

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 88-145

AN ORDER REQUIRING ICI AMERICAS, INC., RICHMOND PLANT, CONTRA COSTA COUNTY, TO CEASE AND DESIST FROM VIOLATING WASTE DISCHARGE REQUIREMENTS CONTAINED IN ORDER NO. 84-88

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. On December 18, 1984, the Regional Board adopted Order No. 84-88 (NPDES No. CA0006157) prescribing waste discharge requirements for Stauffer Chemical Company, Richmond plant (hereinafter referred to as the discharger).
2. The discharger manufactures DEVRINOL (a herbicide), and VAPAM (a soil fumigant). The plant also formulates, packages, stores, and bulk loads several other agricultural pesticides, including thiocarbamates. A research laboratory and a pilot plant are also located on-site. No process wastewater is discharged to the wastewater treatment system.
3. Order No. 84-88, provides, in part as follows:

"Prohibition A. 1.

Discharge of waste 001 which contains constituents of concern, and is discharged at a location that does not receive a minimum of 10:1 dilution, is prohibited."

and,

"Provision D. 2.

The discharger shall comply with Discharge prohibition A. 1. by July 1, 1987. The discharger shall submit by July 15, 1985 a proposal with time schedule for achieving compliance. Compliance may be achieved by demonstrating to the satisfaction of the Board that an exception to the Basin Plan Prohibition should be granted.

4. The Basin Plan states that "it shall be prohibited to discharge any wastewater ... any point at which the wastewater does not receive a minimum initial dilution of at least 10:1. Exceptions to this requirement will be considered for discharges where "an inordinate burden would be placed on the discharger relative to beneficial uses protected and an equivalent level of protection can be achieved by alternate means, such as an alternative discharge site, a higher level of treatment, and/or improved treatment reliability."
5. During the 1986 Basin Plan revision, effluent limitations for shallow water dischargers were established. The Basin Plan allows for alternate limits proposals where the discharger "...

demonstrated that all sources of the toxic pollutant are being controlled through application of all reasonable treatment and source control measures. Such proposals must include an assessment of the impact of the alternate effluent limit on the beneficial uses of the receiving water, and must include a demonstration that the costs of additional measures do not bear a reasonable relationship to the level of beneficial uses protected by such additional measures."

6. The discharger submitted a report titled "Request For Exemption To Deep-Water Outfall Requirement" on July 1, 1986. The discharger was requesting an exception on the basis that the discharge of treated waste water to the two evaporation ponds provided a net environmental benefit of increased wildlife habitat.
7. Some pesticides and heavy metals were found in the deeper pond sediments. Under the provisions of the Toxic Pits Cleanup Act, the discharger must sample and analyze the pond sediments, and the pond waters, to determine if they are a hazardous waste as defined by the California Administrative Code, Title 22, Division 4, Chapter 30.
8. A final determination on the discharger's request for exception to the dilution requirement was deferred until the discharger had complied with the provisions of the Toxic Pits Cleanup Act. The Board adopted Order No. 87-080 on July 15, 1987, amending Order 84-88 by revising Provision D.2. to extend the Prohibition A.1. compliance date to January 22, 1988.
9. On November 2, 1987 the Discharger submitted a report containing the TPCA sampling and analysis results. These results indicated that the evaporation ponds might contain hazardous waste. Consequently, the evaporation ponds would have to be closed pursuant to the requirements of TPCA.
10. The Discharger conducted additional sampling and analysis of the evaporation ponds to verify the presence of hazardous waste in the ponds and to confirm the applicability of TPCA.
11. During the time that the Discharger was conducting this additional sampling, they were in violation of Prohibition A.1. and Provision D.2. of Order No. 84-88, as amended by Order No. 87-080. The Board adopted Order No. 88-026, which ordered the discharger to cease and desist from violating waste discharge requirements contained in Order No. 84-88, as amended by Order No. 87-080.
12. Cease and Desist Order No. 88-026 provided an April 1, 1988 deadline for completing the TPCA sampling and analysis. They were also given a June 1, 1988 deadline for resubmitting an exception request, and a September 1, 1988 deadline for achieving compliance with Prohibition A.1.
13. The additional TPCA sampling showed that the two evaporation ponds were not subject to TPCA closure requirements.

14. On June 1, 1988, the discharger submitted a report titled "Request for Exception to Deepwater Outfall Requirement." The discharger identified three alternatives which would either comply with or constitute an acceptable exception to the 10:1 dilution requirement: a deep-water outfall, a sewer connection to the City of Richmond, or the near-shore alternative. The latter is the retention of their present treatment system, with additional pH controls and ability to treat non-complying waste. The discharger also proposed to move their effluent compliance point upstream of the two evaporation ponds in this alternative. The discharger concludes that the near shore alternative would constitute compliance with Prohibition A.1.
15. The staff has reviewed the discharger's submission, and upon further discussion with them, the discharger has chosen to modify their request. They have agreed to discharge all of their dry-weather flows via a sewer connection to the City of Richmond. However, the City has limited wet-weather treatment capacity due to rainfall induced infiltration into their treatment system. In the near future, the Board will consider a Tentative Order which would allow discharge of treated wastewater only during heavy rainfall events, after both the City's treatment capacity and the discharger's onsite storage capacity have been exhausted.
16. This action is categorically exempt from the provisions of Chapter 3 (commencing with Section 21110 of Division 13) of the Public Resources Code (CEQA) pursuant to Resource Agency Guidelines Section 15321.
17. The Board in a public meeting heard and considered all comments pertaining to the discharge.

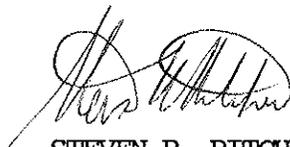
IT IS HEREBY ORDERED THAT, Cease and Desist No. 88-026 be rescinded and the Discharger shall cease and desist from violating waste discharge requirements contained in Order No. 84-88as follows:

A. Provision D.2. is revised to read:

The Discharger shall achieve compliance with Discharge Prohibition A.2. by May 21, 1989.

- B. If the Executive Officer finds that the Discharger has failed to comply with specifications of this Order, he is authorized after approval of the Board's Chairman, to request the Attorney General to take the appropriate enforcement action, including injunction and civil monetary remedies, if appropriate.
- C. If the Executive Officer determines that the specifications of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons why the Discharger has been unable to comply with the specifications of this Order.

I, Steven R. Ritchie, 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, San Francisco Bay Region, on September 21, 1988.



STEVEN R. RITCHIE
Executive Officer