CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0060

SPECIAL ORDER
FOR
CITY OF TAFT
TAFT FEDERAL PRISON WASTEWATER TREATMENT FACILITY
KERN COUNTY
MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2004-0011
NPDES PERMIT NO. CA0083755

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

1. The City of Taft owns and operates a wastewater treatment and disposal facility (WWTF) with a design capacity of 0.46 million gallons per day (mgd) that provides sewerage service for about 2400 inmates and employees at the Taft Federal Prison (hereafter Prison). The WWTF discharges to Sandy Creek, an ephemeral stream. Both the Prison and the WWTF are in Midway Valley on the north side of Cadet Road about 1½ miles east of Highway 33 in Section 27, T32S, R24E, MDB&M, in Kern County.

2. Waste Discharge Requirements (WDRs) Order No. R5-2004-0011, adopted by this Regional Board on 30 January 2004, regulates the WWTF's discharge of disinfected secondary treated wastewater to Sandy Creek. WDRs Order No. R5-2004-0011, consistent with historical precedents, recognizes Sandy Creek as a Water of the United States, which subjects the discharge to regulation under the National Pollutant Discharge Elimination System (NPDES). Consequently, WDRs Order No. R5-2004-0011 also serves as NPDES Permit No. CA0083755.

3. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan) designates beneficial uses of the waters of the Basin. Sandy Creek, as a Valley Floor Water, has a designated beneficial use of warm freshwater habitat (WARM). As described in the Basin Plan, WARM includes:

> Uses of water that support warm water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

4. To protect WARM, WDRs Order No. R5-2004-0011, Effluent Limitation B.2, contains stringent effluent chlorine limits as follows:

Effluent shall not exceed the following limitations:

Constituent	Units	Monthly Average[1, 8]	Weekly Average[8]	Daily Maximum
		***		
Total Chlorine Residual	mg/L	0.01[6]	--	0.02[6, 7]
	lbs/day	0.038[4]	--	0.077[4]
		***		

[6] Effective on date indicated in Provision H.10 time schedule.

5. WDRs Order No. R5-2004-0011, Provision H.10, establishes a time schedule to require dechlorination to meet chlorine residual limits:

> **Dechlorination/Chlorine Residual Monitoring.** The Discharger shall submit a technical report describing a proposed method of dechlorinating the WWTF effluent and continuously monitoring the treated wastewater prior to discharge to Sandy Creek to ensure consistent compliance with the effluent chlorine residual limitations. The technical report shall include a work plan and implementation schedule. The work plan and implementation schedule are subject to Executive Officer (EO) approval. Provision H.4 requirements apply to this technical report. The following compliance schedule applies in implementing the work required for this Provision:

	Task	Compliance Date
a.	Submit technical report, including a work plan and time schedule for dechlorinating and continuously monitoring the WWTF effluent chlorine residual.	**1 June 2004**
b.	Begin to implement approved work plan.	**60 days following EO written approval of task 9.a**
c.	Submit written status report	**1 March 2005**
d.	Complete installation and testing of necessary equipment and accessories; begin continuous monitoring of chlorine residual in the dechlorinated effluent (Effective date of effluent limitation.)	**2 January 2006**
e.	Submit certification of completion.	**16 January 2006**

6. As required by Provision H.10, Task a., the City submitted on 1 June 2004 a dechlorination work plan. The work plan indicates it will cost the City $239,000 to construct the required dechlorination equipment.

7. The City believes that Sandy Creek is an isolated water, and given recent decisions that exclude isolated waters under certain circumstances from federal Clean Water Act regulation, that the discharge should no longer be subject regulation under the NPDES Program. The City also questions that WARM is a probable use of Sandy Creek. The City wishes review of these issues before implementation of dechlorination.

8. Based upon information Regional Board staff obtained during a 4 February field investigation:

   a. Sandy Creek upstream of the discharge is dry and devoid of aquatic vegetation or evidence of WARM.
   b. Wastewater flows down Sandy Creek for approximately one mile, after which it infiltrates completely into the creek bed. The water depth was a maximum of one to two inches with no significant pools.

c. Aquatic life does not appear to inhabit Sandy Creek.
d. Aquatic plants do not appear to grow in Sandy Creek.
e. The hydrogeomorphic features of sandy creek (i.e., creek channel and bed) transition completely into valley floor rangeland approximately 1.8 miles from the discharge.

9. Based on information provided during a 4 February meeting with City officials:

a. Approximately 1300 feet downstream of the discharge, water in the California Aqueduct flows through a siphon under Sandy Creek. The City is required by the California Department of Water Resources to maintain the stretch of Sandy Creek immediately adjacent to and crossing over the siphon to protect the structure. To accomplish this, the City must cease discharge for two to three weeks each year to dry out and clear the bed of Sandy Creek. As a result, Sandy Creek dries up completely along its wetted reach, which would eliminate potential WARM use during this period.
b. A map provided by the City depicting 1993 Federal Emergency Management Agency (FEMA) flood data indicates that during a 100 year flood event, Sandy Creek flows would not reach the historic Buena Vista Lake bed.
c. Dechlorination and associated monitoring would cost of approximately $500,000.

10. Given the above facts it is reasonable and appropriate to delay implementing costly protection of WARM while the City and this Regional Board gather evidence for formal decisions: a. regarding whether Sandy Creek is properly a Water of the United States, and b. to conduct a Use Attainability Analysis to determine whether WARM is a beneficial use of Sandy Creek or one that can probably be dedesignated. Alternatively, it may be appropriate under b to separate Sandy Creek from other Valley Floor waters and conduct a study to support designation of beneficial uses specific to Sandy Creek.

11. The action to modify WDRs Order No. R5-2004-0011 to extend the compliance dates in Provision H.10 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) in accordance with CWC Section 13389.

12. On 28/29 April 2005, after due notice to the City and all other affected persons, the Regional Board conducted a public hearing at which time the Board received all evidence concerning modification of WDRs Order No. R5-2004-0011.

IT IS HEREBY ORDERED that subparagraphs d and e of Provision H.10 of WDRs Order No. R5-2004-0011 are hereby amended to read as follows:

Task	Compliance Date

	Task	Compliance Date
	***	
d.	Complete installation and testing of necessary equipment and accessories; begin continuous monitoring of chlorine residual in the dechlorinated effluent (Effective date of effluent limitation.)	**29 January 2009**
e.	Submit certification of completion.	**29 January 2009**

I, THOMAS R. PINKOS, 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 29 April 2005.

_____
THOMAS R. PINKOS, Executive Officer

WDH: 4/29/05