

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

**CLEANUP AND ABATEMENT ORDER NO. 88-122  
AGAINST  
THE FERTILIZER COMPANY, INC.  
Imperial - Imperial County**

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. The Fertilizer Company, Inc. (hereinafter referred to as the discharger), P.O. Box 2797, El Centro, CA 92244, sells and distributes fertilizers at 120 South "M" Street, Imperial, CA.
2. The discharger has been at this location since July 1986.
3. In correspondence dated June 23, 1988, the Division of Environmental Health, Department of Health Services, County of Imperial, reported that an "oil pit" had been discovered at the discharger's facility.
4. An inspection of the facility by Regional Board staff on July 7, 1988 revealed that an earthen surface impoundment approximately 25 feet by 25 feet had been constructed at the facility. The surface impoundment contains a partially solidified, black sludge, approximately six inches thick.
5. According to the discharger, the black sludge in the impoundment is a molasses waste.

Approximately one year ago two large above ground tanks containing a molasses waste residue were cleaned. The molasses waste from the cleaning was placed into the impoundment. While the tanks were being cleaned, some of the molasses waste spilled onto the ground surface. According to the discharger, the Department of Health Services, County of Imperial, requested that the soils affected by the molasses waste be excavated. Subsequently the discharger placed the soils affected by molasses into the surface impoundment.

6. Molasses wastes of the type contained in the surface impoundment generally would be classified as a designated waste in accordance with Section 2522, Article 2, Subchapter 15, Chapter 3, Title 23, California Code of Regulations. Designated wastes are suitable for discharge at Class I or Class II waste management units.
7. The discharger does not intend to use the surface impoundment in the future.
8. During the inspection, Regional Board staff observed that two washpads at the facility, hereinafter referred to as washpad No. 1 and No. 2, are currently utilized. According to the discharger, fertilizer spray equipment is rinsed off on the washpads.

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Rescinded*

Washpad No. 1 is located so that water placed onto the washpad flows to a drain on the west end of the pad. From the drain, water flows through about 25 feet of piping into a below ground concrete sump. From the sump, water drains through 10 feet of piping into a 4 feet deep drain ditch just west of the facility.

Washpad No. 2 is constructed so that water drains into a small sump located in the center of the pad. Water from the sump flows through about 30 feet of piping into the same aforementioned drain ditch.

8. Regional Board staff observed during the inspection on July 7, 1988 that the bottom of the drain contains a dry sludge that appears to contain a fertilizer residue.
9. According to the discharger the rinse waters contain the following fertilizers: 1) nitrogen (32-0-0); 2) ammonium nitrogen (20-0-0); nitrogen phosphate (10-34-0), and potash (0-0-13).
10. Section 13304 of the California Water Code states, in part, that:

"Any person...who has caused or permitted...any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board cleanup such waste or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action."
11. The discharger threatens to create a condition of pollution in the waters of the State.
12. The Water Quality Control Plan for the Colorado River Basin Region identifies the beneficial uses of ground waters in the Imperial Hydrologic Subunit as municipal and industrial. However, shallow ground waters at the discharge location are generally saline and not beneficially used.
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.

IT IS HEREBY ORDERED, that pursuant to Section 13304 of Division 7 of the California Water Code, the discharger shall comply with the following:

1. Immediately discontinue the discharge of fertilizer rinse water into the drain just west of the facility.
2. By September 1, 1988 remove the observable sludge containing fertilizers from the drain ditch just west of the facility.
3. By September 15, 1988 submit a written report that includes the following:

- a. Quantity of sludge containing fertilizers removed from the drain.
- b. Plans for the proper disposal of sludge containing fertilizers.
4. Obtain sludge samples from the surface impoundment and have the samples analyzed for total petroleum hydrocarbons. The analyses must be performed by a laboratory certified by the California Department of Health Services for the particular type of analyses.

Five days prior to the sampling notify the Regional Board office so that Regional Board staff may be present during sampling.

5. By October 1, 1988, submit the analyses results of the sludge samples obtained from the impoundment along with plans for the proper disposal of the sludge.
6. Dispose of the sludge contained in the impoundment in a manner approved by the Executive Officer of the Regional Board.

THE DISCHARGER IS HEREBY INFORMED that this Order does not authorize violation of any federal, state, or local laws or regulations, or to trespass upon private property without permission of the property owner.

ORDERED BY:

Arthur Levajian  
Executive Officer

August 3, 1988  
Date