

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

ORDER NO. R5-2002-0131

REQUIRING
RIVIERA WEST MUTUAL WATER COMPANY
DOMESTIC WATER TREATMENT PLANT
LAKE COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 3 May 1996, the Regional Board adopted Waste Discharge Requirements Order No. 96-099, National Pollution Discharge Elimination System (NPDES) No. CA0083925, prescribing waste discharge requirements for Riviera West Mutual Water Company (hereafter Discharger), Domestic Water Treatment Plant, in Lake County.
2. Water is extracted from Clear Lake and treated for potable supply. The treatment facilities, at the Riviera West Mutual Water Company Domestic Water Treatment Plant, consist of prechlorination and alum coagulation, followed by pressurized multi-media filtration through anthracite and sand, followed by filtration through an activated carbon pressure filter, and postchlorination. Alum sludge is gravity settled in backwash water from the filters in a backwash tank or clearwell. The supernatant is decanted from the backwash tank and discharged intermittently to Clear Lake. The average daily discharge flow is 0.0052 MGD (5,200 gpd).
3. Order No. 96-099 includes the following Waste Discharge Requirements, in part:

“E. Provisions:

 3. *The Discharger shall comply with the attached Monitoring and Reporting Program No. 96-099, which is part of this Order, and any revisions thereto, as ordered by the Executive Officer.”*
4. Provision E.3, shown above, required the Discharger to comply with Monitoring and Reporting Program No. 96-099. The Discharger was required to collect samples, have them analyzed, and submit quarterly monitoring reports. Between June 1996 and May 2002, there were 23 quarters, 71 months, 308 weeks, and 2,160 days. The Discharger failed to submit monitoring reports as follows:

- a. No quarterly monitoring results or reports were ever submitted. The Discharger failed to submit **23** quarterly monitoring reports (out of 23).
 - b. Weekly monitoring of effluent Turbidity was required. The Discharger failed to submit the results of **308** weekly effluent Turbidity samples (out of 308).
 - c. Weekly monitoring of effluent pH was required. The Discharger failed to submit the results of **308** weekly effluent pH samples (out of 308).
 - d. Weekly monitoring of effluent Residual Chlorine was required. The Discharger failed to submit the results of **308** weekly effluent Residual Chlorine samples (out of 308).
 - e. Daily monitoring of effluent Flow was required. The Discharger failed to submit the results of **2,160** daily effluent Flow samples (out of 2,160).
 - f. Weekly monitoring of raw water supply Turbidity was required. The Discharger failed to submit the results of **308** weekly raw water supply Turbidity samples (out of 308).
 - g. Weekly monitoring of raw water supply pH was required. The Discharger failed to submit the results of **308** weekly raw water supply pH samples (out of 308).
 - h. Weekly monitoring of raw water supply Temperature was required. The Discharger failed to submit the results of **308** weekly raw water supply Temperature samples (out of 308).
5. As shown in Findings Nos. 3 and 4, above, the Discharger violated Order No. 96-099. The Discharger threatens to violate Provisions E.7 prescribed in the new Waste Discharge Requirements Order No. R5-2002-0130 and the monitoring and reporting requirements in Monitoring and Reporting Program No. R5-2002-0130, in part, as follows:

“E. Provisions:

11. *The Discharger shall comply with Monitoring and Reporting Program No R5-2002-0130, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.”*

6. Based on past water supply treatment practices, the Discharger threatens to violate Effluent Limitations for Total Chlorine, Electrical Conductivity (EC), Total

Dissolved Solids (TDS), and Aluminum, prescribed in Order No. R5-2002-0130, in part, as follows:

“B. Effluent Limitations:

1. *Effluent shall not exceed the following limits:*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>4-Day Average</u>	<u>1-Hour Average</u>	<u>Daily Maximum</u>
EC	µnhos/cm	700	1,600			2,000
TDS	mg/l	500	1,000			1,500
Total Chlorine	mg/l			0.01		0.02
Aluminum	µg/l			87	750”	

7. On 19 July 2002, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.
9. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days from the date that the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. **Immediately**, Riviera West Mutual Water Company shall cease and desist from discharging waste contrary to Waste Discharge Requirements Order No. R5-2002-0130 as described in Findings 4 and 5, above, regarding submittal of monitoring reports. Monitoring reports are to be submitted as described in Monitoring and Reporting Program No. R5-2002-0130.

Continued failure to submit monitoring reports may result in additional enforcement, including Administrative Civil Liability. Failure to submit monitoring reports is a violation of Section 13383 of the California Water Code, which gives the Regional Board the authority to establish monitoring and reporting requirements for NPDES permits. Civil Liability for violation of Section 13383 is up to \$10,000 for each day in which the violation occurs. In addition, failure to submit monitoring reports is a violation of Section 13267 of the California Water Code, which gives the Regional Board authority to require submittal of technical

reports. *Civil Liability for violation of Section 13267 is up to \$1,000 per day in which the violation occurs.*

2. **Immediately**, Riviera West Mutual Water Company shall prepare to comply with the schedule below.

The Discharger shall comply with the following schedule to develop a source control program for Chlorine, EC, TDS, and Aluminum, or provide treatment measures necessary to achieve compliance with this Order:

<u>Task</u>	<u>Compliance Date</u>
Submit Plan for Chlorine, EC, TDS, and Aluminum Compliance adoption	120 days after permit
Begin Implementation adoption	1 year after permit
Full Compliance with Effluent Limitations adoption	2 years after permit

The Discharger shall submit to the Regional Board on or before each compliance date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Board by letter when it returns to compliance with the compliance schedule.

3. As a means for determining progress toward compliance, Riviera West Mutual Water Company shall, beginning **1 October 2002 and quarterly thereafter**, submit quarterly progress reports to the Regional Board describing actions taken to achieve compliance with Waste Discharge Requirements, Order No. R5-2002-0130.
4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Acting 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 19 July 2002.

THOMAS R. PINKOS, Acting Executive Officer