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for up to five years. However, Water Code section 13385(j)(3)(C)(ii)(II), authorizes the Central Valley Water Board to grant an additional five years if the Central Valley Water Board finds, following a public hearing, that a Discharger is making diligent progress towards bringing the waste discharge into compliance and that the additional time is necessary to comply with the effluent limitations.
9. Compliance with this Order exempts the Discharger from MMPs for violations of final effluent limitations for cyanide found in NOA R5-2023-0025-002 as detailed below:

Table 1 below shows MMP protection dates for this Order and previous MMP protection dates for TSO R5-2011-0909, TSO R5-2011-0909-01, TSO R5-2011-0909-02, TSO R5-2015-0003, TSO R5-2015-0003-01, TSO R5-2015-0003-02, TSO R5-2015-0003-03, and TSO R5-2018-0037 for cyanide. The total time of MMP protection previously approved for cyanide is 7 years, 6 months, and 29 days (2767 total days). This Order provides MMP protection for 2 years, 5 months, and 5 days (886 total days). This time schedule is as short as possible and does not exceed ten years in length from the date the final effluent limitations became effective.

Table 1. Cyanide MMP Protection

Order	MMP Protection Dates	Total MMP Protection Time
TSO R5-2011-0909 (adopted 3 November 2011)	3 November 2011 through 28 February 2015	3 years, 3 months, 26 days (1214 total days)
TSO R5-2011-0909-01 (amended 13 November 2013)	No Change to Date	No Change to Time
TSO R5-2011-0909-02 (amended 5 December 2013)	No Change to Date	No Change to Time
TSO R5-2015-0003 (adopted 5 February 2015)	5 February 2015 through 28 February 2018	added 1096 days (2310 total days)
TSO R5-2015-0003-01 (amended 18 February 2016)	Extended through 31 October 2018	added 245 days (2555 total days)
TSO R5-2015-0003-02 (amended 20 October 2017)	Extended through 31 May 2019	added 212 days (2767 total days)
TSO R5-2015-0003-03 (amended 5 April 2018)	No Change to Date	No Change to Time
TSO R5-2018-0037 (adopted 31 May 2018)	31 May 2018 through 31 May 2019	No Change to Time
TSO R5-2024-XXXX	17/18 October 2024 through 21/22 March 2027	2 years, 5 months, 5 days (886 days)

10. The Discharger initially upgraded the Facility from chlorine disinfection to UV disinfection in part to address the cyanide concentrations in the effluent. This upgrade did reduce cyanide concentrations in the effluent; however, the concentrations did exceed the effluent limits at

times after the upgrade. Subsequently, the Discharger investigated causes for cyanide including, evaluating possible sources in the service area, investigating the condition of the collection system, monitoring for cyanide within the collection system, and conducting a pilot study to determine if the sodium hydroxide preservative and/or the sample type was interfering with the analytical results. The Central Valley Water Board finds that the Discharger is making diligent progress towards bringing the waste discharge into compliance and that the additional time is necessary to comply with the final effluent limitations.

11. In accordance with CWC section 13385(j)(3), the total length of protection from mandatory minimum penalties for the final effluent limitations for cyanide is less than ten years.
12. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for cyanide contained in NOA R5-2023-0025-002. 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.
13. This Order includes performance-based interim effluent limitations for cyanide, which consist of an average monthly effluent limitation (AMEL) of 23 µg/L and a maximum daily effluent limitation (MDEL) of 49 µg/L, carried forward from previous TSOs R5-2018-0037, R5-2015-003-03, and R5-2011-0909-002.
14. 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. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.
15. If an interim effluent limitation 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 CWC 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an interim average monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period.

OTHER REGULATORY REQUIREMENTS

16. CWC section 13300 states, in part:

“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.”

17. CWC section 13383 states, in part:

“[A] regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge.”

18. 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 this Order and NOA R5-2023-0025-002.

19. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) pursuant to CWC 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).

20. On 17/18 October 2024, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Time Schedule Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

BOARD ACTION

IT IS HEREBY ORDERED THAT, pursuant to CWC sections 13300 and 13383, the Discharger shall comply with the following: time schedule to ensure:

1. The Discharger shall comply with the following time schedule, in Table 2 below, to ensure compliance with the final effluent limitations for cyanide in NOA R5-2023-0025-002 and to ensure completion of the compliance tasks described in Finding 4, above:

Table 2. Time Schedule

Task	Description	Compliance Date
1	Submit Annual Progress Reports. The progress reports shall detail the steps taken to comply with this Order including documentation showing completion of tasks, construction progress (if applicable), evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.	1 October 2025 and 1 October 2026
2	Submit documentation that Phase 1 has been completed. Phase 1 of capital improvement/control measures project: Install cleanouts in 18 laterals that are potential sources of infiltration and inflow (I&I).	31 October 2025
3	Submit the completed cyanide interference study.	31 October 2025
4	Submit documentation that Phase 2 has been completed. Phase 2 of capital improvement/control measures project: Install T (“top hat”) connections where each lateral in need of repair connects with the main interceptor.	31 October 2026
5	Submit documentation that Phase 3 has been completed. Phase 3 of capital improvement/control measures project: Install slip-lining in sewer laterals in need of repair to reduce I&I.	21/22 March 2027
6	Submit documentation that the discharge complies with the final effluent limitations for cyanide.	21/22 March 2027

2. The following interim effluent limitations are effective beginning **17/18 October 2024** and shall apply in lieu of the corresponding final effluent limitations in NOA R5-2023-0025-002. The Discharger shall comply with the following interim effluent limitations, in Table 3 below, through **21/22 March 2027**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 3. Interim Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Cyanide, Total as CN	µg/L	23	--	49

3. 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 for, 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 NOA R5-2023-0025-002 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 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 Resources Control 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 Resources Control 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 Resources Control 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 [Water Quality Petitions Page](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

I, Patrick Pulupa, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **17/18 October 2024**.

PATRICK PULUPA, Executive Officer