

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

ORDER NO. R7-2003-0132

WASTE DISCHARGE REQUIREMENTS
FOR
WINGATE COMPANY, OWNER/OPERATOR
LIME-SULFUR PROCESSING PLANT
South of Brawley – Imperial County

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

1. Wingate Company, 3556 Dogwood Road, Imperial, California 92251, (hereinafter referred to as the discharger), submitted an updated Report of Waste Discharge (ROWD) to the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board), on September 8, 2003 for the wastewater disposal facilities of a lime-sulfur processing plant.
2. The discharge site is located about four (4) miles south of Brawley in the NE ¼ of the NW ¼ of Section 28, T14S, R14E, SBB&M.
3. The discharger is discharging from this lime-sulfur processing plant a maximum daily flow of 800 gallons-per-operating day of calcium polysulfide solution into a 30,000-gallon capacity concrete basin. The solution is discharged from the basin into steel tanks that separate the solids, and then spread out on an adjacent field where it is mixed and allowed to dry. Later the dry lime-sulfur product is removed and sold to farmers as a soil amendment that is used as an addition to irrigation water for reclaiming alkaline soil.
4. Water is supplied to this processing plant from a nearby canal that has a total dissolved solids (TDS) concentration of about 800 mg/L.
5. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), as amended to date, and designates the beneficial uses of ground and surface waters in this Region.
6. The designated beneficial uses of ground waters in the Imperial Hydrological Unit are listed as municipal and industrial supply. However, the ground water in the discharge area is too saline for municipal use.
7. This discharge has been subject to Waste Discharge Requirements (WDRs) adopted in Board Order No. 91-044 and is being updated to comply with the current laws and regulations as set forth in the California Water Code and the California Code of Regulations.
8. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et. seq).
9. The Board has notified the discharger and all known interested agencies and persons of its intent to update WDRs for this discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
10. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

11. The monitoring and reporting requirements in Monitoring and Reporting Program No. R7-2003-0132 are necessary to determine compliance with these WDRs and to determine the facility's impacts, if any, on receiving ground water.

IT IS HEREBY ORDERED, that Board Order No. 91-044 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:

A. Prohibitions

1. The discharge of hazardous or designated wastes (as defined in Chapter 15, Title 23, California Code of Regulations) at this facility is prohibited.
2. The discharge or bypass of wastes to surface waters or storm water drainage courses is prohibited.
3. The discharge of waste containing any carcinogen or reproductive toxins listed by the Governor pursuant to Health and Safety Code Sections 25249.5 through 25249.13, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), where such chemicals pass or probably will pass into any source of drinking water, is prohibited.
4. The discharge of waste to land not owned or controlled by the discharger is prohibited.
5. There shall be no surface flow of wastewater away from the designated discharge areas.

B. Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Sections 13050 (l) and 13050 (m) of Division 7 of the California Water Code.
2. No wastewater other than calcium polysulfide solution shall be discharged onto the discharge field described in Finding No. 2, (above).
3. A minimum depth of freeboard of two (2) feet shall be maintained at all times in the wastewater basin.
4. Treated or untreated sludge, or similar solid waste materials, shall be disposed only at locations approved by the Regional Board's Executive Officer.
5. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
6. Adequate facilities and/or measures shall be taken to assure that unauthorized persons and animal pets are effectively excluded from chemical containment areas and chemical storage areas.
7. The discharger shall remove and properly dispose of any wastes discharged at this site that are in violation of these requirements.
8. Residue removed from the containment basin shall be discharged only at a waste disposal site approved by the Regional Board's Executive Officer to receive such waste. Upon abandonment of this facility, residual waste shall be removed from the basin.

C. Provisions

1. The discharger shall comply with "Monitoring and Reporting Program No. R7-2003-0132, and future revisions thereto, as specified by the Regional Board's Executive Officer.
2. Prior to any modifications in this facility, which would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board and obtain revised requirements before any modifications are implemented.
3. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
4. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
5. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
6. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
7. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Board Order.
8. All maintenance performed shall be reported in the monitoring reports as required.
9. The discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
10. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.

11. The discharger is the responsible party for the WDRs and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Regional Board.
12. The discharger shall retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order. Records shall be maintained for a minimum of three (3) years from the date of the sample, measurement, or report. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board's Executive Officer.
13. The discharge shall not cause degradation of any beneficial use of surface or ground water.
14. The discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided verbally to the Regional Board's Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submittal shall also be provided within five (5) days of the time the discharger becomes aware of the circumstances. The written submittal shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Regional Board's Executive Officer, or an unauthorized representative, may waive the written report on a case-by-case basis, if the oral report has been received within 24 hours.
15. This Board Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a Board Order modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include 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 Board or the Regional Board, including revisions to the Basin Plan.

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 November 5, 2003.

Executive Officer