

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2007-0129

CEASE AND DESIST ORDER
REQUIRING THE PIXLEY PUBLIC UTILITY DISTRICT
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 Regional Water Board) finds that:

1. The Pixley Public Utility District (hereafter Discharger or District) owns and operates a wastewater treatment facility (WWTF). The WWTF is at 2051 Avenue 96, approximately one mile east of the unincorporated community of Pixley, in Section 6, Township 23 South, Range 25 East, MDB&M.
2. Waste Discharge Requirements (WDRs) Order No. R5-2000-096, adopted on 28 April 2000, prescribed requirements for the WWTF and its discharge to land of undisinfected secondary treated municipal wastewater. Cease and Desist Order (CDO) No. R5-2000-097 addressed violations of WDRs Order No. R5-2000-096 and specified, in part, that the Discharger:

“1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2000-096.

2. The Discharger shall comply with the following time schedule:

	<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
a.	Interim Measures		
1.	Provide certifications that the proposed modifications will increase the treatment and disposal capacity of the WWTF to 0.29 mgd.	1 Jul 2000	15 Jul 2000
2.	Begin construction of modifications.	1 Aug 2000	15 Aug 2000
3.	Complete WWTF modifications	1 Jan 2001	15 Jan 2001
b.	Long-Term Measures		
1.	Conduct a study and submit a technical report on projected future flows at the WWTF until at least 2012	1 Jan 2001	15 Jan 2001
2.	Submit a Report of Waste Discharge		15 May 2001
3.	Satisfy CEQA for the WWTF expansion	1 May 2001	15 May 2001
4.	Secure finances for the WWTF expansion	1 Jan 2002	15 Jan 2002

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	<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
5.	Begin Construction of WWTF expansion	1 June 2002	15 June 2002
6.	Submit Status Report		15 Sept 2002
7.	Complete construction	1 Dec 2002	15 Dec 2002

3. The Discharger missed several of the completion dates in the time schedule in the CDO, but eventually completed all tasks except for Tasks b.5 through b.7, above.
4. Discharger self monitoring reports (SMRs) document continued violations of the 5-day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) limits and occasional violations of the monthly average dry weather discharge of 0.29 million gallons per day (mgd) established by WDRs Order No. R5-2000-096, Discharge Specifications B.2 and B.6.
5. In April 2005, the Discharger submitted a Report of Waste Discharge (RWD) for modification and expansion (hereafter Expansion Project) of its WWTF to increase the treatment and disposal capacity from 0.29 to 0.5 mgd. The RWD describes modifying the existing WWTF to incorporate an extended aeration process with nitrogen reduction, upgrading the headworks, constructing an additional effluent storage pond, and lined sludge handling and storage facilities. The RWD does not provide plans and specifications for the lined sludge drying beds including an evaluation the permeability of the proposed liner and demonstration that it is protective of groundwater.
6. The Expansion Project, and therefore compliance with the CDO, has been delayed, in part due to funding constraints.
7. On 13 September 2007, the adoption of WDRs Order No. R5-2007-0123 revised and replaced WDRs Order No. R5-2000-096. WDRs Order No. R5-2007-0123 specifies, in part, that:

“ B.1. The monthly average discharge flow shall not exceed:

a. 0.29 mgd until the Expansion Project is complete; and

B.2. The discharge shall not exceed the following limitations:

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

1 Total Suspended Solids

8. Based on the existing treatment facility's performance, until the Expansion Project is complete, the Discharger will violate, or threaten to violate Discharge Specifications B.1 and B.2 of WDRs Order No. R5-2007-0123.

9. Title 23, CCR, § 2232(d), states:

“Whenever a regional board finds that the waste treatment or disposal facilities of a discharger will reach capacity within four years and that adequate steps are not being taken to address the capacity problem, it shall adopt a time schedule or other enforcement order. Such action shall be preceded by notice and a hearing.”

10. Section 13301 of the California Water Code 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 the 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 procedure set forth in Section 13302.”

11. Section 13267 of the California Water Code 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 requirement or authorized by this division, may investigate the quality of any waters of the state within this region.

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any ... citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, ... or who proposes to discharge wastes within its region that could affect the quality of waters within its region 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.”

12. 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.
13. 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.
14. On 13 September 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
15. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 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 are available at www.swrcb.ca.gov/water_laws/index.html and also will be provided upon request.

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2000-097 is rescinded, except for enforcement purposes, and that, pursuant to sections 13301 and 13267 of the California Water Code, the Pixley Public Utility District, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2007-0123. No term or condition of Order No. R5-2007-0123 is superseded or stayed by this Cease and Desist Order.
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. Submit a technical report that shall include the details of the final design for all projects described in the RWD for the Expansion Project. The technical report should also include a work plan, final design specifications, and performance evaluation for the proposed sludge drying beds, and a detailed quality assurance/quality control plan.		15 Oct 2007

<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
b. Begin construction of the Expansion Project and submit written evidence of such.		15 Feb 2008
c. Complete construction of the WWTF Expansion Project and submit a technical report, subject to written Executive Officer approval, containing a detailed flow schematic of the upgraded WWTF, and a certification report for the lined sludge drying beds.	1 Sept 2008	15 Sept 2008
d. Submit a copy of the O&M Manual for the upgraded WWTF.	1 Dec 2008	15 Dec 2008

The technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering sciences, shall be prepared by or under the direction of persons registered to practice civil engineering in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, the technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, the completed technical reports must bear the signature(s) and seal(s) of the registered professional(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 apply to the Attorney General for judicial enforcement or issue a 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 14 September 2007.

PAMELA C. CREEDON, Executive Officer