

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER NO. 81-47

ORDER REQUIRING JOE MAGGIO, INC. 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. Joe Maggio, Inc. (hereinafter also referred to as the discharger) discharges a reported 7,000 gallons-per-operating-day of carrot washwater behind a dike constructed across a wash leading to Alamo River. The discharged washwater is very high in suspended solids (muddy) and also contains carrot particles. The discharge occurs during the carrot harvest season - December through June. The discharger has installed a pipe through the dike which permits the water to discharge to Alamo River. This is a violation of waste discharge requirements.
2. An NPDES permit (Order No. 73-68) was adopted by the Board on October 25, 1973. After said adoption, Joe Maggio, Inc. informed the Board that land disposal to an evaporation-infiltration basin, located in the NW 1/4, Section 36, T15S, R15E, SBB&M, would be utilized. The Board then adopted Order No. 74-84 for land disposal, on September 12, 1974, and Order No. 73-68 was rescinded. Order No. 74-84 prohibits discharge to Alamo River.

On October 16, 1974, Joe Maggio, Inc. informed the Board that it was unable to purchase the land for the evaporation-infiltration basin. The staff then requested that a new NPDES application be submitted; and Order No. 75-14 (NPDES Permit No. CA0104728) was adopted by the Board on April 10, 1975. Thus, two orders were active: No. 74-84 for land disposal, and No. 75-14 for discharge of adequate quality effluent to Alamo River.

The discharger's plan was to raise the dike, as the pond behind said dike silted up, and thus meet waste discharge requirements and, eventually, reclaim the wash area. On April 16, 1976, and again on May 6, 1976, the staff inspected the basin and found inadequately treated wastewater discharging to Alamo River. On May 11, 1976, the staff requested a time schedule of specific actions for terminating the discharge to Alamo River, and Cease Desist Order No. 76-3 was adopted by the Board on June 10, 1976.

Cancelled
by 84-27 11/8/84

This Cease and Desist Order was based on Order No. 75-14 (NPDES permit). During 1977, it was necessary for the staff to specifically request nearly every monitoring report.

The five-year update of Order No. 75-14 (NPDES Permit No. CA0104728) was due by April 10, 1980. On September 12, 1979, and again on October 15, 1979, the staff requested that a new NPDES application for permit to discharge be submitted. On October 24, 1979, R.L. Knox, Attorney for Joe Maggio, Inc. informed the staff that Joe Maggio, Inc. was not discharging to Alamo River. On December 14, 1979, the Executive Officer again requested that an updated NPDES application for permit to discharge be submitted. This request was again ignored.

The Board staff has observed wastewater by-passing the basin, or discharging from the overflow pipe in the earthen basin, and flowing along the ravine to Alamo River on the following occasions:

2-03-78	1-8-79	3-14-80	1-22-81
2-24-78	3-13-79	11-13-80	2-10-81
2-27-78	4-23-79	12-2-80	2-23-81
3-29-78	5-15-79	1-13-81	3-10-81

3. The discharge requirements prescribed in Order No. 74-84 provide, in part, as follows:

A. Discharge Specifications

1. Neither the treatment nor the discharge of wastes shall cause a pollution or a nuisance.
2. There shall be no surface flow of wastewater away from the wastewater storage facilities, and there shall be no discharge to Alamo River or to any channel draining thereto.
3. Adequate protective works shall be provided to assure that flood or surface drainage waters do not erode or otherwise render portions of the wastewater storage facilities inoperable.
4. A minimum depth of freeboard of at least four (4) feet shall be maintained for wastewater storage facilities.
5. All waste disposal shall be confined to the property of the operator.

B. Provisions

1. Joe Maggio, Inc., shall comply with the following time schedule to assure compliance with Discharge Specifications No. 2, 3, and 5 of this Order

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Complete Construction	10-11-74	10-15-74
Full Compliance	11-01-74	11-15-74

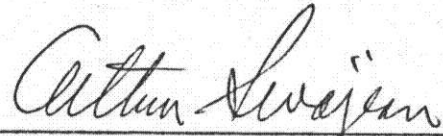
4. Inspection by Regional Board staff shows that the discharger is not complying with Discharge Specifications Nos. A.1., A.2., A.4., and A.5., as described in Finding No. 3 above.
5. On March 25, 1981, in the City of Palm Springs, after due notice to the discharger and all other affected persons, the Regional Board conducted a public hearing and evidence was received concerning the discharge.
6. Upon the basis of the evidence received, the Regional Board determined that Joe Maggio, Inc., is violating the requirements described in Finding No. 3, as further explained in Finding No. 4, above.

IT IS HEREBY ORDERED THAT:

1. Joe Maggio, Inc. immediately cease and desist from discharging wastes contrary to requirements described in Discharge Specifications A.1., A.2., A.4. and A.5., as described in Finding No. 3 and further described in Finding No. 4, above.
2. Joe Maggio, Inc. submit, by no later than May 10, 1981, a technical report and plans and specifications prepared by a California Registered Civil Engineer; including the necessary calculations and sketches for construction of facilities to provide adequate basin capacity for at least the completion of the 1982-83 carrot-processing season, and, also, provide adequate flood protection and freeboard; as required by Discharge Specifications A.1., 2, 3, 4 and 5, as described in Finding No. 3 and further described in Finding No. 4, above.
3. Joe Maggio, Inc. submit, by no later than June 30, 1981, a technical report prepared by a California Registered Civil Engineer, certifying to the adequate completion of construction of said basin and appurtenances for continuing plant operation until at least the completion of the 1982-83 carrot-processing season, as required by Discharge Specifications A.1., 2, 3, 4 and 5, as described in Finding No. 3 and further described in Finding No. 4, above, and a certificate signed by said Engineer stating that the basin and attendant facilities are constructed to meet the requirements of this Order.

4. IT IS FURTHER ORDERED, that in the event the Executive Officer finds that Joe Maggio, Inc., has violated, or is violating, compliance Items No. 1, 2 or 3 (above), or that Joe Maggio Inc., is discharging, or threatens to discharge, in violation of Order No. 74-84, that the Executive Officer immediately request the Attorney General to take appropriate action against the discharger, pursuant to Sections 13350, 13385 and 13386 of the California Water Code, including injunction and civil monetary remedies as may be 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 March 25, 1981.



Executive Officer