

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2011-0057
AMENDING CEASE AND DESIST ORDER R7-2011-0026
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0104400 FOR THE
CITY OF IMPERIAL, OWNER/OPERATOR
WATER POLLUTION CONTROL PLANT
Imperial – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Water Board) finds that:

1. City of Imperial, 420 South Imperial Avenue, Imperial, CA 92251 (hereinafter, Discharger) owns and operates the City of Imperial Water Pollution Control Plant (WPCP) that provides sewerage services to the City of Imperial in Imperial County. The WPCP has a rated capacity of 2.4 million gallons per day (MGD) and consists of an influent pump station, grit chamber, two parallel oxidation ditches, two secondary clarifiers, an ultraviolet disinfection system, and sludge drying beds. In 2007, the facility upgraded the treatment plant with the addition of new headworks with bar screens, two aeration basins, and two clarifiers.
2. The WPCP is a publicly owned treatment works (POTW) that discharges its effluent to the Dolson Drain via Discharge 001. The Dolson Drain conveys the discharge to the Salton Sea via Lilac Drain, Rose Drain, and Alamo River. The Dolson Drain, Lilac Drain, Alamo River, and Salton Sea are waters of the United States.
3. On September 16, 2010, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order R7-2010-0020 (NPDES Permit CA0104400) for Discharger to regulate discharges of treated wastewater. WDRs Order R7-2010-0020 contains specific effluent limitations, prohibitions, specifications, and provisions that were necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
4. On March 17, 2011, the Regional Water Board adopted Cease and Desist Order (CDO) R7-2011-0026 to address violations of the final effluent limitation for copper (Cu) set forth in WDRs Order R7-2010-0020. Pursuant to California Water Code (CWC) Section 13385(j)(3), compliance with CDO R7-2011-0026 exempts the Discharger from Mandatory Minimum Penalties (MMPs) for violations of the final effluent limitation for copper set forth in WDRs Order R7-2010-0020. Accordingly, that exemption from MMPs became effective on the date the Regional Water Board adopted CDO R7-2011-0026. Further, that exemption shall remain in effect until September 15, 2014, the date when the WPCP improvements must be completed and full compliance with WDRs Order R7-2010-0020 must be achieved, as specified in Ordered Paragraph 1 of the CDO.
5. CDO R7-2011-0026 may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include, but are not limited to, the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal

practices, or adoption of new regulations by the State Water Resources Control Board or the Regional Water Board, including revisions to the Basin Plan.

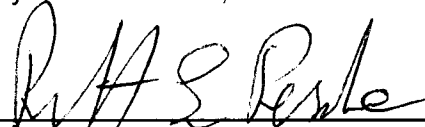
6. On September 12, 2011, in a letter to Regional Water Board staff, the Discharger requested that the completion dates for Milestones 1 and 2 set forth in Ordered Paragraph 1 of CDO R7-2011-0026 be amended (Attachment "A"). The Discharger mistakenly believed that it could not begin the bi-monthly sampling required in Milestone 1 prior to the resolution of the violations alleged in Administrative Civil Liability Complaint (ACLC) R7-2011-0008. Therefore, the Discharger did not timely perform the required sampling and did not meet the completion date for Milestone 1. As a result, the Discharger will not meet the completion date for Milestone 2.
7. The Regional Water Board posted Public Notice 7-11-45 for this Special Board Order on or before November 7, 2011.
8. Issuance of this Special Board Order amending CDO R7-2011-0026 to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies"), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Cease and Desist Order R7-2011-0026 is amended in the manner specified below upon the adoption date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Special Board Order as well as with those portions of the CDO R7-2011-0026 that were not amended by this Special Board Order.

Page 5, Table 1, Time Schedule; Milestones 1 and 2 as follows:

Milestone	Milestone Description	Milestone Submittal	Completion Date
1	Bi-monthly sampling to determine source of increased copper.	Submit a Final Investigative Report detailing results of the study	March 15, 2012
2	Complete Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Water Board	May 15, 2012

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on November 17, 2011.



 ROBERT PERDUE
 Executive Officer

Attachment "A"

CITY COUNCIL
Mark Gran - Mayor
Doug Cox - Mayor Pro - Tem
Rick Breland - Council Member
Geoff Dale - Council Member
Betty Sampson - Council Member

CITY CLERK
Debra Jackson

CITY TREASURER
Stacey Cox

CITY OF IMPERIAL

INCORPORATED 1904



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CITY ATTORNEY
Dennis Morita
Dennis H. Morita A.P.C.

September 12, 2011

Mr. Doug Wylie
California Regional Water Quality Control Board
Colorado River Basin
73-720 Fred Waring Drive, Suite 100
Palm Desert, California 92260

RE: Cease and Desist Order No. R7-2011-0026; City of Imperial, Owner/Operator, Water Pollution Control Plant, Imperial County

Dear Mr. Wylie:

The City of Imperial is requesting a modification to the Time Schedule shown in Table 1 of the Board's CDO No. R7-2011-0026. The City is requesting that the completion dates for Milestones 1 and 2 be modified as shown below. The completion dates for Milestones 3 through 5 will remain as stated in the above referenced CDO. No time extension is being requested to the overall compliance schedule which has been approved by the Regional Water Quality Control Board (RWQCB).

Milestone 1 – Completion of bimonthly sampling to determine the source of increase copper by March 15, 2012.

Milestone 2 – Submission of Pollution Prevention Plan by May 15, 2012.

The need for these modifications is due to a misunderstanding regarding the timeline for sampling taking place and having the costs remain eligible for use as a Compliance Project (CP). Based upon the City's understanding, the sampling could not begin prior to the finalization of the penalty negotiations for the Administrative Civil Liability Complaint (ACLC) No. R7-2011-0008 and remain eligible for use as a CP. Therefore, since the ACLC penalty negotiations have not been finalized, the City has not performed the required sampling and will not meet the completion date for Milestone 1 or 2.

Special Board Order R7-2011-0057
Amending Cease and Desist Order R7-2011-0026
City of Imperial Water Pollution Control Plan



Pg. 2 of 2 September 12, 2011

It is our understanding based upon your email dated August 31, 2011 that the City can begin sampling in advance of finalization on the ACLC negotiations and have the costs of the sampling be covered as part of the proposed CP, as stated in our letter to you dated August 10, 2011. Based upon this proposed schedule, the City will begin the bi monthly sampling program during the week of September 19, 2011 and will follow the proposed schedule as described above.

Please also confirm that the proposed settlement agreement terms from our letter dated August 10, 2011 (copy attached) are acceptable to the Board.

We appreciate your consideration on this matter. If you have any questions regarding this request, please contact me.

Sincerely yours,
CITY OF IMPERIAL

A handwritten signature in blue ink, appearing to read "Mark Coon".

Mark Coon
Chief Wastewater Plant Operator