

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQ 2009-0005
DATE ADOPTED	July 7, 2009
PETITION TITLE	OWN MOTION REVIEW (WASTE DISCHARGE REQUIREMENTS AND MASTER RECLAMATION PERMIT (ORDER NO. R5-2007-0113 [NPDES NO. CA0079243]) FOR THE CITY OF LODI, CENTRAL VALLEY REGION
POPULAR NAME [if applicable]	Lodi Petition
REGIONAL BOARD	Central Valley Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1886

PRECEDENTIAL DECISION

On July 7, 2009, the State Water Resources Control Board (State Water Board) adopted a precedential decision in Order WQ 2009-0005 on waste discharge requirements issued to the City of Lodi. The requirements regulate discharges from the City's White Slough Water Pollution Control Facility to surface waters and to land.

The California Sportfishing Protection Alliance originally filed a petition for State Water Board review of the requirements. Because the State Water Board was unable to take final action on the petition within the regulatory deadline, the State Water Board decided to review the waste discharge requirements on its own motion.

The order focuses primarily on whether the City of Lodi's land application activities qualify for an exemption from the State Water Board's land disposal regulations in title 27 of the California Code of Regulations (Title 27). The City applies a wastewater mixture to about 49 acres of unlined ponds and 800 acres of agricultural fields. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) found that these activities were exempt from Title 27 under the sewage exemption in section 20090, subdivision (a), of Title 27.

The order concludes that:

- The sewage exemption does not apply to the City's activities; rather, the Title 27 exemption for wastewater in section 20090, subdivision (b), is the most appropriate exemption.
- The findings and the evidence in the record are insufficient to support the conclusion that the City's land disposal activities meet the preconditions for the wastewater exemption under Title 27.
- The Central Valley Water Board must revise the requirements to reflect that the City's land disposal activities do not currently meet the preconditions for an exemption under Title 27.

In addition, the order concludes that the requirements do not violate part 503 of title 40 of the Code of Federal Regulations governing the use of biosolids as a soil amendment. The order directs the Central Valley Water Board to revise the requirements to specify that the City's wintertime irrigation management plan include only practices that prevent, rather than minimize, the discharge of biosolids to surface waters, and to include an appropriate effluent limitation for chronic toxicity.