



**CENTER ON RACE, POVERTY & THE ENVIRONMENT**

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April 23, 2012

Pamela C. Creedon  
Executive Officer  
Central Valley Regional Water Quality Control Board  
1685 E Street  
Fresno, CA 93706

Re: Lamont Public Utility District Wastewater Treatment Facility

Dear Ms. Creedon:

The Center on Race, Poverty & the Environment submit these comments on behalf of itself and the Committee for a Better Arvin in support of the Tentative Cease and Desist Order requiring Lamont Public Utilities District (LPUD) Wastewater Treatment Facility to cease and desist from discharging waste contrary to requirements.

The Committee for a Better Arvin (CBA) is a 501(c)(3) non-profit organization composed of concerned Arvin residents, organized in the city of Arvin. Arvin sits near the Community Recycling and Resource Recovery, Inc. (CRRR) site where LPUD currently discharges its wastewater and sludge.

The practices employed by CRRR leading to local environmental and health consequences, and on-going legal and regulatory violations have long been a concern to CBA. From as far back as 2008, CBA has advocated for Kern County to conduct a full Environmental Impact Report, adopt appropriate mitigation measures to substantially reduce the air, water, odor and aesthetic impacts of the facility, require CRRR to adhere to its Conditional Use Permit (CUP), and regularly and completely clean up the trash and debris littering the project site.

CRPE and CBA are concerned about the unsafe discharge of wastewater from the Lamont Public Utilities District and support the California Regional Water Quality Control Board's Tentative Cease and Desist Order requiring that the LPUD wastewater treatment facility cease and desist from discharging waste contrary to requirements and develop plans and acquire property in order to ensure the safe disposal of wastewater that is not contingent on the operation of CRRR.

At the November 15, 2011 Kern County Board of Supervisors hearing, CRPE and CBA advocated for the revocation of CRRR's CUP. Under Kern County Code 19.102.020, the Board may revoke a CUP for any of the following causes:

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE  
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1962-2009) EXECUTIVE DIRECTOR 1997-2009

- A. That any term or condition of the permit, conditional use permit, variance or zone modification has not been complied with;
- B. That the property or portion thereof subject to the permit, conditional use permit, variance or zone modification is used or maintained in violation of any statute, ordinance, law or regulation;
- C. That the use for which the permit, conditional use permit, variance or zone modification was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance;
- D. That changes in technology or in the type or amount of development in the vicinity of the use or other good cause warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses of other property within the general area in which the use is located.

The Board revoked CRRR's CUP due to violations of the conditions of approval and Zoning Ordinance which include, but are not limited to:

- Receiving residential food waste from the City of McFarland, City of Arvin, City of Los Angeles, and City of San Fernando Valley which were outside the permitted waste streams
- Stockpiling of concrete and operation of concrete crusher on site and stockpiling gypsum wallboard on site without a conditional use permit in 2007
- Use of biomass ash as an amendment in the composting operation outside the permitted waste streams, 2008
- Stockpiling of plastic irrigation pipe and bales of plastic onsite in February 2011, without a conditional use permit
- Noncompliance with Section 19.102.020(b) of Title 19 - Kern County Zoning Ordinance as the property subject to the conditional use permit was used and maintained in violation of Cal OSHA requirements for worker safety
- Noncompliance with Section 19.102.020(c) of Title 19 - Kern County Zoning Ordinance as the use on the property has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance, including but not limited to violations of Cal OSHA requirements
- Noncompliance with Board direction on August 9, 2011, to remain in compliance with all land use laws and proceed with processing an Environmental Impact Report (EIR) subject to Section 19.114.020.C;

The Board also found, pursuant to California Environmental Quality Act (CEQA) Guidelines, section 15321, that CRRR had violated Kern County Ordinance Code Chapters 19.02.060, 8.44.050, 8.28.080, and 8.44.100 for which fines were levied.

On March 21, 2012, the California Division of Occupational Safety and Health (Cal/OSHA) issued 16 citations, totaling \$166,890, against CRRR for its lack of safety procedures, five of which either caused or contributed to the deaths of two young workers in October of 2011.

Given CRRR's serious and numerous health, environmental, and worker safety violations, CRPE and CBA strongly believe it is inappropriate for LPUD's wastewater disposal needs to impede the immediate closure and clean-up of CRRR. LPUD has long been out of compliance with its WDR, claiming far greater acres for effluent recycling than it actually utilizes. Because the health of nearby residents may be threatened if sufficient capacity is not immediately secured, and because of LPUD's historic lack of urgency in developing its wastewater capacity, CRPE and CBA urge the Water Board to consider requiring the LPUD to expedite its acquisition of additional property for wastewater disposal. CRPE and CBA urge the Board to require that LPUD acquire additional capacity by December 2012 and complete CEQA documentation for additional area by February 2013, effectively moving up each deadline set in the Tentative Order by 12 months.

CRRR has challenged revocation of the CUP in the Kern County Superior Court. To date, there has been no ruling on the merits. However, given the likelihood the revocation will stand, as well as the other County violations and Cal/OSHA citations, it is irresponsible for LPUD to continue to rely on CRRR to meet its wastewater and sludge discharge requirements.

For these reasons and those contained within the Central Valley Regional Water Quality Control Board's Notice and Tentative Order, CRPE and CBA support the order.

Sincerely,



Laura Baker  
Staff Attorney