

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

FINAL ORDER 89-114

AN ORDER RESCINDING ORDER NO. 88-145, ISSUED TO ICI AMERICAS, INC., RICHMOND PLANT, CONTRA COSTA COUNTY, IN ORDER 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. The discharger submitted a report titled "Request For Exemption To Deep-Water Outfall Requirement" on July 1, 1986. 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. This Order was subsequently amended two other times, finally in Cease and Desist Order 88-145, which gave a May 21, 1989 deadline for achieving compliance.
6. In June, 1988, the discharger submitted a report titled "Request for Exception to Deepwater Outfall Requirement." 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. A separate Tentative Order will be prepared for the Board's review which would provide an NPDES permit for ICI to discharge limited quantities of treated wastewater in exception to the Basin Plan Prohibition only during heavy rainfall events, after both the City's treatment capacity and the discharger's on-site storage capacity have been exhausted.
7. The discharger has satisfied the intent of Cease and Desist Order 88-145, as they have substantially reduced their wastewater discharge, which will be limited to episodic amounts of treated storm-water diluted effluent.
8. 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.
9. The Board, in a public meeting, heard and considered all comments relating to the discharge.

IT IS HEREBY ORDERED THAT, Cease and Desist No. 88-145 be rescinded.

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 June 21, 1989.

A handwritten signature in black ink, appearing to read "Steven R. Ritchie", written in a cursive style.

STEVEN R. RITCHIE  
Executive Officer