

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2013-0056  
AMENDING CEASE AND DESIST ORDER R7-2010-0037  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMIT CA0104477 FOR THE  
VALLEY SANITARY DISTRICT MUNICIPAL WASTEWATER TREATMENT PLANT  
Indio – Riverside County

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds:

1. Valley Sanitary District (hereinafter, Discharger) owns and operates a municipal wastewater treatment plant (WWTP) (hereinafter, Facility) that provides sewerage service to the City of Indio in Riverside County. The WWTP has a treatment capacity of 11 million gallons per day (MGD) and is located at 45500 Van Buren Street, Indio, CA 92201.
2. On April 26, 2010, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) announced to the Discharger and stakeholders its intent to update the Discharger's Waste Discharge Requirements (WDRs) and NPDES Permit to regulate the discharge of the treated municipal wastewater to the Coachella Valley Storm Water Channel, a water of the United States, within the Salton Sea Watershed.. The Permit is assigned NPDES Permit CA0104477, Board Order R7-2010-0019. Among other changes, the revised WDRs were to prescribe new effluent limitations for copper and heptachlor.
3. In a letter dated May 6, 2010, the Discharger indicated that its monitoring results show that its discharge may be at risk of violating the proposed effluent limitations on copper and heptachlor, and requested that the Regional Water Board issue a Cease and Desist Order (CDO) to address the issue.
4. On June 17, 2010, the Regional Water Board concurrently adopted Board Order R7-2010-0019, revising the Discharger's WDRs, and CDO R7-2010-0037, addressing the potential threat of violations of effluent limitations for copper and heptachlor prescribed by Board Order R7-2010-0019. Pursuant to California Water Code (Wat. Code) Section 13385(j)(3), the CDO exempts the Discharger from Mandatory Minimum Penalties (MMPs) for violations of the Final Effluent Limitations prescribed by WDRs Order R7-2010-0019 for copper and heptachlor, if the Discharger is in compliance with the CDO, including Interim Effluent Limitations prescribed by the CDO. Accordingly, the exemption from MMPs for violations of the Final Effluent Limitation for copper and heptachlor, and the Interim Effluent Limitations became effective on the date the CDO was adopted. As long as the Discharger is in compliance with the CDO, the exemption shall remain in effect until December 31, 2013, the date when the WWTP improvements must be completed and full compliance with Board Order R7-2010-0019 must be achieved, as specified in Ordered Paragraph 1 of the CDO.
5. CDO R7-2010-0019 may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include, but are not limited to, the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.
6. In a letter dated April 1, 2013, the Discharger requested that the Regional Water Board amend the time schedule set forth in Ordered Paragraph 1 of CDO R7-2010-0019 in order to allow time for

Special Board Order R7-2013-0056  
Amending Cease and Desist Order R7-2010-0037  
Valley Sanitary District WWTP

completion of the Summary and Verification of construction completion, as required by the CDO. The Discharger's letter stated that the construction of the improvements to the WWTP is anticipated for completion on June 23, 2013.

7. Water Code section 13385(j)(3)(C) provides that a time schedule specified in a CDO may not exceed five (5) years in length for bringing a waste discharge into compliance with an effluent limitation. The time schedule outlined in the original CDO, R7-2010-0037 will expire on June 30, 2013, and therefore complied with this statutory requirement.
8. Water Code section 13385(j)(3)(C)(ii)(II) allows a regional board to extend the time schedule of a cease and desist order for an additional time period not exceeding five years if the discharger demonstrates that it is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation. The time schedule extension should be 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 effluent limitation.
9. This Special Board Order effectively amends the time schedule contained in CDO R7-2010-0037 by making an amendment to the milestones on Page 5, Order Paragraph 1, to lengthen the amended extensions to time schedule. The amendment proposed by this Special Board Order meets the requirements of Water Code section 13385(j)(3)(C)(ii)(II) because Regional Board staff believes the Discharger has shown to be making diligent progress toward bringing the waste discharge into compliance..
10. The Regional Water Board published Public Notice 7-13-49 for this Special Board Order on May 3, 2013.
11. Issuance of this Special Board Order amending CDO R7-2010-0037 to enforce Wat. Code, Division 7, Chapter 5.5 is exempt from the provisions of CEQA (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies") Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Cease and Desist Order R7-2010-0037 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Special Board Order as well as with those portions of CDO R7-2010-0037 that were not amended by this Special Board Order:

Page 5, Ordered Paragraph 1: WWTP Improvements/Upgrades. **Modify Completion dates of Milestones** as follows:

**WWTP Improvements/Upgrades**—The Discharger shall complete the proposed WWTP improvements and upgrades to achieve consistent compliance with Board Order R7-2010-0019 and shall submit the required design plans and specifications and long-term revenue plan for operation and maintenance of proposed upgrades, and documentation to the Regional Board, by the designated completion dates specified below:

<b>WWTP UPGRADES</b>		
<b>MILESTONE</b>	<b>MILESTONE SUBMITTAL</b>	<b>COMPLETION DATE</b>
1	Submit a Copy of the design and construction plan to the Regional Board	<b>September 30, 2010</b>
2	Submit a Copy of the Pollution Prevention Plan to the Regional Board	<b>September 30, 2010</b>
3	Submit a Copy of Final Design Drawings to the Regional Board	<b>June 30, 2011</b>
4	Submit Summary and Verification of Construction Completion	<b>December 31, 2013</b>

I, Robert E. Perdue, 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, Colorado River Basin Region, on June 20, 2013.

  
\_\_\_\_\_  
ROBERT E. PERDUE, Executive Officer