

ITEM: 10

SUBJECT: City of Tulare, Special Order Rescinding Cease and Desist Order R5-2002-0186, Wastewater Treatment Facility, Tulare County

BOARD ACTION: *Consideration of a Special Order to Rescind Cease and Desist Order (CDO) R5-2002-0186.*

BACKGROUND: The City of Tulare owns and operates a wastewater collection, treatment, and disposal system that provides sewage service for industry and about 60,000 residents. In 2002, the Central Valley Water Board found that discharge from the City Wastewater Treatment Facility (WWTF) had polluted groundwater with nitrate, iron, manganese, and salts. Concurrent with Waste Discharge Requirements (WDRs), the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2002-0186 to address groundwater degradation and other compliance issues.

Provisions of the CDO require the City to: cease and desist discharging wastes in violation and threatened violation of WDRs; submit and implement a Facilities Plan that addresses how the City will comply with WDRs (address treatment capacity, disposal capacity, excessive pollutant-free wastes, and unlined sludge handling and treatment units); revise its Industrial Pretreatment Program; assess sources of salinity; determine the distribution and extent of waste constituents in soil and groundwater to the extent influenced by the discharge; and evaluate alternative cleanup actions and select and propose a cost-effective cleanup action.

The violations and threatened violations of WDRs have been addressed, or are being addressed by updated WDRs. Cease and Desist Order R5-2002-0186 does not reflect the current WWTF or the requirements of 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 Water Code section 13304.

Staff received comments from Jo Anne Kipps, but made no changes to the tentative Special Order. Ms. Kipps requested that findings be revised to reflect that soil cement-lined sludge drying beds may threaten to cause or contribute to exceedances of applicable water quality objectives for groundwater. In response to the CDO, the City lined its sludge drying beds with soil cement. The adequacy of the liner will be evaluated under WDRs considered as a separate item.

RECOMMENDATION: Adopt the Special Order.

Mgmt. Review _____

Legal Review PEP

11/12 April 2013

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