

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 97-105

REQUIRING THE CITY OF BAKERSFIELD
WASTEWATER TREATMENT PLANT NO. 2
KERN COUNTY
TO CEASE AND DESIST FROM
DISCHARGING WASTES CONTRARY TO REQUIREMENTS

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

1. On 23 April 1982, the Board adopted Order No. 82-050 prescribing waste discharge requirements for the City of Bakersfield (hereafter Discharger) for Wastewater Treatment Plant No. 2. The treatment plant and disposal facilities handle domestic and industrial wastes from central, east, northeast, and southeast Bakersfield.
2. The treatment plant was expanded in 1978 by means of a Clean Water Grant to provide secondary treatment of up to 19 mgd of wastewater. The treated effluent is recycled on 5,146 acres of farm land owned by the City and farmed by Gary Garone Farms under Wastewater Reclamation Permit Order No. 82-049.
3. Discharge Specification B.5. of Order No. 82-050 states the following:

"The discharge from the disposal ponds for direct irrigation reuse shall not contain constituents in excess of the following limits:

<u>Constituents</u>	<u>Units</u>	<u>30-day Mean</u>	<u>Maximum</u>
BOD ₅ ¹	mg/l	40	80
Settleable Matter	ml/l ¹	0.1	0.5

¹ Five-day 20° Celsius Biochemical Oxygen Demand"

4. The Water Quality Control Plan for the Tulare Lake Basin, Second Edition, states that, for treatment plants which discharge 1.0 mgd or more, the minimum level of treatment is 80% removal or reduction to 40 mg/l, whichever is more restrictive, of both BOD₅ and suspended solids.
5. The 1978 expansion was not sufficient to provide secondary treatment for design flows and the Discharger began exceeding its BOD₅ effluent limits set by Discharge Specification B.5. of Order No. 82-050 in 1987 when the flow began exceeding 15 mgd. As indicated in the following table, the Discharger has been exceeding its BOD₅ limits ever since:

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<u>Year</u>	<u>Annual Average Flow Rate (mgd)</u>	<u>Effluent Annual Avg BOD₅ (mg/l)</u>
1996	17.4	93
1995	17.1	72
1994	17.2	82
1993	16.8	94
1992	17.1	90
1991	16.9	75
1990	17.0	101
1989	16.4	66
1988	16.2	60
1987	15.0	42
1986	14.3	25
1985	14.3	17
1984	14.0	13

6. The Discharger proposes to construct one additional primary clarifier, three new trickling filters, and three new secondary clarifiers, two new sludge digesters, and associated cogeneration and pumping facilities to increase treatment capacity and improve effluent quality to provide secondary treatment for a design flow of 25 mgd.
7. The Board adopted Waste Discharge Requirements Order No. 97-104 on 20 June 1997. Order No. 97-104 rescinds Order No. 82-050 and prescribes requirements for secondary treatment for a discharge of 19 mgd. Discharge Specification B.4. of Order No. 97-104 states, in part, that:

“The discharge shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Daily Average</u>	<u>Maximum</u>
BOD ₅ ¹	mg/l	40	80
Total Suspended Solids	mg/l	40	80
Settleable Solids	ml/l		0.2
			0.5

¹ Five-day, 20° C Biochemical Oxygen Demand”

8. As indicated in Finding No. 5., above, the Discharger has been discharging waste in violation of Discharge Specification B.5. of Order No. 82-050 and is in threatened violation of Discharge Specification B.4. of Order No. 97-104 until it completes the proposed improvements.
9. Section 13301 of the California Water Code states, in part, that:

“When the [Board] finds that a discharge of waste is taking place or threatening to take place in violation of [waste discharge] requirements... the [Board] may issue a cease and desist order and direct that those persons not complying with the requirements... (b) comply in accordance with a time schedule set by the [Board]...”

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10. The Board has notified the Discharger and interested agencies and persons of its intent to issue this Cease and Desist Order and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
11. The Board, in a public meeting, on 20 June 1997 in Sacramento, California, heard and considered all comments pertaining to this Order.
12. 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.
13. Any person affected adversely by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of the date on which the Board took action. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that, pursuant to Sections 13301 and 13267 of the California Water Code, the City of Bakersfield, its agents, successors, and assigns shall:

1. Cease and desist discharging wastes in violation or threatened violation of Waste Discharge Requirements Order No. 97-104 immediately, except that compliance with BOD and suspended solids limitations in Discharge Specification B.4. of Order No. 97-104 shall be in accordance with the following tasks and time schedule:

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
a. Begin construction	1 Nov 1997	17 Nov 1997
b. Complete Construction of Expanded WWTF and submit its Operation and Maintenance	1 Nov 1999	15 Nov 1999
c. Full Compliance	1 Jan 2000	17 Jan 2000

2. The City of Bakersfield shall submit monthly reports to the Executive Officer describing progress toward satisfying this Order. Reports for each calendar month shall be due by the **20th day of the following month**, with the first report due on the **20th day of the month** following the adoption date of this Order.
3. Until 1 November 1999, the interim performance standard for the exceptions in Paragraph No. 1 shall be an effluent limit of:

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	<u>Monthly Average</u>	<u>Daily Maximum</u>
CBOD	30	40

4. If, in the opinion of the Executive Officer, the City of Bakersfield violates this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for administrative civil liability. Further, if the City of Bakersfield threatens to violate or violates this Order, the Board may schedule a public hearing to consider amending the Order to include a prohibition of additional connections to the sewage system.

I, GARY M. CARLTON, 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 20 June 1997.

Original signed by
GARY M. CARLTON, Executive Officer

KDL/fmc AMENDED 20 June 1997