

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER NO. R5-2005-0152

REQUIRING THE DEPARTMENT OF CORRECTIONS
DEUEL VOCATIONAL INSTITUTION
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 25 April 2003, the Regional Board adopted Waste Discharge Requirements (WDRs), Order No. R5-2003-0065, NPDES No. CA0078093, prescribing waste discharge requirements for the Department of Corrections, Deuel Vocational Institution (hereafter Discharger) in San Joaquin County. On 11 July 2003, the Regional Board adopted Resolution R5-2003-0109, amending Order No. R5-2003-0065.
2. On 25 April 2003, due to the inability of the Discharger to comply immediately with Effluent Limitations B.1., B.8., and C.1., the Regional Board adopted Cease and Desist Order (CDO) No. R5-2003-0066. The CDO provided time schedules for compliance with the Limitations.
3. WDRs Order No. R5-2003-0065 contains Effluent Limitation No. B.1 that reads, in part, as follows:

“B. Effluent Limitations (Outfall 001):

1. Effluent shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
Electrical Conductivity	umhos/cm	700	--	--	1600
Total Dissolved Solids	mg/L	450	--	--	1000
	lb/day ³	2330	--	--	5174
Ammonia	mg N/L	Attachment F	--	--	Attachment G
	lb N/day ³	Footnote 4	--	--	Footnote 4
Nitrate	mg N/L	10	--	--	15
	lb N/day ³	52	--	--	77”

CDO No. R5-2003-0066 requires the Discharger to comply with the nitrate, ammonia, total dissolved solids, and electrical conductivity contained in Effluent Limitation B.1 by 1 March 2008.

4. Order No. R5-2003-0065 contains Effluent Limitation B.8 that reads as follows:

“The monthly average dry weather discharge flow shall not exceed 0.62 million gallons.”

CDO No. R5-2003-0066 required the Discharger to comply fully with Effluent Limitation B.8 by 1 December 2004. According to the Discharger’s Self Monitoring Reports, it has consistently complied with Effluent Limitation B.8 subsequent to 1 February 2004. Therefore, this CDO no longer includes a time schedule for compliance with this limitation.

5. Order No. R5-2003-0065 contains Effluent Limitation C.1. that reads:

“Effluent from Outfalls 003 and 004 shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
<i>Benzene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Bromoform</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Chloroform</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Dibromochloromethane</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>cis-1,2-Dichloroethene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Ethylbenzene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Tetrachloroethene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Toluene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Trichloroethene</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0</i>
<i>Xylenes</i>	<i>µg/L</i>	<i><0.5</i>	<i>1.0”</i>

6. Provision 3 of CDO No. R5-2003-0066 requires the Discharger to identify sources of pollutants entering industrial Outfalls 003 and 004, to submit a Facilities Pollution Prevention Plan, to implement the Facilities Pollution Prevention Plan, to complete repair of broken storm drain pipelines identified as receiving infiltration of contaminated groundwater, and by 1 March 2005 to comply fully with Effluent Limitation C.1.

The Discharger completed the tasks and, for Outfall 003, has complied with Effluent Limitation C.1 of WDRs Order No. R5-2003-0065. However, for Outfall 004, the Discharger has not complied with effluent limitations for cis-1,2-dichloroethene, tetrachloroethene, and trichloroethene. The Discharger will need additional time to investigate the source further and to design, install and put into operation additional control measures in order to comply with the limitations. The Discharger can take reasonable measures to achieve compliance by 1 March 2008.

7. WDRs Order No. R5-2003-0065 Effluent Limitation No. B.1 further contains limitations for bromodichloromethane, bromoform, and dibromochloromethane effective 1 March 2008:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
<i>Bromodichloromethane</i>	<i>µg/L</i>	<i>0.56</i>	<i>--</i>	<i>--</i>	<i>1.06</i>
	<i>lb/day³</i>	<i>0.003</i>	<i>--</i>	<i>--</i>	<i>0.006</i>
<i>Bromoform</i>	<i>µg/L</i>	<i>4.3</i>	<i>--</i>	<i>--</i>	<i>8.39</i>

<u>“Constituents”</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
	Lb/day ³	0.022	--	--	0.043
Dibromochloromethane	µg/L	0.41	--	--	0.67
	Lb/day ³	0.002	--	--	0.003”

8. WDRs Order No. R5-2003-0065 Effluent Limitation No. B.3 reads in part:

“After 1 March 2008, and in accordance with Provision H.5, effluent shall not exceed the following limitations:

<u>Constituents</u>	<u>Units</u>	<u>Weekly Median</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
Total Coliform	MPN/100 mL	2.2		23
Turbidity	NTU		2	5”

9. Provision H.1 of WDRs Order No. R5-2003-0065 requires that the treatment facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency. The existing treatment facilities do not comply with this Provision.
10. By letter dated 1 June 2005, the Discharger states that it has committed to the design and construction of a new water treatment plant and a new state-of-the-art wastewater treatment plant to comply with Effluent Limitations B.1 and B.3 and Provision H.1. The Discharger requests extending the full compliance date from 1 March 2008 to 1 March 2009 because it will not complete construction and achieve full compliance until that time. Extending the final compliance date beyond the permit term requires that additional compliance schedules (as discussed in Findings 7, 8, and 9) be placed in this CDO.
11. Section 13301 of the California Water Code states, in part:

“When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of the requirements or discharge prohibitions prescribed by the regional board or 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...”

12. CWC section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties “where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met. ... For the purposes of this subdivision, the time schedule may not exceed five years in length...” The time schedules for

limitations subject to this Order were adopted on 25 April 2003 with an effective date of 14 June 2003. Notwithstanding compliance schedules set forth in this Order, in accordance with the provisions of CWC section 13385(j), if the Discharger violates the effluent limitations in Order R5-2003-0065 subsequent to 14 June 2008, the Discharger may be subject to penalties set forth in section 13385(i) of the California Water Code.

13. On 21 October 2005, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish time schedules to achieve compliance with the effluent limitations for ammonia, nitrate, TDS, electrical conductivity and volatile organic compounds and tertiary treatment requirements.
14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.
15. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. Cease and Desist Order No. R5-2003-0065 is hereby rescinded.
2. The Discharger shall comply with the following time schedule to assure compliance with Effluent Limitations B.1 and B.3, and Provision H.1 of Order No. R5-2003-0065 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
1. Complete Plans and Specifications for treatment facilities to comply with Effluent Limitations B.1 and B.3 and Provision H.1.	1 May 2007
2. Complete construction of treatment facilities to comply with Effluent Limitations B.1. and B.3. and Provision H.1.	1 February 2009
3. Demonstrate compliance with Effluent Limitations B.1 and B.3 and Provision H.1.	1 March 2009
4. Submit Progress Report ¹	1 March and 1 September each year

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

3. The Discharger shall comply with the following time schedule to assure compliance with Effluent Limitation C.1. of Order No. R5-2003-0065 for Outfall 004:

<u>Task</u>	<u>Compliance Date</u>
1. Submit Method of Compliance Work Plan Schedule.	1 March 2006
2. Demonstrate full compliance with Effluent Limitation C.1.	1 March 2008
3. Progress Report ¹ .	1 March and 1 September each year

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

4. The Discharger shall submit to the Regional Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Board by letter when it returns to compliance with the time schedule.
5. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement.

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 21 October 2005.

THOMAS R. PINKOS, Executive Officer