

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2007-0116

CEASE AND DESIST ORDER
REQUIRING THE CITY OF KERMAN
WASTEWATER TREATMENT FACILITY
FRESNO COUNTY
TO CEASE AND DESIST FROM
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. The City of Kerman (hereafter City or Discharger) owns and operates a wastewater treatment facility (WWTF). The WWTF is about one-quarter mile south of the City of Kerman in Section 13, T14S, R17E, MDB&M.
2. Waste Discharge Requirements (WDRs) Order No. 5-00-050, adopted on 17 March 2000, prescribed requirements for the WWTF and its discharge to land of undisinfected secondary treated municipal wastewater. WDRs Order No. 5-00-050 specifies, in part:

* * *

“B. Discharge Specification

2. The effluent from the last aeration pond, prior to discharge to the disposal ponds, shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
5-day Biochemical Oxygen Demand	mg/L	40	80
Total Suspended Solids	mg/L	40	80
Settleable Solids	mL/L	0.2	1.0”

3. Discharger self monitoring reports (SMRs) document chronic violations of the monthly average biochemical oxygen demand (BOD₅), total suspended solids (TSS), and settleable solids (SS) limits established by WDRs Order No. 00-050, Discharge Specification B.2. From April 2006 through March 2007 the monthly average effluent limit was exceeded seven out of 12 months (exceedances ranged from 41 mg/L to 66 mg/L), the monthly average TSS limit nine out of 12 months (exceedances ranged from 40 mg/L to 70 mg/L), and monthly average SS limit one out 12 months (exceedances is 0.5 mL/L). On occasion, the Discharger violates the daily maximum BOD, TSS, and SS limits.
4. Since 2000, the City has removed sludge from the ponds, increased aeration, and changed the configuration of the settling ponds to improve effluent quality. Despite this effort, the City continues to violate the limits.
5. In 2007, the Discharger submitted a Report of Waste Discharge (RWD) for modification and expansion (hereafter Expansion Project) of its WWTF to increase and improve

treatment and disposal capacity from 1.2 to 2.0 mgd. The RWD describes modifying the existing WWTF to incorporate a Biolac System©, an extended aeration biological treatment process with diffused fine bubble aeration to replace the existing mechanical surface aerated pond system. The treatment process will be operated to allow for de-nitrification. The Expansion Project will also include upgrading the headworks; constructing sludge handling and storage facilities, including sludge drying beds; and constructing additional evaporation/percolation ponds. The RWD does not provide plans and specifications for the sludge drying beds including an evaluation of the permeability of the proposed liner and demonstration that it is protective of groundwater.

- 6. On [13 September 2007](#), the adoption of WDRs Order No. R5-2007-0115 revised and replaced WDRs Order No. 5-00-050. WDRs Order No. R5-2007-0115 specifies, in part, that:

* * *

“B. Discharge Specification

- 2. The effluent discharge to Storage Ponds A through C and Disposal Ponds shall not exceed the following limitations:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD ₅	mg/L	40	80
Total Suspended Solids	mg/L	40	80

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D. Sludge Specification

- 3. Any handling and storage of residual sludge, solid waste, and biosolids on property of the WWTF shall be temporary (i.e., no longer than two years) and controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate groundwater limitations of this Order.”

- 7. Until the Expansion Project is complete, the Discharger will threaten to violate Discharge Specification B.2 of WDRs Order No. R5-2007-0115.
- 8. In 2000, the Discharger removed several cubic yards of sludge from the existing disposal ponds. Most of it was land applied to City-owned property to the southwest of the WWTF under the General Biosolids Order. However, at least 1,000 cubic feet remain stockpiled at the WWTF. Until the biosolids are removed and disposed of at an appropriate disposal facility, the Discharger will violate or threaten to violate Sludge Specification D.3.
- 9. Title 23, CCR, § 2232(d), states:

“Whenever a regional board finds that the waste treatment or disposal facilities of a discharger will reach capacity within four years and that adequate steps are not

being taken to address the capacity problem, it shall adopt a time schedule or other enforcement order. Such action shall be preceded by notice and a hearing.”

10. Section 13301 of the California Water Code states, in part, that:

“When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.”

11. Section 13267 of the California Water Code states, in part, that:

“(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within this region.

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any ... citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, ... or who proposes to discharge wastes within its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

12. The technical reports required by this Order are necessary to assure compliance with the Cease and Desist Order and Waste Discharge Requirements, and to assure protection of the public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.
13. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to section 15321(a)(2), Title 14, California Code of Regulations.
14. On 2 August 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.

15. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the Regional Water Board action took place. Copies of the law and regulations applicable to filing petitions are available at www.swrcb.ca.gov/water_laws/index.html and also will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to sections 13301 and 13267 of the California Water Code, the City of Kerman, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2007-0115. No term or condition of Order No. R5-2007-0115 is superseded or stayed by this Cease and Desist Order.
2. **Stockpiled Sludge. By 15 December 2007**, the City shall submit a report documenting that all stockpiled sludge (described in Finding 8) at the WWTF has been characterized and hauled offsite to an appropriate disposal facility in accordance with Title 40, Code of Federal Regulations, Part 503, Standards for the Use or Disposal of Sewage Sludge.
3. **WWTF Expansion Project.** Comply with the following tasks no later than the dates specified in the following schedule:

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
a. Submit a technical report that shall include the details of the final design for all projects described in the RWD for the Expansion Project. The technical report should include a work plan and final design specifications for the aeration basins and proposed sludge drying beds, and a detailed quality assurance/quality control plan.		15 Sep 2008
b. Begin construction of the Expansion Project and submit written evidence of such.		15 Feb 2009
c. Submit progress report on the status of the Expansion Project.		15 Dec 2009

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
d. Complete construction of the Expansion Project and submit a technical report, subject to written Executive Officer approval, containing a detailed flow schematic of the upgraded WWTF, and a certification report for the lined treatment pond and sludge drying beds. The report shall include documentation that all sludge removed as part of the Expansion Project was properly disposed of.	1 Jun 2010	15 Jun 2010
e. Submit a copy of the O&M Manual for the upgraded WWTF.	1 Aug 2010	15 Aug 2010

The technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering sciences, shall be prepared by or under the direction of persons registered to practice civil engineering in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, the technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, the completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work. The technical reports are subject to Executive Officer approval.

If, in the opinion of the Executive Officer, the Discharger violates this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 14 September 2007.

PAMELA C. CREEDON, Executive Officer