

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER NO. R5-2009-0104
REQUIRING
THE CITY OF WOODLAKE
WASTEWATER TREATMENT FACILITY
TULARE COUNTY
TO CEASE AND DESIST FROM
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

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

1. The City of Woodlake (hereafter Discharger) operates a wastewater treatment facility (WWTF) that serves the people of Woodlake. The WWTF is located in the southeast quarter of Section 36, Township T17S, Range R26E, MDB&M, and less than a mile south of the City of Woodlake in Tulare County. The Discharger has begun a two-phase project to upgrade and expand the WWTF and has requested an increase in the average daily discharge flow rate from 1 million gallons per day (mgd) to 1.38 mgd. Discharge from the WWTF was regulated by Waste Discharge Requirements (WDRs) Order No. 5-01-076 and Cease and Desist Order (CDO) No. 5-01-077. On 8 October 2009, the Central Valley Water Board adopted WDRs Order No. R5-2009-0103 to regulate the WWTF.
2. The existing WWTF consists of headworks, two bentonite-lined aerated lagoons, four percolation ponds with an approximate total area of 9.6 acres, and one emergency pond (approximately 5.6 acres).
3. The Phase 1 Upgrade Project will include a new headworks, new magnetic flow meter, and two treatment trains running in parallel. Each treatment train will consist of one 0.60-million gallon (MG) oxidation ditch, one 0.20-MG anoxic basin to remove Biochemical Oxygen Demand (BOD) and nitrogen, and one 55-foot-diameter secondary clarifier. The existing aerated lagoons will be converted to asphalt-lined sludge drying beds and two new percolation ponds will be constructed. The Discharger has begun construction of the Phase 1 Upgrade Project.
4. CDO No. 5-01-077 requires the Discharger to comply with four tasks. Task 1 requires the Discharger to cease and desist discharging wastes in violation of WDRs Order No. 5-01-076. Task 2 requires the Discharger to submit an updated Operation and Maintenance (O&M) Manual. Task 3 requires the Discharger to submit a technical report that evaluates the extent of compliance with Discharge Specification B.3 of WDRs Order No. 5-01-076. Task 4 requires the Discharger to provide technical reports certifying funding for capital improvements at the WWTF through completion of the WWTF.

5. The Discharger completed a majority of the tasks set forth by CDO No. 5-01-077, except for Task 1 and Part f of Task 4. Task 4.f requires the Discharger to complete construction of the WWTF.

WDRs Order No. R5-2009-0103 specifies, in part, the following:

* * *

“B. Effluent Limitations:

1. The discharge shall not exceed the following limitations:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD ₅ ¹	mg/L	40	80
TSS ²	mg/L	40	80
Chloride	mg/L	175	---

¹ Five day biochemical oxygen demand (BOD₅)

² Total suspended solids (TSS)

The arithmetic mean of BOD₅ and TSS in effluent samples collected over a monthly period shall not exceed 20 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (80 percent removal).

* * *

6. The Discharger violated WDRs Order No. 5-01-076 for exceeding the monthly average and/or daily maximum TSS effluent limitation of 40 mg/L and 80 mg/L. The Discharger will continue to violate Effluent Limitation B.1 of WDRs Order No. R5-2009-0103 until it completes construction of the upgraded WWTF

7. California Water Code section 13301, 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 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 procedures set forth in section 13302.

8. California Water Code section 13267, 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 requirements or authorized by this division, may investigate that quality of any water of the state within this region.

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of water within its regional 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.

9. 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.
10. 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.
11. On 7 October 2009, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
12. Any person adversely affected by this action of the Central Valley Water Board may petition the State Water Resource Control Board (State Water Board) to review the action in accordance with sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Board Office of the Chief Counsel, P.O. Box 100, Sacramento, California 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 may be found on the Internet at www.waterboards.ca.gov/centralvalley or will be provided upon request.

IT IS HEREBY ORDERED that Cease and Desist Order No. 5-01-077 is rescinded, and that, pursuant to sections 13301 and 13267 of the California Water Code, the City of Woodlake, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violations of WDRs Order No. R5-2009-0103. No term or condition of WDRs Order No. R5-2009-0103,

referenced above, is superseded or stayed by this Cease and Desist Order except as provided below.

2. 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. Complete construction of the Phase 1 Upgrade Project and submit a technical report containing a plan view schematic and detailed flow schematic of the upgraded WWTF, and a certification of its construction.	1 Jan 2012	15 Jan 2012
b. Submit written certification that an O&M Manual for the upgraded WWTF has been prepared and key operating personnel are familiar with its contents	1 Jan 2012	15 Jan 2012

The All technical reports and work plans required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. To demonstrate compliance with sections 415 and 3065 of Title 16, CCR, all technical reports must contain a statement of the qualifications and responsible registered professional(s). As required by these laws, completed technical reports and work plans must bear the signature(s) and seal(s) of the registered professionals(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 refer the matter to the Attorney General for judicial enforcement or alternately issue a formal 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 8 October 2009.

Original signed by: Kenneth D. Landau for

PAMELA C. CREEDON, Executive Officer