Water Advisory Committee

Wastewater Compliance Requirements

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Tess Dunham, Attorney
January 26, 2012
Presentation Outline

- Staff report overview
- Wastewater improvements project
- Questions asked by WAC
- Question and discussion session
Staff Report

- Water quality objectives (Basin Plan) and NPDES permit limitations
- Compliance schedules
  - In-Permit compliance schedule
  - Time Schedule Order (TSO)
  - Cease and Desist Order (CDO)
- Variance – does not exist (yet?)
Staff Report (cont’d)

• Appendix A: Compliance Matrix
  – Constituents that will be addressed with the proposed Charrette Plan improvements
    • BOD, TSS, Turbidity, Ammonia, etc.
  – Constituents not addressed
    • Selenium, Salts, Boron
• 2017 deadline for treatment improvements
• Likely later deadline for other constituents
• Woodland’s compliance limits and schedule are different
WWTP Improvements Project

• Council adopted the Charrette Plan as the preferred project
• Delivered using design-build method
• Two phases
  – Rehabilitation and Replacement
  – Secondary and Tertiary Improvements
• Approximate $95M total project cost
• Scheduled completion in 2017
WAC Questions (1)

• Verbatim question:
  What variances from the SWRCB are possible; likely; necessary -
  • To obtain for what constituents?
  • Can the surface water project move forward, while variances are obtained to significantly delay the wastewater treatment plant upgrade?
  • Attendant consequences of delay; likelihood of fines and how high are they likely to be

• Staff’s interpretation:
  – Can the wastewater project be delayed?
  – What are the consequences of delay?
Answer (1)

• Can the wastewater project be delayed?
  – Unlikely, see Appendix A

• Consequences of delay
  – Negligent or knowing violations may be subject to civil and/or criminal penalties
  – Fines
    • Mandatory Minimum - $3000/day per violation
    • Discretionary fines
    • Potential for third party lawsuits
WAC Questions (2)

• **Verbatim question:**
  What is the likelihood of obtaining grant funding; other funding for the surface water project/wastewater treatment plant upgrade?
  • Now
  • In the future, if the surface water project/wastewater treatment plant upgrade are delayed?
  • From where would the funding be obtained?

• **Staff’s interpretation:**
  – What is the likelihood of subsidized funding, now and in the future?
Answer (2)

• What is the likelihood of subsidized funding, now and in the future?
  – Now – it is almost certain we will receive funding from Clean Water State Revolving Fund (SRF) Loan Program
  – Future is uncertain - depends on competition from other projects.

• Subsidized funding is the most influential factor effecting rates.
Conclusion

Questions and discussion
**BOD, TSS, filtration, etc.**

<table>
<thead>
<tr>
<th>Deadline</th>
<th>October 2017</th>
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</thead>
<tbody>
<tr>
<td>Compliance schedule</td>
<td>Permit issued in 2001, City protested, remanded to State Board for revisions, final adopted in 2007. 8 year compliance schedule provided, in 2009 an additional 2 year extension granted to provide time to study re-use options (total compliance schedule of 10 years)</td>
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<tr>
<td>history and status</td>
<td></td>
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<tr>
<td>Potential extensions</td>
<td>Received 10 year maximum in-permit compliance schedule length. Protection from mandatory minimum penalties through adoption of an enforcement order (e.g., time schedule order (TSO)) may be available after the 10 year compliance schedule lapses. However, adoption of a TSO is a discretionary action of the Regional Board. Due to the lengthy compliance schedule, the Board would likely be unwilling to provide for additional protection through a TSO.</td>
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<td>Notes about compliance</td>
<td>All proposed water source changes (surface or well water) have little to no impact on these constituents or treatment methods.</td>
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* Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Turbidity, Coliform, Aluminum, Ammonia, Iron, and filtration
# Selenium

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<thead>
<tr>
<th><strong>Deadline</strong></th>
<th>February 2015</th>
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<tbody>
<tr>
<td><strong>Compliance</strong></td>
<td>Permit adopted in 2007, revised in 2010. Currently protected from minimum mandatory penalties (MMP) due to adoption of a TSO.</td>
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<td><strong>schedule</strong></td>
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<td><strong>history and</strong></td>
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<td><strong>status</strong></td>
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<td><strong>Potential</strong></td>
<td>Extension not likely to be needed. If needed, additional protection from MMPs may be available for up to five years if City can demonstrate that the City is making diligent progress towards compliance with the permit limit.</td>
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<td><strong>extensions</strong></td>
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<td><strong>Notes about</strong></td>
<td>Proposed Charrette Plan wastewater treatment process does not remove selenium. Selenium limits must be met by source water changes or additional investment in wastewater treatment processes.</td>
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<td><strong>compliance</strong></td>
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### Electrical Conductivity (salts)

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<td><strong>Deadline</strong></td>
<td>No current timeline</td>
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<td><strong>Compliance schedule</strong></td>
<td>2007 permit indicates that a final limit will be included in 2012 permit. Compliance schedule can be provided when limit is adopted. Schedule will be for minimum practicable time needed to comply with adopted limit, but cannot exceed 10 years.</td>
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<td><strong>Potential extensions</strong></td>
<td>Additional protection from MMPs may be available upon the Regional Board making appropriate findings, and adopting a TSO. TSOs may only provide protection from MMPs for up to five years, with one possible additional five year period if the City is making diligent progress for compliance.</td>
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<tr>
<td><strong>Notes about compliance</strong></td>
<td>Both existing and proposed Charrette Plan wastewater treatment processes do not remove salinity or boron. Future limits are likely to require source water changes or additional investment in wastewater treatment processes.</td>
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