

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

SPECIAL ORDER R5-2013-0020

RESCINDING
CEASE AND DESIST ORDER R5-2002-0186
FOR
CITY OF TULARE
WASTEWATER TREATMENT FACILITY
TULARE COUNTY

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

1. The City of Tulare (hereafter City or Discharger) owns and operates a Wastewater Treatment Facility (WWTF) within Sections 16 and 21, T20S, R24E, MDB&M. The WWTF features two separate treatment plants: a Domestic Plant and an Industrial Plant. The City disposes of treated wastewater by percolation and evaporation from effluent ponds and by recycling on farmland (Use Areas) within Sections 15, 16, 17, 20, 21, 22, 28, 29, 27, 33, and 34, T20S, R24E, MDB&M.
2. On 18 October 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2002-0185 for the Discharger prescribing requirements for discharge of commingled Domestic Plant effluent and Industrial Plant effluent. Cease and Desist Order (CDO) R5-2002-0186, also adopted 18 October 2002, addresses the City's failure to comply with previous WDRs Order 91-133 and threatened violation of WDRs Order R5-2002-0185.
3. Specifically, CDO R5-2002-0186 identifies the violations of WDRs Order 91-133 and threatened violations of WDRs Order R5-2002-0185 summarized below.
 - a. The discharge had caused groundwater pollution with nitrate, electrical conductivity (EC), total dissolved solids (TDS), chloride, iron, and manganese.
 - b. Unlined treatment and storage facilities (industrial wastewater treatment ponds and sludge handling and storage facilities) threatened to cause excessive groundwater degradation.
 - c. Over-application of effluent to Use Areas had caused unauthorized discharge to surface water.
 - d. Bypass of major treatment units resulted in discharge of partially treated waste in violation of WDRs Order 91-133.
 - e. Insufficient treatment resulted in violation of effluent limitations for biochemical oxygen demand.
 - f. Wastewater flow exceeded limitations in WDRs Order 91-133.

- g. Discharge EC was consistently 200 umhos/cm to 500 umhos/cm over the effluent limit of 500 umhos/cm over the source water EC.
- h. The City failed to develop and implement an effective pretreatment program.
- i. The collection system threatened to allow pollutant-free waste (storm water) to enter the WWTF in amounts that would significantly diminish the system's capability to comply with the WDRs.
- j. The City applied wastewater to Use Areas in excess of agronomic nitrogen uptake rates.

4. The table below summarizes the requirements of CDO R5-2002-0186 by provision:

1.	Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2002-0185.
2.	Submit and implement a Facilities Plan that addresses how the City will comply with WDRs. Specifically, the Facilities Plan shall address treatment capacity, disposal capacity, excessive pollutant-free wastes, and unlined sludge handling and treatment units.
3.	Submit a revised Industrial Pretreatment Program consistent with 40 CFR 403.
4.	Submit the results of a study of all salinity sources and remedial actions to reduce salinity for each source to the extent technologically and economically achievable.
5.	Conduct an investigation to determine the vertical and horizontal distribution and extent of waste constituents in the soil profile and groundwater beneath and beyond the WWTF and Use Area to the extent influenced by the discharge.
6.	Based on the results of the investigation in Provision 5, evaluate alternative cleanup actions and select and propose a cost-effective cleanup action to the Central Valley Water Board that achieves compliance with groundwater limitations.

5. The City submitted a Facilities Plan on 15 April 2003. Central Valley Water Board staff notified the Discharger that the Facilities Plan only partially satisfied the requirements of the CDO, citing numerous deficiencies. The City submitted additional reports and completed substantial improvements to the WWTF and collection system to address the concerns described in Provision 2. For example, the City significantly expanded the treatment capacity of the Industrial Plant, acquired over 1,500 additional acres of Use Area, completed projects to segregate storm water and wastewater, lined sludge drying beds, and discontinued use of unlined treatment units. Provision 2 of the CDO is considered satisfied.

6. The City modified its Sanitary Sewer Ordinance to implement significant changes to its Industrial Pretreatment Program. On 30 January 2004, the Central Valley Water Board adopted Resolution R5-2004-0019, approving the City's updated Industrial Pretreatment Program. In March 2012, the City adopted another revised Industrial Pretreatment Program in response to a joint compliance audit with Central Valley Water Board staff and the United States Environmental Protection Agency performed in 2010. The updated Industrial Pretreatment Program satisfies Provision 3 of the CDO.
7. On 18 November 2004, the City submitted a Salinity Control Plan. The Salinity Control Plan adequately characterizes sources of salinity, provides a detailed analysis of salinity source control techniques, and quantifies the salinity reduction necessary to comply with WDRs. The City implemented a different strategy for salinity control than that proposed in the Salinity Control Plan; however, the result has been an effluent that consistently meets the effluent limits in WDRs Order R5-2002-0185. The City has satisfied the requirements of Provision 4 of the CDO.
8. The City completed additional monitoring and has submitted several reports attempting to meet the requirements of Provision 5 to determine the vertical and horizontal distribution and extent of waste constituents in the soil profile and groundwater caused by historic discharges from the WWTF. The Executive Officer approved a report characterizing waste constituents in soil. None of the reports adequately characterize the vertical and horizontal extent of waste constituents in groundwater, as required.
9. The City has submitted some limited assessment of groundwater cleanup alternatives as part a 2009 Report of Waste Discharge for expansion of the WWTF. However, the City has expressed the opinion that the requirements of Provision 6 regarding groundwater cleanup are inappropriate and the significantly improved discharge quality will, over time, result in improved groundwater quality.
10. The City's efforts to comply with Provisions 1 through 4 and extensive changes to the City's WWTF and Industrial Pretreatment Program have produced a current effluent quality that meets waste discharge requirements and is of better quality than underlying groundwater degraded by previous WWTF discharges. The ongoing discharges from the WWTF are not expected to cause groundwater degradation that exceeds applicable water quality objectives or adversely affects beneficial uses.
11. Cease and Desist Order R5-2002-0186 does not reflect the current WWTF or the requirements of updated WDRs. The violations and threatened violations of WDRs listed in Finding 3 have been addressed or are being addressed by updated WDRs. It is therefore appropriate to rescind Ceased and Desist Order R5-2002-0186. Legacy groundwater issues can be addressed under a separate order issued pursuant to California Water Code section 13304.

12. The Discharger and interested agencies and persons were notified of the intent to consider rescission of the CDO and provided an opportunity for public hearing and an opportunity to submit their written views and recommendations.
13. The 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 Title 14, California Code of Regulations, section 15321.
14. Any person adversely affected by this action of the Regional Water 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 on 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 Cease and Desist Order R5-2002-0186 is rescinded.

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 11 April 2013.

Original signed by:

PAMELA C. CREEDON, Executive Officer