

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2007-0101
CEASE AND DESIST ORDER
REQUIRING THE CITY OF SAN JOAQUIN
WASTEWATER TREATMENT FACILITY
FRESNO 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 City of San Joaquin (hereafter City or Discharger) owns and operates a wastewater treatment facility (WWTF). The WWTF is about 1.5 miles southwest of the City in Section 27, T15S, R16E, MDB&M.
2. Waste Discharge Requirements (WDRs) Order No. R5-2002-0103, adopted on 7 June 2002, prescribed requirements for the WWTF and its discharge to land of undisinfected secondary treated municipal wastewater. Cease and Desist Order (CDO) Order No. R5-2002-0104 addressed violations of WDRs Order No. R5-2002-0103 and specified, in part, that the Discharger:

“1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2002-0103.

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

	<u>Task</u>	<u>Compliance Date</u>	<u>Report Due</u>
a.	Submit a technical report and implementation schedule for increasing WWTF treatment capacity.		15 Nov 2002
b.	Submit a technical report containing a Title 22 Engineering Report for recycling effluent on the Use Area.		15 Nov 2002
c.	Satisfy CEQA for the WWTF expansion and increased discharge flow, including recycling effluent on proposed Use Area.	1 Dec 2002	15 Dec 2002
d.	Begin construction of modifications to increase WWTF treatment capacity.	1 Jan 2003	15 Jan 2003
e.	Complete construction	1 Jun 2003	15 Jun 2003”

3. The Discharger completed Tasks 2.a. and 2.c, above. The Discharger was unable to obtain long-term lease agreements necessary to implement water recycling, as identified in Task 2.b and therefore the task is no longer pertinent.

4. Discharger self monitoring reports (SMRs) document continued violations of the monthly average discharge flow limit established by WDRs Order No. R5-2002-0103, Discharge Specification B.1. From January 2004 through December 2005, discharge flow averaged 0.3 mgd.
5. In 2007, 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 0.252 to 0.5 mgd. The RWD describes modifying the existing WWTF to incorporate an extended aeration process with nitrogen removal, upgrading the headworks, constructing sludge handling and storage facilities, and constructing additional evaporation/percolation ponds (disposal ponds). The Expansion Project, and therefore compliance with the CDO, has been delayed, in part due to funding constraints.
6. On 2 August 2007, the adoption of WDRs Order No. R5-2007-0100 revised and replaced WDRs Order No. R5-2002-0103. WDRs Order No. R5-2007-0100 specifies, in part, that:
 - "B.1. The monthly average discharge flow shall not exceed:
 - a. 0.252 mgd until the Expansion Project is complete . . ."
7. Until the Expansion Project is complete, the Discharger is in violation of Discharge Specification B.1.a of WDRs Order No. R5-2007-0100.
8. 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."
9. 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."

10. 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.”

11. 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.
12. 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.
13. On 2 August 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.
14. 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. R5-2002-0104 is rescinded, except for enforcement purposes, and that, pursuant to sections 13301 and 13267 of the California Water Code, the City of San Joaquin, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violation of Waste Discharge Requirements Order No. R5-2007-0100. No term or condition of Order No. R5-2007-0100 is superseded or stayed by this Cease and Desist Order.
2. **WWTF Upgrade 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 include a work plan, and final design specifications for the aeration basins and proposed sludge drying beds, and a detailed quality assurance/quality control plan.		15 Sep 2008
b. Begin construction of the Expansion Project and submit written evidence of such.		15 Feb 2009
c. Complete construction of the WWTF Expansion Project and submit technical report, subject to written Executive Officer approval, containing a detailed flow schematic of the upgraded WWTF, and a certification report for the lined treatment pond and sludge drying beds. The Report shall include documentation that all sludge removed as part of the Expansion Project was properly disposed of.	1 Jun 2010	15 Jun 2010
d. Submit a copy of the O&M Manual for the upgraded WWTF.	1 Aug 2010	15 Aug 2010

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 2 August 2007.

ARP/kes

PAMELA C. CREEDON, Executive Officer