

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

ORDER R7-2013-0053

RESCISSION OF CEASE AND DESIST ORDER R7-2011-0026  
FOR  
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 Board) finds that:

1. The City of Imperial, 420 South Imperial Avenue, Imperial, CA 92251 (hereinafter, Discharger) owns and operates the City of Imperial Water Pollution Control Plant.
2. On September 16, 2010, the Regional Board adopted Waste Discharge Requirements (WDRs) Order R7-2010-0020 (NDPES Permit CA0104400) to regulate discharges of treated wastewater. Order R7-2010-0020 prescribes effluent limitations for copper. Self-monitoring reports (SMRs) submitted by the Discharger in October and November, 2010 to Regional Board staff showed that wastewater discharged from the Discharger's WPCP violated the final effluent limitations in WDRs Order R7-2010-0020 for copper.
3. On March 17, 2011 the Regional Board adopted Cease and Desist Order (CDO) R7-2011-0026 for the City of Imperial WPCP. The CDO required bi-monthly sampling to determine the source of increased copper, and the construction of WPCP Improvements by December 31, 2014.
4. In a letter dated January 30, 2013, the Discharger has informed the Regional Board that the results of the bi-monthly samples of WPCP effluent prescribed by CDO R7-2011-0026 taken between September 2011 and July 2011 did not exceed the effluent limitations for copper and failed to approach copper levels found in the original violation that resulted in the issuance of CDO R7-2011-0026. In its letter the Discharger posited that the original single set of elevated values likely came from either a bad sample or inaccurate reporting from the testing laboratory. A copy of this letter is attached to the rescission as **Exhibit 1**. In view of these results, the Discharger has requested that the Regional Board consider the rescission of CDO R7-2011-0026.
5. The Regional Board staff has reviewed the monitoring results submitted by the Discharger in compliance with CDO R7-2011-0026 and concurs with the Discharger's results and explanation of the single set of elevated values that led to the issuance of CDO R7-2011-0026.
6. The intent behind CDO R7-2011-0026 was to prevent significantly elevated levels of copper, silver, and zinc being discharged from the Discharger's WPCP. The remaining tasks in the CDO are all directed at lowering the copper levels in the WWCP effluent. Based on the results submitted, the remaining tasks have been rendered unnecessary, duplicative, and inefficient for both the Discharger and the Regional Board.

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7. The city will continue to be subject to fines if the Copper limits set forth in the WDRs Order R7-2010-0020 (NDPES Permit CA0104400) are exceeded.
8. Based on the above, Regional Board staff believes rescission of Order R7-2011-0026 is appropriate.
9. The Regional Board has notified the Discharger and interested agencies and persons of its intent to rescind Order R7-2011-0026, and has provided them with an opportunity for a public hearing and an opportunity for them to submit their written views and recommendations.
10. 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 California Code of Regulations, title 14, section 15321(a)(2).
11. The Regional Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

**IT IS HEREBY ORDERED that Cease and Desist Order R7-2011-0026 is rescinded.**

I, ROBERT E. PERDUE, 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, Colorado River Basin, on May 16, 2013.

  
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ROBERT E. PERDUE, Executive Officer