

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO –R5-2007-0182

RESCINDING VARIOUS WASTE DISCHARGE REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, finds that the Board adopted the following Orders and Resolutions, which are no longer applicable for the reasons shown:

Order No. 72-57, adopted on 24 September 1971 for the Penn Mine, prescribes requirements that set limits for the discharge of mine drainage to the Mokelumne River. The former owner/operator (New Penn Mines, Inc.) is a defunct corporation. The site was restored under a USEPA 309 Order by consolidating mine waste in an onsite landfill, using both cleanup and abatement funds and monies from East Bay Municipal Utility District (EBMUD). Site restoration was completed in 2000 and has resulted in a 95 to 99 percent reduction in the mass of copper and zinc discharged to the Mokelumne River and Camanche Reservoir. Ongoing maintenance and monitoring of the landfill is being conducted by EBMUD using funds granted by the Federal government. Order No. 72-57 is being rescinded since it no longer serves any purpose.

Order No. 86-087, adopted on 28 March 1986 for Geothermal Inc., prescribes requirements for the discharge of drilling mud from geothermal exploration and other geothermal related wastes. The former owner/operator (Geothermal Inc.) declared bankruptcy in 1987, and the site was closed by companies that bought waste to the facility, as required by Cleanup and Abatement Order (CAO) No. R5-2002-0204. Closure was completed in 2005, and the site is now regulated under the CAO. Order No. 86-087 is being rescinded since it no longer serves any purpose.

WDRs Order No. 87-117 for William Baer (Discharger) regulates the discharges of wastewater from Discharger's facility (Black Oak General Store). The Discharger has failed to pay his annual fees since 2002 when the ownership changed; despite the repeated notices of non-payments for annual fees from the State and also Regional Water Board 8 February 2005 letter. The Discharger has indicated that the store is lost to arson fire in 2005; however, Regional Water Board staff has attempted to contact him via telephone many times. Staff recommends rescission of the Order is appropriate.

Order No. 90-019, adopted on 26 January 1990, prescribes requirements for Mega Sand, Inc., for the discharge of water from sand dredging in the Sacramento River from mile 6.5 to mile 14.2 (Decker Island to the Rio Vista Bridge). The WDRs are no longer consistent with the plans and policies of the Regional Water Board, and the State Water Board has not been able to collect annual permit fees for the last several years. No dredging has occurred in the last several years, and Mega Sand, Inc., the former owner/discharger, sold Decker Island to Milpitas Main Street Investments, LLC in July 2007. Milpitas Main Street Investments, LLC failed to respond to a certified letter announcing staff's intent to propose rescission of the WDRs, and therefore Order No. 90-019 is being rescinded since it no longer serves any purpose.

Order No. 94-249, adopted on 16 September 1994, prescribes requirements for the City of Vacaville Easterly Wastewater Treatment Plant biosolids land application. On 3 October 2007, the discharger reported that all biosolids produced by the Easterly Wastewater Treatment Plant are belt pressed, air-dried and transported to the Norcal Hay Road Landfill for beneficial reuse. The Discharger has requested rescission of the WDRs and Order No. 94-249 is being rescinded since it no longer serves any purpose.

WDRs Order No. 98-133 for De Francesco and Sons, Inc (Discharger) regulates the discharges of wastewater from a dehydration plant that processes garlic, onion, and parsley seasonally. The Discharger has ceased discharge since early part of 2006 since the plant shut down and laid off most of its employees. The Discharger has been issued notices of non-payments for 2006-2007 annual fees. Rescission of the Order is appropriate.

Order No. 5-01-052, adopted on 16 March 2001, prescribes requirements for Bruce and Mary Jenkins to reuse disinfected secondary treated wastewater from the City of Marysville Wastewater Treatment Facility for orchard irrigation. In 2004 the Discharger ceased irrigation of the orchard with the disinfected secondary wastewater and began irrigating the orchard with water from an onsite well. The Discharger has requested rescission of the WDRs and Order No. 5-01-052 is being rescinded since it no longer serves any purpose.

Waste Discharge Requirements Order (Order) No. R5-2005-0039 (NPDES No. CA0085111), adopted 17 March 2005, prescribes requirements for the discharge of treated wastewater from the Oildale Cogeneration Facility, Kern County. The Order authorizes wastewater discharge by Oildale Energy to the Beardsley Canal, and eventually to Poso Creek, a water of the U.S. Since adoption of the Order, no discharge to the canal has occurred as the pipeline for the discharge was never constructed. Also, the City of Bakersfield and the North Kern Water Storage District (canal owners/operators) now prohibit such discharges to the waters of Beardsley Canal due to its use as a domestic water supply by the City. Thus, it is appropriate to revoke NPDES permit No. CA0085111 and rescind Order No. R5-2005-0039 to protect the beneficial use of Beardsley Canal as a domestic and municipal supply.

IT IS HEREBY ORDERED that the above waste discharge requirements Orders and Resolutions are rescinded.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 6 December 2007.

Original signed by

PAMELA C. CREEDON, Executive Officer