

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**ORDER NO. 86-18
NPDES NO. CA0104345**

**WASTE DISCHARGE REQUIREMENTS
FOR
SUNSET MUTUAL WATER COMPANY
El Centro - Imperial County**

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

1. Sunset Mutual Water Company (hereinafter also referred to as the discharger), El Centro, California, 92243, submitted an updated NPDES Application for Permit to Discharge, dated December 17, 1985. Said application is assigned Application No. CA0104345.
2. The discharger is discharging an average daily flow of 20,000 gallons-per-day of domestic sewage into an activated sludge type treatment plant with a design flow of 50,000 gallons-per-day. The treated wastewater is discharged into Lotus Drain in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, T16S, R13E, SBB&M, and flows for about 50 miles via Central Drain and Alamo River before entering Salton Sea.
3. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted by the Regional Board on November 14, 1984. The Basin Plan contains water quality objectives for the Imperial Hydrologic Unit.
4. The beneficial uses of the water in the Alamo River and Imperial Valley Drains discharging thereto are:
 - a. Freshwater replenishment for Salton Sea.
 - b. Warm freshwater habitat for fish and wildlife.
 - c. Recreation - nonwater contact
5. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21000 et. seq.) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.
6. The discharge has been subject to waste discharge requirements adopted in Order No. 81-20 (NPDES No. CA0104345), which allows discharge to Lotus Drain.

*3-11-92
superseded
with Board
Order No. 92-018*

7. The Board has notified the discharger and interested agencies and persons of its intent to update requirements for the existing discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
8. The Board in a public meeting heard and considered all comments pertaining to the discharge.
9. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto and shall take effect at the end of ten days from date of hearing provided the Regional Administrator has no objections.

IT IS HEREBY ORDERED, Sunset Mutual Water Company, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Effluent Limitations

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

Constituent	Unit	30-Day Arithmetic Mean Discharge Rate	7-Day Arithmetic Mean Discharge Rate
20°C BOD ₅	lbs/day	13	19
	mg/l	30	45
Suspended Solids	lbs/day	13	19
	mg/l	30	45
Settleable Matter	ml/l	0.3	0.5

2. The arithmetic mean of the values by weight for effluent samples collected for 20°C BOD₅ and for suspended solids in any 30-day period shall not be greater than 15 percent of the arithmetic mean of the values, by weight, for influent samples collected during the same 30-day period (85 percent removal).
3. The effluent values for pH shall remain within the limits of 6.0 and 9.0.

B. Receiving Water Limitations

1. Wastewater discharged to Lotus Drain shall not:
 - a. Depress the dissolved oxygen content of said drain below 5.0 mg/l.
 - b. Cause presence of oil, grease, sludge, or solids.
 - c. Contain any substances in concentrations toxic to human, animal, plant or aquatic life.
2. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder.

C. Provisions

1. Neither the treatment nor the discharge of wastes shall cause a pollution or a nuisance, as defined in Division 7 of the California Water Code.
2. Adequate protective works shall be provided to assure that a flood which would be expected to occur on a frequency of once in a 100-year period, would not erode or otherwise render portions of the treatment and discharge facilities inoperable.
3. This Order supersedes Board Order No. 81-20.
4. This Order includes the attached "Monitoring and Reporting Program No. 86-18", and future revisions thereto, as specified by the Executive Officer, and Standard Provisions, dated December 23, 1985.
5. This Order expires five (5) years from March 19, 1986, and the discharger shall file a Report of Waste Discharge in accordance with Section 2235.1, Subchapter 9, Chapter 1, Title 23, California Administrative Code, not later than 180 days in advance of such date as an application for issuance of new waste discharge requirements.
6. Facilities shall be available to keep the plant in operation in the event of commercial power failure.
7. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator by letter of the existence of this Order, and file a copy of said letter with this Board.

8. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certification of appropriate grade pursuant to Subchapter 14, Chapter 3, Title 23, California Administrative Code.

I, Arthur Swajian, 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, Colorado River Basin Region, on March 19, 1986.



Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**MONITORING AND REPORTING PROGRAM NO. 86-18
FOR
SUNSET MUTUAL WATER COMPANY
El Centro - Imperial County**

Location of Discharge: Lotus Drain in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, T16S, R13E, SBB&M.

EFFLUENT MONITORING

Wastewater discharged into Lotus Drain shall be monitored for the following constituents. All samples shall be taken between 6 a.m. and 6 p.m. A sampling station shall be established at the point of discharge into said drain, and shall be located where representative samples of the effluent can be obtained.

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
20°C BOD ₅	mg/l	8-Hr. Composite	Monthly
Suspended Solids	mg/l	8-Hr. Composite	Monthly
Settleable Matter	ml/l	Grab at Peak Flow	Monthly
pH	pH Units	Grab	Monthly
Dissolved Oxygen	mg/l	Grab	Monthly
Flow	Gallons/day	Flow Measurement	Reported Monthly*

INFLUENT MONITORING

The wastewater influent to the treatment facilities shall be monitored for 20°C BOD₅ and for Suspended Solids, 8-Hr. Composite, Quarterly.

* For each day with average monthly flow calculated.

REPORTING

Monthly monitoring reports shall be submitted to the Regional Board by the 15th day of the following month. Quarterly reports shall be submitted by January 15, April 15, July 15, and October 15 of each year.

Forward monitoring reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-271 Highway 111, Suite 21
Palm Desert, CA 92260

A copy of the Discharge Monitoring Report shall also be sent to:

Regional Administrator
Environmental Protection Agency
Region 9, Attn: W-3
215 Fremont Street
San Francisco, CA 94105

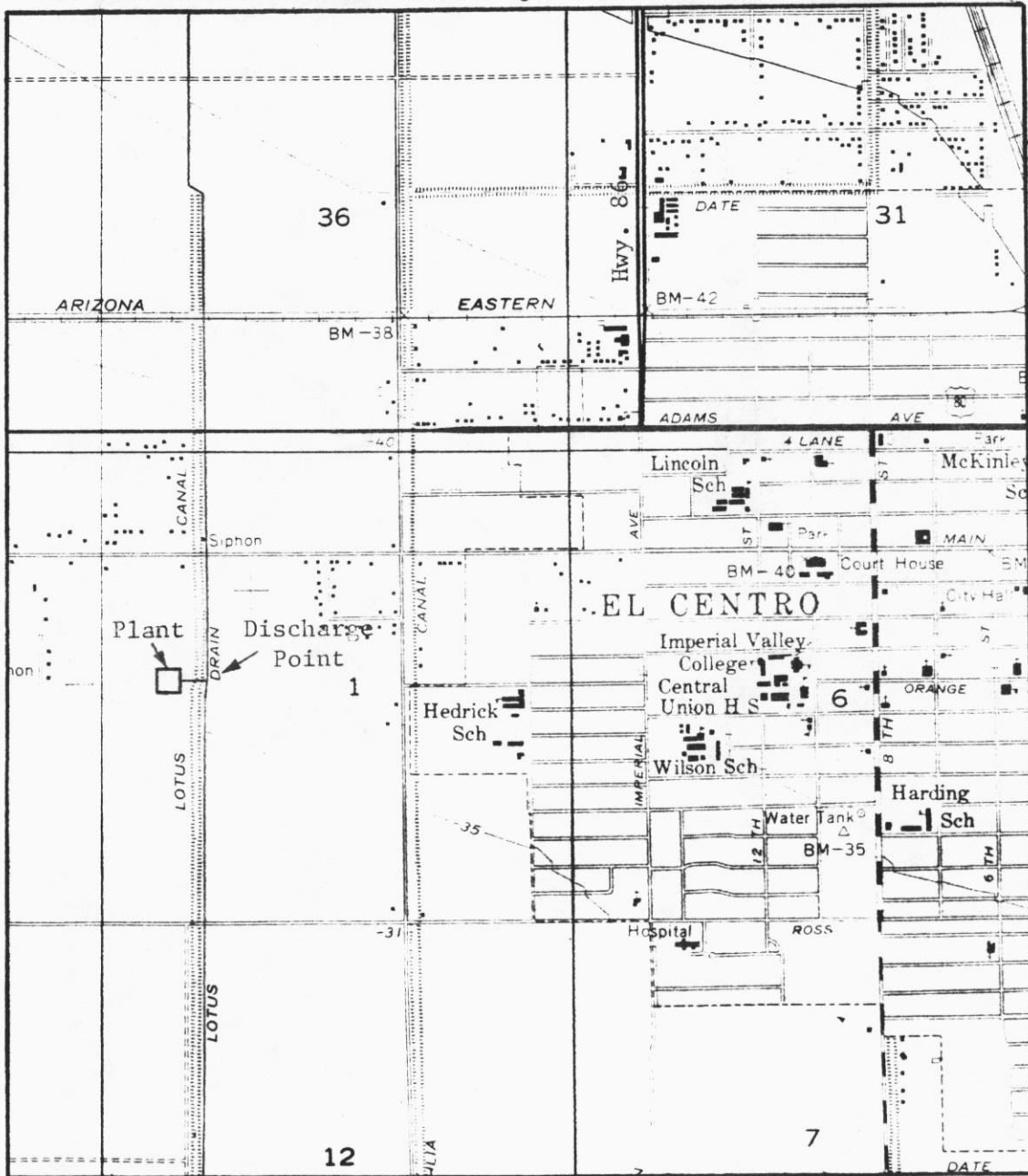
ORDERED BY:

Arthur Sujan
Executive Officer

March 19, 1986

Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD -7



SITE MAP
SUNSET MUTUAL WATER COMPANY
 El Centro - Imperial County
 Location of Discharge: SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, T16S, R13E, SBB&M
 USGS El Centro 7.5 min. Topographic Map

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
DECEMBER 22, 1996**

**STANDARD PROVISIONS
FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

1. The permittee must comply with all of the terms, requirements and conditions of this permit. Any violation of this permit constitutes violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, permit termination, permit revocation and reissuance, denial of an application for permit reissuance; or a combination thereof.*
2. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

The California Water Code provides that any person who violates a waste discharge requirement (same as permit condition), or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations. *

Violation of any of the provisions of the NPDES program or of any of the provisions of this permit may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation. *

3. The Clean Water Act (CWA) provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. [40 CFR 122.41(a)(2)]
4. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. [40 CFR 122.41(b)]
5. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 122.41(c)]

12. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.**
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time.**
- (c) Records of monitoring information shall include:**
 - (i) The date, exact place, and time of sampling or measurements;**
 - (ii) The individual(s) who performed the sampling or measurements;**
 - (iii) The date(s) analyses were performed;**
 - (iv) The individual(s) who performed the analyses;**
 - (v) The analytical techniques or methods used; and**
 - (vi) The results of such analyses.**
- (d) Monitoring must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this permit.**
- (e) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.**

[40 CFR 122.41(j)]

- 13. All applications, reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22. [40 CFR 122.41(k)(1)]**
- 14. The CWA provides that any person who knowingly makes any false statement representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. [40 CFR 122.41(k)(2)]**
- 15. Reporting requirements.**

- (a) The permittee shall give advance notice to the Regional Board as soon as possible of any planned physical**

alterations or additions to the permitted facility.

- (b) The permittee shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- (c) This permit is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (d) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (ii) If the permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (iii) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- (e) Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
- (i) The permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information that must be reported within 24 hours under this paragraph:
- (A) Any unanticipated bypass that exceeds any effluent limitation in the permit.
- (B) Any upset that exceeds any effluent limitation in the permit.
- (C) Violation of a maximum daily discharge limitation for any of the pollutants listed in this permit to be reported within 24 hours.

(iii) The Regional Board may waive the above-required written report on a case-by-case basis.

- (g) The permittee shall report all instances of noncompliance not otherwise reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain all information listed in paragraph 13(f) above.

[40 CFR 122.41(l)]

16. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
- (b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and
- (c) The permittee submitted a notice at least ten days in advance of the need for a bypass to the appropriate Regional Board.

The permittee may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable.

The permittee shall submit notice of an unanticipated bypass as required in paragraph 13(f) above.

[40 CFR 122.41(m)]

17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action. A permittee that

wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an upset occurred and that the permittee can identify the cause(s) of the upset;
- (b) the permitted facility was being properly operated at the time of the upset;
- (c) the permittee submitted notice of the upset as required in paragraph 13(f) above; and
- (d) the permittee complied with any remedial measures required under paragraph 5.

No determination made before an action for noncompliance, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

[40 CFR 122.41(n)]

18. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:

- (a) that any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (iv) The level established by the Regional Board in accordance with 40 CFR 122.44(f).

- (b) that they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant that was not reported in the permit application.

[40 CFR 122.42(a)]

19. All POTWs must provide adequate notice to the Regional Board of:

(a) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants.

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

[40 CFR 122.42(b)]

* This paragraph was added or modified by the State Water Quality Control Board pursuant to the California Water Code.