

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2008-_____

CEASE AND DESIST ORDER
REQUIRING THE TEJON-CASTAC WATER DISTRICT
TEJON INDUSTRIAL COMPLEX WASTEWATER TREATMENT FACILITY
KERN COUNTY
TO CEASE AND DESIST FROM
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

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

1. The Tejon-Castac Water District (hereafter District) owns and operates a wastewater treatment facility (WWTF) at the Tejon Industrial Complex on the west side of Interstate Five at Laval Road, approximately ten miles north of Lebec, in Section 6, T10N, R19W, MDB&M. Tejon Ranch Corp owns the land on which the WWTF and Industrial Complex reside. The District is the primary responsible party for complying with the terms and conditions of this Order, and the Tejon Ranch Corp is secondary as owners of the land. Both are hereafter referred to as Discharger.
2. Waste Discharge Requirements (WDRs) Order No. 99-076, adopted on 11 June 1999, was issued to Tejon Ranchcorp prior to the formation of the District. Order No. 99-076 prescribed requirements for the WWTF and its discharge to land of disinfected tertiary effluent for recycling on landscaped areas (hereafter Landscaped Use Area). WDRs Order No. 99-076 specifies, in part:

"B. Discharge Specification (Discharge 001)

* * *

2. The median number of coliform organisms in the effluent prior to discharge to the storage ponds, or landscaped areas if used directly, shall not exceed 2.2 per 100 milliliters, as determined from the bacteriological results of the last 7 days for which analyses have been completed, and the number of coliform organisms shall not exceed 23 per 100 milliliters in any sample.
3. The turbidity of the effluent discharged to storage ponds or landscaped area shall not exceed a daily average of 2 NTU (Nephelometric turbidity unit), 5 NTU more than 5 percent of the time within a 24-hour period; and 10 NTU at any time.

* * *

8. Effluent from the WWTF shall not exceed the following limits:

		Monthly	Daily
<u>Constituent</u>	<u>Units</u>	<u>Average</u>	<u>Maximum</u>
5-day Biochemical Oxygen Demand	mg/L	10	20
Total Suspended Solids	mg/L	10	20
Settleable Solids	mL/L	0.1	0.2"

3. Discharger self monitoring reports (SMRs) document chronic violations of the total coliform organisms (TCO), turbidity, biochemical oxygen demand (BOD₅), total suspended solids (TSS), and settleable solids (SS) limits established by WDRs Order No. 99-076, Discharge Specifications B.2, B.3, and B.8. Discharger SMRs from January 2006 through November 2007 show the following effluent quality on a monthly average basis: (a) BOD ranging from 2.8 to 140 mg/L (average about 60 mg/L); (b) TSS ranging from 23 to 90 mg/L (average about 75 mg/L); and (c) SS ranging from 1 mL/L to 60 mL/L (average about 16 mL/L). Because the Discharger has never met the tertiary limits for BOD and TSS, it also has never met the turbidity, and TCO requirements.
4. In 2004, the Discharger submitted a report of waste discharge (RWD) to construct an additional package treatment plant to increase overall discharge flow from 0.05 to 0.1 mgd. The Discharger completed construction of the additional package plant in 2005; however, the WWTF was still unable to meet the limits specified in WDRs Order No. 99-076. The WWTF was designed to treat a BOD of typical domestic strength (250 to 300 mg/L), whereas the BOD to the WWTF is about 530 mg/L, but can be as high as 1,000 mg/L.
5. Because the WWTF has never met the limits for effluent recycling, it bypasses its tertiary filters, and UV disinfection units, and discharges effluent to ponds. The Discharger has not recycled effluent on the Landscaped Use Area, as originally proposed.
6. On _____, the adoption of WDRs Order No. R5-2008-_____ revised and replaced WDRs Order No. 99-076. WDRs Order No. R5-2008-_____ specifies, in part, that:

* * *

“C. Effluent Limitations

1. The effluent shall not exceed the following limitations:

<u>Constituent</u>	<u>Units</u>	Monthly	Daily
		<u>Average</u>	<u>Maximum</u>
BOD ₅	mg/L	40	80
Total Suspended Solids	mg/L	40	80

2. The arithmetic mean of BOD₅ and TSS in effluent samples collected over a monthly period shall not exceed 20 percent of the arithmetic mean of the values for influent samples collected at appropriate the same times during the same period (80 percent removal).”

* * *

“D. Effluent Limitations for Unrestricted Use

In addition to the above, effluent discharged from the WWTF for unrestricted use on surrounding landscaped areas (Landscaped Use Area) shall not exceed the following effluent limitations:

1. BOD and TSS

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD ₅ ¹	mg/L	10	20
TSS ²	mg/L	10	20

¹ 5-day Biochemical Oxygen Demand

² Total Suspended Solids

2. Total Coiform Organisms

- a. The median concentration of total coliform bacteria measured in the disinfected effluent shall not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which the analyses have been completed.
- b. The number of total coliform bacteria shall not exceed an MPN of 23 milliliters in more than one sample in any 30-day period.
- c. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

3. Turbidity – if effluent is filtered through undisturbed soil or a filter media.

- a. An average of 2.0 NTU within a 24-hour period.
- b. 5.0 NTU more than 5 percent of the time within a 24-hour period.
- c. 10.0 NTU at any time.

4. Turbidity – if effluent that is filtered through a microfiltration, ultrafiltration, nanofiltration, or reverse osmosis membrane.

- a. An average of 0.2 NTU more than 5 percent of the time within a 24-hour period.
- b. 0.5 NTU at any time.”

7. **Interim Improvements.** The existing WWTF is labor intensive and not capable of meeting either set of discharge limits. The Discharger intends to submit a RWD and complete construction of a new WWTF in mid-2009. In the interim, the Discharger constructed a dissolved air flotation (DAF) unit to reduce the organic loading prior to discharge to the existing WWTF, as well as installed a holding tank to increase sludge capacity. Although effluent quality has improved over the last few months, the effectiveness of these measures has not been completely realized, and whether they will result in consistent compliance with the BOD and TSS limits specified in Effluent Limitations C.1 and C.2 is uncertain.

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8. The Discharger may recycle effluent on existing Landscaped Use Area but would need to significantly improve effluent quality to comply with the Effluent Limitations for the Recycled Use Area. The Discharger may also submit a report of water recycling (WRRs) to implement water recycling on different types of crops with different requirements specified in Title 22, California Code of Regulations of Regulations, Section 60301 et seq.
9. Until the Discharger implements measures to improve effluent quality, the Discharger will remain in violation, or threatened violation of Effluent Limitations C.1 and C.2.
10. Title 23, CCR, § 2232(d), states:

“Whenever a regional board finds that the waste treatment or disposal facilities of a discharger will reach capacity within four years and that adequate steps are not being taken to address the capacity problem, it shall adopt a time schedule or other enforcement order. Such action shall be preceded by notice and a hearing.”

11. Section 13301 of the California Water Code states, in part, that:

“When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.”

12. Section 13267 of the California Water Code states, in part, that:

“(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within this region.

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any ... citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, ... or who proposes to discharge wastes within its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the

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regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

13. The technical reports required by this Order are necessary to assure compliance with the Cease and Desist Order and Waste Discharge Requirements, and to assure protection of the public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.
14. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to section 15321(a)(2), Title 14, California Code of Regulations.
15. On _____, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
16. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the Regional Water Board action took place. Copies of the law and regulations applicable to filing petitions are available at www.swrcb.ca.gov/water_laws/index.html and also will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to sections 13301 and 13267 of the California Water Code, the Tejon-Castac Water District, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2008-_____. No term or condition of Order No. R5-2008-_____ is superseded or stayed by this Cease and Desist Order.
2. ***Interim Improvements.*** By **15 April 2008**, submit a written report of the short-term measures taken or planned to comply with the Effluent Limitations C.1 and C.2. The written report shall include a time schedule for implementation that shall not exceed **15 August 2008**.

3. **Long-Term Improvements.** Comply with the following tasks no later than the dates specified in the following schedule:

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
a. Submit a technical report that describes measures, planned or taken, to ensure long-term compliance with the WDRs. This includes implementation of water recycling on the Landscaped Use Area, or other areas requiring a lesser degree of treatment or other methods of disposal consistent with the Basin Plan and State Board Resolution 68-16.		15 Jun 2008
b. Begin construction of any improvements and submit written evidence of such. A report of water recycling and the CEQA documentation must also be completed, as appropriate.		15 Jan 2009
c. Submit a progress report on the status of the Expansion Project.		15 Jun 2009
d. Complete improvements and submit a technical report, subject to written Executive Officer approval, containing a detailed flow schematic of the WWTF.	1 Dec 2009	15 Dec 2009
e. Submit a copy of the O&M Manual for the upgraded WWTF.		15 Feb 2010

The technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering sciences, shall be prepared by or under the direction of persons registered to practice civil engineering in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, the technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, the completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work. The technical reports are subject to Executive Officer approval.

If, in the opinion of the Executive Officer, the Discharger violates this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

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I, PAMELA C. CREEDON, 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, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

ARP/DKP: 12/27/07