

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER NO. 79-116

ORDER REQUIRING CITY OF BANNING TO CEASE AND DESIST  
FROM DISCHARGING WASTES CONTRARY TO REQUIREMENTS  
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY  
CONTROL BOARD, COLORADO RIVER BASIN REGION

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On November 28, 1979, this Regional Board adopted Order No. 79-83 (NPDES No. CA0104698) prescribing waste discharge requirements for the discharge of wastewater to Smith Creek. Said Order is an update of Order No. 74-107 (NPDES No. CA0104698) adopted by the Regional Board on December 12, 1974.
2. Order No. 79-83 provides, in part, as follows:

A. Effluent Limitations

1. Representative samples of wastewater discharged to Smith Creek shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate</u>	<u>7-Day. Arithmetic Mean Discharge Rate</u>
Suspended Solids	lbs/day mg/l	250 30	375 45
20°C BOD <sub>5</sub>	lbs/day mg/l	250 30	375 45

C. Provisions

2. Discharge to Smith Creek shall take place only during emergencies, shall not exceed an accumulated fourteen (14) days per calendar year, and shall not exceed 1.0 mgd. Emergencies do not include routine maintenance operations.

3. On December 12, 1974, this Regional Board adopted Order No. 74-108 prescribing waste discharge requirements for the discharge of wastewater to evaporation/infiltration basins.

4. Order No. 74-108 provides, in part, as follows:

A. Discharge Specification

1. Representative samples of wastewater discharged to any holding and infiltration basin shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate</u>	<u>7-Day Arithmetic Mean Discharge Rate</u>	<u>Maximum Discharge Rate</u>
20°C BOD <sub>5</sub>	mg/l	30	45	50
Suspended Solids	mg/l	30	45	50

5. Reports submitted by the discharger in accordance with "Monitoring and Reporting Program No. 74-107" and "Monitoring and Reporting Program No. 74-108 (Revised)" indicate that the discharger is not complying with Effluent Limitation A.1. and Provision C.2. of Order No. 79-83, and Discharge Specification A.1. of Order No. 74-108.

6. Inspections conducted by the Regional Board staff indicate that the discharger is not complying with Effluent Limitation A.1. and Provision C.2. of Order No. 79-83, and Discharge Specification A.1. of Order No. 74-108.

7. By letter dated August 10, 1979, the Regional Board notified the City of Banning of the violations of requirements and:

- a. Requested that the City take all necessary actions to correct these violations;
- b. Requested that, by August 31, 1979, the City file with this Board a detailed time schedule of specific actions that the City would take whereby correction of said violations will be accomplished; and
- c. Explained that the Board is scheduling a public hearing on September 26, 1979, for consideration of issuance of a Cease and Desist Order against the City.

8. By letter dated September 4, 1979, the City of Banning requested postponement of the scheduled September 26, 1979 public hearing for consideration of issuance of a Cease and Desist Order against the City.
9. By letter dated September 7, 1979, the Regional Board notified the City that the subject public hearing had been rescheduled to November 28, 1979.
10. On November 28, 1979, in the City of Needles, after due notice to the discharger and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
11. Upon the basis of the evidence received, the Regional Board determined that the discharger is violating and is threatening to violate the requirements listed in Findings No. 2 and 4, above.
12. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et.seq.) in accordance with Section 2714, Chapter 3, Title 14, California Administrative Code.

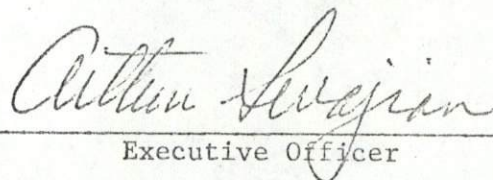
IT IS HEREBY ORDERED THAT:

1. The City of Banning cease and desist discharging and threatening to discharge wastes contrary to the requirements listed in Findings No. 2 and 4, above.
2. Compliance with this Board's discharge requirements be completed according to the following time schedule:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Submit Plan of Study	1-1-80	1-15-80
Begin Preparation of Facility Plan	4-1-80	4-15-80
Begin Project Report	9-1-80	9-15-80
Submit Project Report	5-1-81	5-15-81
Submit Facility Plan	9-1-81	9-15-81
Begin Preparation of Plans and Specifications	1-1-82	1-15-82
Submit 50% Plans and Specifications	6-1-82	6-15-82
Submit 100% Plans and Specifications	9-1-82	9-15-82
Advertise for Construction Bids	1-1-83	1-15-83
Commence Construction	3-1-83	3-15-83
Achieve Full Compliance	7-1-83	7-15-83

3. Effective until July 1, 1983, the discharge of wastewater to Smith Creek shall not exceed 2.2 million gallons per day, and shall not exceed an accumulated sixty (60) days per calendar year.
4. The City of Banning is required to provide periodic reports to this Board under penalty of perjury, explaining the City's progress towards compliance with the specific tasks of the compliance time schedule contained in Section 2, above.
5. If, in the opinion of the Executive Officer, the City of Banning fails to comply with the provisions of this Order, the Executive Officer is directed to request the Attorney General to take appropriate action against the City of Banning, including injunction and civil monetary remedies, if appropriate.

I, Arthur Swajian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 28, 1979.

  
Executive Officer