

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

**CEASE AND DESIST ORDER NO. 97-098  
AGAINST THE  
CITY OF NEEDLES  
San Bernardino County**

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On November 28, 1990, the Regional Board adopted Board Order No. 90-071 prescribing waste discharge requirements for the discharge of wastewater by the City of Needles (hereinafter referred to as the discharger) into unlined earthen basins in the N 1/2 of the SW 1/4 of Section 33, T9N, R23E, SBB&M.
2. On January 18, 1994, the Regional Board adopted Board Order No. 94-001 (NPDES Permit number CA 0104205) which prescribes Waste Discharge Requirements for the wastewater treatment plant discharge by the discharger into the Colorado River. The discharge location is in the center of Section 33, T9N, R23E, SBB&M. Board Order No. 94-001 updated the previous Board Order No. 88-110 which was adopted on September 22, 1988.
3. The wastewater treatment plant has a current design flow capacity of 1.8 million gallons-per-day. It was built in the mid-1950's and later modified. Over the years, the treatment plant has deteriorated and is in severe need of major repairs or replacement.
4. On January 18, 1994, the Regional Board issued the discharger Cease and Desist Order No. 94-025 for discharging and/or threatening to discharge wastewater contrary to waste discharge requirements. On June 26, 1996 the Regional Board modified the time schedule contained in Cease and Desist Order Number 94-025. The new time schedule was contained in Cease and Desist Order Number 96-042.
5. Finding No. 2 of Waste Discharge Order No. 90-071 states that "The discharger discharges only during an emergency and/or routine maintenance a maximum of 800,000 gallons-per-day of municipal wastewater into three earthen basins for final disposal by evaporation and infiltration."
6. Over a three year period, from July 1990 to June 1993, monitoring records submitted to the Regional Board by the discharger show that wastewater was discharged to the percolation ponds instead of the Colorado River 284 days out of 1095 days, or 26% of the time.
7. Verbal and written correspondence between the Regional Board staff and the discharger confirm that most of the discharges to the percolation ponds occurred because waste discharge requirements (Board Order No. 88-110) would have been violated had the discharger not diverted the plants effluent to the percolation ponds.

8. Under Board Order No. 88-110 the discharger was required to monitor for constituents if the discharge was to the Colorado River. The discharger has not voluntarily provided the Regional Board with water quality data during periods when wastewater was being discharged to the percolation ponds. Therefore, few violations of the effluent limitations specified by Board Order No. 88-110 are recorded. However, the frequency of discharge to the ponds not only indicates that the treatment plant is not adequately working, but also indicates that wastewater is being discharged to the ponds in a manner other than what was intended by the Regional Board (Finding No. 2, Board Order No. 90-071).
9. Board Order No. 88-110, prescribed Effluent Limitation A.1, which limited the concentration of both Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) to 30 mg/L (30 day mean) and 45 mg/L (7 day mean). Many instances where effluent BOD and TSS concentrations near or above 30 mg/L occurred during the period when Board Order No 88-110 was applicable. From August 1988 to September 1993, the discharger took 176 samples for BOD and 174 samples for TSS. Of the BOD samples, 21 (12%) were over 30 mg/L, and 38 (22%) were over 25 mg/L. Of the TSS samples, 12 (7%) were over 30 mg/L, and 28 (16%) were over 25 mg/L.
10. Cease and Desist Order No. 96-042 contained a time schedule for compliance. The discharger, due in part to unexpected delays, failed to meet the time schedule and were in violation of Cease and Desist Order No. 96-042.
11. On May 2, 1997, the Regional Board's Executive Officer issued the discharger an Administrative Civil Liability in the amount of \$15,000.00 for violating the time schedule order contained in Cease and Desist Order No. 96-042.
12. Cease and Desist Order No. 97-098 replaces Cease and Desist Order No. 96-042 and revises the time schedule.
13. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.
14. A public hearing was conducted on June 25, 1997 for consideration of issuance of Cease and Desist Order No. 97-098 against the City of Needles.

IT IS HEREBY ORDERED, that Board Order No. 96-042 is rescinded, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

1. The discharger shall cease and desist from discharging and/or threatening to discharge wastewater contrary to waste discharge requirements issued to the discharger by the Regional Board.
2. The discharger shall take specific actions as indicated in the following time schedule to achieve compliance with all requirements of existing or future waste discharge requirements issued to the discharger by the Regional Board:

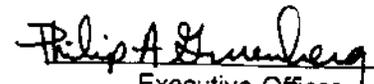
<u>Task</u>	<u>Completion Date</u>	<u>Task Description</u>
1	October 1, 1997	Secure financing for the new wastewater treatment plant

<u>Task</u>	<u>Completion Date</u>	<u>Task Description</u>
2	June 1, 1998	Submit final design and specifications for the new wastewater treatment plant
3	October 1, 1998	Award construction contract for the new wastewater treatment plant
4	August 1, 2000	Complete construction of the new wastewater treatment plant
5	January 3, 2001	New treatment plant fully operational

In addition to the above reports, the discharger shall submit quarterly reports explaining progress towards compliance with the above tasks.

3. If, in the opinion of the Regional Board's Executive Officer, the discharger fails to comply with this Cease and Desist Order, the Regional Board's Executive Officer may issue a complaint against the discharger under Article 2.5, Chapter 5, Division 7 of the California Water Code and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate action against the discharger including injunction and civil monetary liability as deemed appropriate.

I, Philip A. Gruenberg, 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 25, 1997.

  
Executive Officer