

ORDER NO. R5-2007-0027

SPECIAL ORDER  
FOR  
COOPER US, INC.  
AMERICAN AIR CO., INC.  
CITY OF VISALIA  
FORMER MCGRAW EDISON POWER SYSTEMS  
GROUNDWATER CLEANUP SYSTEM  
TULARE COUNTY  
MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER NO. 98-201  
AND RESCINDING NPDES PERMIT NO. CA0083127

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. Cooper Industries, a former company incorporated in Ohio, and now Cooper US, Inc. (hereafter called Cooper), incorporated in Houston TX; McGraw–Edison Company, a former subsidiary of Cooper with American Air Company, Inc.; own and operate a groundwater remediation and cleanup system under Waste Discharge Requirements (WDRs) Order No. 98-201 adopted on 23 October 1998. The property is at 7533 Avenue 304, about four miles west of Visalia in Section 30, T18S, R24E, MDB&M.
2. A groundwater investigation conducted by Cooper in 1993 showed elevated concentrations of volatile organic compounds (VOCs), including Benzene and Toluene. Cooper installed 13 groundwater monitoring wells and two on-site recovery wells that are operated to contain and extract the plume of polluted groundwater from beneath and in the vicinity of the site.
3. WDRs Order No. 98-201 prescribes requirements for a maximum design flow of 0.072 million gallons per day (mgd). Findings 8 and 9 of the Order read, in part, as follows:
  8. The groundwater cleanup system incorporates “best available technology economically achievable” (BAT) to treat the purgeable hydrocarbons. Cooper treats extracted groundwater using a packed tower aeration system prior to discharge into the City of Visalia (City) storm water pipeline. The storm water pipeline discharges to a nearby recharge pond owned by the City and known as the “Goshen Ocean,” which is connected to Mill Creek by an overflow pipe. Discharge to Mill Creek is anticipated to occur only during significant storm events. Mill Creek, a water of the United States, discharges into Cross Creek, which flows to the Tule River during wet years.
  9. The discharge to the storm water pipeline is at Latitude 36° 20' 23" and Longitude 119° 24' 20", identified as Discharge 001 in Attachment B, attached hereto and part of this Order. The storm water pipeline discharges to the Goshen Ocean at Latitude 36° 20' 23" and Longitude 119° 24' 36", identified as Discharge 002 in Attachment B. The Goshen Ocean discharges to Mill Creek Ditch at Latitude 36° 20' 10" and Longitude 119° 24' 32", identified as Discharge 003 in Attachment A. For the purpose of this Order, the receiving waters are the Goshen Ocean and Mill Creek.
4. More recent evidence indicates that the Goshen Ocean connects by pipe to Mill Creek Ditch, not Mill Creek, and water in the pipe flows to the Goshen Ocean.
5. Apex Envirotech, Inc. (hereafter called Apex), on behalf of Cooper, submitted a report of waste discharge (RWD) on 1 April 2003 and an amended application for renewal of the

SPECIAL ORDER NO: R5-2007-0027  
MODIFYING WDRs ORDER NO: 98-201  
FORMER MCGRAW EDISON POWER SYSTEMS  
GROUNDWATER CLEANUP SITE  
COOPER US, INC./AMERICAN AIR CO., INC./CITY OF VISALIA  
TULARE COUNTY

-2-

WDRs and the NPDES permit. WDRs Order No. 98-201 was to expire on 1 October 2003. The RWD states that all the flow has been discharged to the Goshen Ocean and the Goshen Ocean never discharged into Mill Creek during the last 12 years. Apex provided drawings and engineering calculations showing that the Goshen Ocean can take all precipitation runoff from a 100-year wet year event for the drainage area it serves and the wastewater discharge. Based upon these calculations, Apex on behalf of Cooper requested the Regional Water Board replace NPDES Permit No. CA0083127 with WDRs for discharge to land.

6. WDRs Order No. 98-201 and NPDES No. CA0083127 were administratively extended by the Regional Water Board on 16 September 2003.
7. On 23 March 2006, the Executive Officer revised MRP No. 98-201. The revised MRP requires monthly effluent monitoring to provide a more rapid response in the event of a bypass or treatment system breakthrough. Influent monitoring was reduced to semi-annually (twice a year), as the submitted data from Apex showed concentrations of VOCs in the influent to the treatment system had declined since 1993. The cover letter associated with the revised MRP concurs that discontinuation of the NPDES Permit requirements of WDRs Order No. 98-201 is appropriate.
8. WDRs Order No. 98-201 is adequate to protect underlying groundwater and preclude nuisance. Given the foregoing, it is reasonable and appropriate to amend the WDRs to revoke authorization to discharge to Mill Creek under the NPDES Program and to void or nullify the concomitant effluent discharge limitations and provisions to allow the balance of WDRs Order No. 98-201 to continue in full force.
9. The action to modify WDRs Order No. 98-201 to prohibit discharge to Mill Creek is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) in accordance with Title 14 California Code of Regulations, Section 15301 (existing facility), and Title 14 California Code of Regulations Section 15061(b)(3).
10. On 16 March 2007, after due notice to the City, Cooper, American Air Company, and all other affected persons, a public hearing was held and all evidence received concerning modification of WDRs Order No. 98-201 was considered.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13263 and 13377, NPDES Permit No. CA0083127 is revoked, and WDRs Order No. 98-201 is amended as follows:

1. Discharge Prohibitions A.1 is superseded with the following: "Discharge of Pollutants to Mill Creek is prohibited."

SPECIAL ORDER NO: R5-2007-0027  
MODIFYING WDRs ORDER NO: 98-201  
FORMER MCGRAW EDISON POWER SYSTEMS  
GROUNDWATER CLEANUP SITE  
COOPER US, INC./AMERICAN AIR CO., INC./CITY OF VISALIA  
TULARE COUNTY

-3-

2. Discharge Prohibition A.2 is superseded with the following: "The By-pass or overflow of untreated or partially treated wastes is prohibited except as allowed by Standard Provision E.2."
3. Provision D.1 is modified to replace reference to "Standard Provisions and Reporting Requirements for Waste Discharge Requirements – NPDES, dated 1 March 1991" with "Standard Provisions and Reporting Requirements for Waste Discharge Requirements, 1 March 1991."
4. Provision D.2 is superseded with the following: "The Discharger shall comply with attached Revised Monitoring and Reporting Program No. 98-201, dated 23 March 2006, and any revisions thereto," as ordered by the Executive Officer.
5. Provisions D.3 and D.7 are revoked in their entirety and thus void.

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 16 March 2007.

---

PAMELA C. CREEDON, Executive Officer

wdh/aak: 3/16/07