

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER NO. 77-62

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE
FOR

VALLEY NITROGEN PRODUCERS, INCORPORATED
El Centro - Imperial County

ORDER DIRECTING VALLEY NITROGEN PRODUCERS, INCORPORATED, TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN REGION, IN ORDER NO. 77-44 (NPDES* PERMIT NO. CA0104183).

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

1. This Board on December 12, 1974, adopted Order No. 74-59 (NPDES Permit No. CA0104183) prescribing waste discharge requirements including a compliance time schedule for Valley Nitrogen Producers, Incorporated's nitrogen fertilizer manufacturing facility in accordance with the statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The NPDES Permit contains a compliance date of July 1, 1977, for achieving the effluent limitations as required by the Federal Act.
2. Evidence has been submitted which documents that the requirements contained in Order No. 74-59 cannot be achieved for the following major reasons:
 - a. Order No. 74-59 contains effluent limitations based on the Environmental Protection Agency's definition of best practicable control technology currently available as set forth in Federal Register Volume 39, No. 68, and Volume 39, No. 128.
 - b. Subsequently, EPA issued notices in Federal Register Volume 40, No. 121, June 23, 1975; Volume 40, No. 162, August 20, 1975; and Volume 41, No. 11, January 16, 1976, modifying and/or suspending all limitations used to determine allowable quantities of discharge of ammonia, organic nitrogen, and nitrate.

*Cancelled
7/15/78*

*NPDES means National Pollutant Discharge Elimination System

- c. Federal Register Volume 41, No. 138, dated July 16, 1976 (proposed and not yet adopted) would make further changes in the definition of best practicable control technology currently available in regards to fertilizer manufacturing.
 - d. Valley Nitrogen Producers, Inc., has proceeded with studies to determine the feasibility of land disposal; and also inplant modifications which would produce an effluent complying with the unit effluent limitations contained in proposed Federal Register Volume 41, No. 138, dated July 16, 1976.
3. On September 21, 1977, the Board adopted Order No. 77-44 (NPDES Permit No. CA0104183), based on the proposed or effective guidelines in regards to fertilizer manufacturing. This enforcement order applies to said Order No. 77-44 (NPDES Permit No. CA0104183).
 4. Valley Nitrogen Producers, Inc., has submitted a time schedule by which it explains that it can achieve the effluent limitations contained in proposed Federal Register Volume 41, No. 138. VNP's proposed time schedule has been shortened by three months at the request of EPA.
 5. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance by Valley Nitrogen Producers, Inc.
 6. The Board in a public hearing heard and considered all comments pertaining to Valley Nitrogen Producers, Inc.'s ability to achieve compliance.

IT IS HEREBY ORDERED, in accordance with Water Code Section 13300, Valley Nitrogen Producers, Inc., shall comply with the following time schedule to achieve the Full Compliance Effluent Limitations and the Full Compliance Receiving Water Limitations contained in Sections B. and C. of Order No. 77-44 (NPDES Permit No. CA0104183):

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
Commence construction	October 1, 1977	October 15, 1977
Complete 50% construction	December 1, 1977	December 15, 1977
Complete construction	February 1, 1978	February 15, 1978
Achieve full compliance	March 1, 1978	March 15, 1978

This Order expires on March 15, 1978, unless voided earlier by the Regional Board.

This Board declares that it does not intend to undertake further enforcement action to bring Valley Nitrogen Producers, Inc. into compliance with full compliance limitations, contained in Order No. 77-44 (NPDES Permit No. CA0104183), which are effective upon issuance of Order No. 77-44, provided:

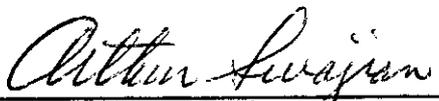
1. Valley Nitrogen Producers, Inc. complies fully with all terms of the time schedule in this Order;
2. Valley Nitrogen Producers, Inc., complies fully with the following interim requirements:
 - A. Interim Effluent Limitations
 1. Representative samples of wastewater discharged to Date Drain shall have limitations as follows:
 - a. The average daily flow per operating day shall not exceed 1.0 MGD.
 - b. Suspended solids shall not exceed 100 mg/l
 - c. Settleable solids shall not exceed 1.0 mg/l
 - B. Interim Receiving Water Limitations
 1. Wastewater discharged to Date Drain shall not:
 - a. Depress the dissolved oxygen content of said drain below 5.0 mg/l
 - b. Cause presence of oil, grease, scum, sludge, or solids

- c. Cause presence of heavy metals in concentrations toxic to fish and other aquatic life
 - d. Cause the values of pH for Date Drain water to be outside the limits of 6.0 to 9.0
 - e. Cause concentration of Sulfates (SO_4) contained in water in Date Drain to exceed 1,500 mg/l as a maximum except when water in Date Drain upstream of said discharge contains sulfates exceeding 1,000 mg/l, in which case the discharge shall not cause an incremental increase of more than 500 mg/l;
3. Circumstances do not occur which would warrant modification of the permit or time schedule; and
 4. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

This Order shall become effective 30 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objections. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.

I, Arthur Swajian, 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 September 21, 1977.


Executive Officer