

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

TIME SCHEDULE ORDER R3-2024-0021

**REQUIRING THE
CITY OF SAN LUIS OBISPO WATER RESOURCE RECOVERY FACILITY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
CA0049224, ORDER R3-2024-0001**

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

1. The City of San Luis Obispo (Discharger) is the owner and operator of the City of San Luis Obispo Water Resource Recovery Facility (Facility), a publicly owned treatment works (POTW). The Facility is located at 35 Prado Road, San Luis Obispo, San Luis Obispo County.
2. Treatment at the Facility currently consists of mechanical screening with washer compactor, aerated grit removal, primary settling, four Modified Ludzack-Ettinger (MLE) bioreactors, hollowfiber membranes, and ultraviolet (UV) disinfection. The biosolids handling unit consists of a sludge blend tank, two rotary screw thickeners, two anaerobic digesters, an odor control unit, a screw press, and a belt filter press, with the final product hauled for composting.
3. On June 20, 2024, the Central Coast Water Board adopted Waste Discharge Requirements Order R3-2024-0001, National Pollutant Discharge Elimination System (NPDES) Permit CA0049224. Order R3-2024-0001 regulates the discharge of tertiary treated effluent from the Facility to San Luis Obispo Creek, a water of the United States, located within the Estero Bay Hydrologic Unit. The effective date of Order R3-2024-0001 is September 1, 2024.
4. Analysis of the Discharger's effluent monitoring data from December 2014 through December 2022 found that the Discharger's effluent had a reasonable potential to cause or contribute to exceedances of water quality objectives for total dissolved solids (TDS), chloride, sodium, sulfate, and molybdenum, and therefore warranted the establishment of effluent limitations for those parameters.
5. Order R3-2024-0001 prescribes the following new effluent limitations for TDS, chloride, sodium, sulfate, and molybdenum.

Table 1: Final effluent limitations in Order R3-2024-0001

Parameter	Units	Average Annual ¹	Average Monthly
TDS	mg/L	650	
Chloride	mg/L	100	
Sodium	mg/L	50	
Sulfate	mg/L	100	
Molybdenum	mg/L		0.01

¹Compliance is determined using a 12-month running mean.

NEED FOR TIME SCHEDULE ORDER AND REGULATORY REQUIREMENTS

6. The Discharger is unable to consistently comply with the final effluent limits for TDS, chloride, sodium, sulfate, and molybdenum, which were not effluent limits in the prior permit and are new to Order R3-2024-0001. In its January 11, 2024 comment letter on draft Order R3-2024-0001, the Discharger asked the Central Coast Water Board to include an in-permit compliance schedule to allow the Discharger time to develop and implement improvements to comply with the new effluent limits.
7. State Water Resources Control Board Resolution 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy), was adopted on April 15, 2008. The Policy provides that in-permit compliance schedules should only be granted when additional time is needed to complete significant compliance actions to comply with new permit limitations implementing new, revised, or newly interpreted water quality objectives or criteria in water quality standards. The Compliance Schedule Policy defines the term “new, revised or newly interpreted water quality standard” to be standards adopted by the Central Coast Water Board after September 25, 1995. (Compliance Schedule Policy, p. 3, paragraph 1 subd. (d).) The Compliance Schedule Policy defines the term “newly interpreted water quality objective or criterion in a water quality standard,” as meaning:
 - a narrative water quality objective or criterion that, when interpreted during NPDES permit development (using appropriate scientific information and consistent with state and federal law) to determine the permit limitations necessary to implement the objective, results in a numeric permit limitation more stringent than the limit in the prior NPDES permit issued to the discharger. Newly interpreted water quality objective or criterion in a water quality standard also includes a numeric or narrative water quality objective or criterion that is implemented with a permit limitation with which the discharger cannot comply because the pollutant was newly detected in the discharger’s effluent due to new analytical techniques that were developed after the prior permit was issued. (*Id.*, p. 3, paragraph 1 subd. (e).)
8. The *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan) includes numeric water quality objectives for TDS, chloride, sodium, sulfate, and molybdenum. Basin Plan Table 3-5 includes numeric mean surface water quality objectives for TDS, chloride, sodium, and sulfate specific to San Luis Obispo Creek. Table 3-2 includes the numeric water quality objective for molybdenum for waters with the agricultural supply beneficial use, which applies to San Luis Obispo Creek.

These numeric water quality objectives were used in the analyses that found the Facility had reasonable potential to cause or contribute to exceedances of water quality objectives. These objectives have been part of the Basin Plan since at least 1994.

9. The Discharger is not eligible for an in-permit compliance schedule because the water quality objectives used to establish the new effluent limitations for TDS, chloride, sodium, and sulfate in Order R3-2024-0001 were not new, revised, or newly interpreted water quality standards as that term is defined in the Compliance Schedule Policy. Similarly, the Discharger is not eligible for an in-permit compliance schedule for molybdenum because the water quality objective used to establish the new effluent limitation for molybdenum in Order R3-2024-0001 was not a new, revised, or newly interpreted water quality standard as that term is defined in the Compliance Schedule Policy. Although molybdenum is newly detected in the Discharger's effluent through monitoring requirements established in the Discharger's previous NPDES permit, Order R3-2014-0033, the analytical techniques were developed long before the prior permit was issued.
10. Considering the foregoing analysis, a time schedule order, issued pursuant to California Water Code (Water Code) sections 13300 and 13385(j)(3), is the appropriate mechanism to allow the Discharger additional time to comply with its effluent limitations in Order R3-2024-0001.
11. Section 13300 of the Water Code 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 permittee are approaching capacity, the board may require the permittee to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the permittee shall take in order to correct or prevent a violation of requirements."
12. Water Code section 13385, subdivisions (h) and (i), require the Central Coast Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3)(A) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with ... a time schedule order issued pursuant to Section 13300, if all of the [specified] requirements are met." (emphasis added).
13. Pursuant to Water Code section 13385 subdivision (j)(3)(B)(i), the Central Coast Water Board finds that, based on effluent monitoring data, the Discharger is not able to consistently comply with the final effluent limits for TDS, chloride, sodium, sulfate, and molybdenum in Order R3-2024-0001 while new or modified control measures are implemented to increase pollutant removal efficiency or reduce the amount of these pollutants the facility receives. The effluent limitations for these pollutants are new requirements for the Discharger, and a time schedule order will allow the Discharger time to assess discharges to the collection system, collect data, perform studies, and develop additional pretreatment and control options for molybdenum and high-concentration TDS, chloride, sodium, and sulfate dischargers within the city. In addition, the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

14. The Discharger intends to carry out source control measures by implementing a pollution prevention plan, performing a source identification study, and performing a pretreatment program local limits study. During these efforts, the Discharger may be temporarily unable to comply with the Order R3-2024-0001 final effluent limitations for TDS, chloride, sodium, sulfate, and molybdenum, and interim effluent limits are necessary. The period of this time schedule order is September 1, 2024, through August 31, 2029.
15. During the period of the time schedule order, the Discharger will continue to operate and discharge under all the limitations specified in Order R3-2024-0001 except for TDS, chloride, sodium, sulfate, and molybdenum. The Discharger will continue to report on all parameters as specified in Order R3-2024-0001.
16. Pursuant to Water Code section 13223, the Central Coast Water Board has delegated to its Executive Officer the authority to issue a time schedule order pursuant to Water Code section 13300.
17. Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements for any person who owns or operates a publicly owned treatment works. In accordance with 40 C.F.R. sections 25.5 and 124.10 subd. (b)(1) and Water Code section 13378, the Central Coast Water Board publicly noticed this time schedule order from March 12, 2024 through April 11, 2024. No public comments were received.
18. 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 Water Code section 13389 because the adoption or modification of an NPDES permit for an existing source is statutorily exempt from CEQA, and this time schedule order only serves to implement an NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal. App. 3d 546, 555-556). Furthermore, this enforcement action is taken for the protection of the environment and as such is exempt from CEQA in accordance with section 15321, chapter 3, title 14, California Code of Regulations.

MANDATORY MINIMUM PENALTIES

19. Pursuant to Water Code section 13385(j)(3), violations of the final effluent limits for TDS, chloride, sodium, sulfate, and molybdenum in Order R3-2024-0001 are not subject to Water Code 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 Central Coast Water 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 Water Code section 13385(j)(3)(B)(i)-(iv) (see Paragraph 12, *supra*).

- 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 Central Coast Water 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 TDS, chloride, sodium, sulfate, and molybdenum.

This time schedule order satisfies the above conditions a-e.

20. This time schedule order requires the Discharger to comply with a time schedule by August 31, 2029, that will allow the Discharger to achieve full compliance with TDS, chloride, sodium, sulfate, and molybdenum final effluent limitations in Order R3-2024-0001.
21. This time schedule order includes performance-based interim effluent limitations that are based on the 97.22 percentile for results measured from 2015 to 2023 for TDS, chloride, sodium sulfate, and molybdenum as shown in Table 3.
22. The Central Coast Water Board expects that the Discharger can maintain compliance with the interim effluent limitations included in this time schedule order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of pollutants in concentrations in excess of the final limitations in the permit, 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 effluent limitations, however, establish an enforceable ceiling value until compliance with the final effluent limitations can be achieved.
23. If an interim effluent limit established in this time schedule order for TDS, chloride, sodium, sulfate, or molybdenum is exceeded, then the Discharger is subject to a mandatory minimum penalty for that particular exceedance as the Discharger will no longer meet the exemption in Water Code section 13385, subdivision (j)(3).

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13300 and 13383 and to ensure compliance with the requirements of adopted Waste Discharge Requirements Order R3-2024-0001, NPDES Permit CA0049224:

1. The Discharger shall comply with the following schedule of actions:

Table 2. Compliance Schedule for Total Dissolved Solids, Chloride, Sodium, Sulfate, Molybdenum (Starting September 1, 2024)

Required Actions	Compliance Due Dates
<p>Submit semi-annual progress and sampling results of TDS, chloride, sodium, sulfate, and molybdenum in Facility influent and effluent. Reports shall include but not be limited to:</p> <ul style="list-style-type: none"> • Discussion of overall progress in implementing the requirements of this TSO and achieving full compliance with Order R3-2024-0001 • Results of source identification efforts and potential modifications to local limits or other pretreatment program actions • Evaluation of compliance with final effluent limitations • Update the Pollution Prevention Plan (PPP) section with descriptions of actions to be taken in the upcoming year beginning with the August 15, 2025 report and annually thereafter. 	<p>1st Semi-annual Report (Jul-Dec) – due by Feb 15</p> <p>2nd Semi-annual Report (Jan-Jun) – due by Aug 15</p>
<p>Submit Pollution Prevention Plan (PPP) for TDS, chloride, sodium, sulfate, and molybdenum. Requirements for the PPP are set forth below.</p> <p>Submit an annual update to the PPP as a section in the semi-annual progress report describing planned actions for the upcoming year and discussing results from the previous year.</p>	<p>PPP for calendar year 2025 due January 15, 2025 Updated PPP for 2026 due Aug 15, 2025 Updated PPP for 2027 due Aug 15, 2026 Updated PPP for 2028 due Aug 15, 2027 Updated PPP for 2029 due Aug 15, 2028</p>
<p>Submit Source Identification Study plan for review and approval by the Executive Officer. Requirements for the Source Identification Study are set forth below.</p>	<p>January 15, 2025</p>
<p>Initiate Source Identification Study</p>	<p>May 31, 2025</p>
<p>Submit Local Limits Study plan for review and approval by the Executive Officer. Requirements for the Local Limits Study are set forth below.</p>	<p>May 1, 2026</p>
<p>Submit Source Identification Study results.</p>	<p>Nov 1, 2026</p>
<p>Initiate Local Limits Study.</p>	<p>Nov 1, 2026</p>

Required Actions	Compliance Due Dates
Submit draft Local Limits Study report, including proposed changes to local limits.	Nov 1, 2027
Submit final Local Limits Study report.	May 1, 2028
Achieve full compliance with final effluent limitations in Order R3-2024-0001.	August 31, 2029

Pollution Prevention Plan (PPP): The PPP is an iterative plan that the Discharger will update and submit on an annual basis. The annual PPP must include the following deliverables:

- a. A description of new or modified methods that will be used to prevent or reduce the amount of TDS, chloride, sodium, sulfate, and molybdenum in the facility's influent and effluent during the upcoming year. Pollution prevention methods may include application and enforcement of local limits to industrial or commercial dischargers, public education and outreach, upgrades or changes to the Facility's treatment system, or other innovative and alternative approaches to reduce discharges of TDS, chloride, sodium, sulfate, and molybdenum to and from the facility.
- b. An estimate of load reductions that may be attained through the methods identified above.
- c. A plan for monitoring and assessing the results of the pollution prevention plan.
- d. A discussion of the pollution prevention methods used during the previous year.
- e. An estimate of the load reductions that were attained during the previous year.
- f. Once completed, a summary of the findings of the Source Identification Study, including the monitoring results and all identified sources of TDS, chloride, sodium, sulfate, and molybdenum to and from the Facility.
- g. Once completed, a discussion of the findings of the Local Limits Study and a description of how the Facility's pretreatment program will be modified.

Source Identification Study: The Source Identification Study must, at a minimum, include a sampling plan consistent with the guidance in Chapter 4 of EPA's Local Limits Development Guidance.¹ The sampling must occur for a minimum of one year and must be carried out in such a manner that it is spatially and temporally representative. The Source Identification Study may include additional source identification or monitoring that the Discharger identifies as being useful in understanding and reducing all sources of pollutants in the Facility's influent and effluent.

Local Limits Study: The Local Limits Study must include a detailed re-evaluation of local limits, as described in EPA's Local Limits Development Guidance. The Local Limits Study will use the results of the Source Identification Study to calculate or recalculate maximum allowable headworks loadings (MAHLs) for TDS, chloride,

¹ https://www3.epa.gov/npdes/pubs/final_local_limits_guidance.pdf

sodium, sulfate, molybdenum, and any other pollutants identified as requiring further evaluation. The Discharger must use the MAHLs to develop or update local limits.

2. If the Discharger is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Table 2, the Discharger may request, in writing, an extension of the time. The extension request shall include justification for the delay and shall be submitted at least thirty days prior to the respective deadline to be considered complete and timely.
3. The following interim effluent limitations for TDS, chloride, sodium, sulfate, and molybdenum shall be effective upon the effective date of this time schedule order and shall apply in lieu of all final effluent limitations for those pollutants in Order R3-2024-0001. The Discharger shall maintain compliance with the following interim effluent limitations through August 31, 2029, or until the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 3: Interim effluent limitations

Parameter	Units	Average Annual ¹	Average Monthly
TDS	mg/L	988	
Chloride	mg/L	196	
Sodium	mg/L	196	
Sulfate	mg/L	157	
Molybdenum	mg/L		0.024

¹Compliance is determined using a 12-month running mean.

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 R3-2024-0001, the Executive Officer may terminate this time schedule order. In that case, or if compliance with the final effluent limitations for TDS, chloride, sodium, sulfate, or molybdenum in Order R3-2024-0001 is not achieved by the full compliance dates shown above in Table 2 or the Discharger has not received an extension according to Provision 2 above, the Discharger will not be exempt from the mandatory minimum penalties for violation of those effluent limitations and may also be subject to issuance of a cease and desist order in accordance with Water Code 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 R3-2024-0001, as renewed or revised, that are not in conflict with this time schedule order.

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 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 Coast Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Coast 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 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 on September 1, 2024. 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 _____
Ryan E. Lodge, Executive Officer