

Central Valley Regional Water Quality Control Board

24 October 2012

Mr. James Clayton
Cascade Mobile Home Park
33 Castellina Dr.
Newport Coast, CA 92657

CERTIFIED MAIL
70121010000002892380

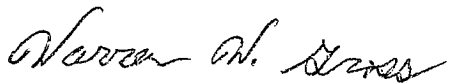
Mr. Phil Hoon
Cascade Mobile Home Park
5 Bon Air Rd. #225
Larkspur, CA 94939

CERTIFIED MAIL
70121010000002892397

CLEANUP AND ABATEMENT ORDER NO. R5-2012-0713, SONORA CASCADE PROPERTIES I, L.P. AND CASCADE PARTNERS, LLC, CASCADE MOBILE HOME PARK WWTF, 18330 WARDS FERRY ROAD, SONORA, TOLUMNE COUNTY

Enclosed is Cleanup and Abatement Order No. R5-2012-0713 (Order) for Sonora Cascade Properties I, L.P. and Cascade Partners, LLC regarding the Cascade Mobile Home Park Wastewater Treatment Facility (WWTF). This Order is issued pursuant to Central Valley Water Board staff's receipt of a complaint of wastewater release from the facility and our subsequent inspection. A report with the detailed findings of our inspection was mailed to you on 6 September 2012. Please read the Order carefully and note that a contingency plan for the WWTF is due by **5 November 2012**.

If you have any questions regarding this matter, please contact Hoss Aghazeynali at (559) 445-6194 or at haghazeynali@waterboards.ca.gov.



WARREN W. GROSS
Senior Engineering Geologist
CEG 1528, CHG 681

Enclosure: Cleanup and Abatement Order NO. R5-2012-0713

cc w/encl: Rob Costlivi, Tuolumne County Division of Environmental Health, Sonora
Tom Scesa, Tuolumne Utilities District, Sonora
Greg Evans, EMS, 871-38th Avenue, Santa Cruz, 95062
Marilyn Scheller, 18330 "C" Wards Ferry Road, Sonora 95370

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2012-0713
FOR

SONORA CASCADE PROPERTIES I, L.P. AND CASCADE PARTNERS, LLC
CASCADE MOBILE HOME PARK WASTEWATER TREATMENT FACILITY
TOULUMNE COUNTY

This Order is issued to Sonora Cascade Properties I, L.P., a California Limited Partnership, and Cascade Partners LLC, a California Limited Liability Company (hereafter collectively referred to as "Discharger"), pursuant to Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter "Central Valley Water Board") to issue a Cleanup and Abatement Order ("CAO"), and pursuant to Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Discharger's acts or failure to act, the following:

BACKGROUND AND PROPERTY OWNERSHIP

1. On 25 October 1985, the Central Valley Water Board adopted Waste Discharge Requirements Order 85-306 (the "WDRs") to regulate discharges of up to 16,000 gallons per day of wastewater from the Cascade Mobile Home Park's (the "Park") Wastewater Treatment and Disposal Facility ("WWTF").
2. The collection system serves 115 mobile home units and three neighboring homes. The Park is located four miles southeast of Sonora on 18330 Wards Ferry Road in Section 9, T1N, R15E MDB&M.
3. Sonora Cascade Properties I, L.P. is comprised of the general partner, Sonora KEJ, LLC, and limited partners Philip Hoon and James Clayton. Cascade Partners, LLC is managed by Mr. Clayton as a member.
4. According to county records for Assessor's Parcel Number 097-290-03-00, the Discharger has owned the Park since 2004. According to 10 October 2012 correspondence from Philip Hoon, in October of 2004, James L. Clayton and Philip Hoon purchased the Park (including common facilities) and property easements relating to the WWTF from Ms. Marilyn Scheller.
5. Ms. Marilyn Scheller, previous owner of the Park, owns property adjacent to the Park that includes the WWTF and its components. A grant agreement, dated 3 November 2004, between Ms. Scheller and the Discharger grants the Discharger an easement to operate and maintain all aspects of the WWTF and its components.
6. In 1991, the WDRs were rescinded with the understanding that the Tuolumne County Health Department ("TCHD") would be regulating the 35-acre Park and WWTF.

7. On 29 April 2008, Central Valley Water Board staff received a letter from TCHD indicating the WWTF was slipping into disrepair and requesting guidance from Central Valley Water Board staff in regulating it.
8. Central Valley Water Board staff issued three letters (22 July 2008, 30 December 2008, and Central Valley Water Board 6 January 2010) to general partners of Sonora Cascade Properties I, L.P. requesting a Report of Waste Discharge ("RWD") pursuant to Water Code section 13260. The 6 January 2010 letter was also addressed to Ms. Scheller. By 30 March 2010, the Discharger submitted a RWD. Central Valley Water Board staff suggested that the Discharger apply for coverage under the State Water Board Water Quality Order No. 97-10-DWQ, *General Waste Discharge Requirements for Discharges of Land by Small Domestic Wastewater Treatment Systems* (the "General Order").
9. By 12 October 2010 letter, the Discharger requested coverage under the General Order.
10. On 24 April 2012, a resident near the Park complained to the TCHD that the ponds were overflowing and that strong odors were present. TCHD found that rodent holes had contributed to sewage drainage from Pond 3, but the drainage did not appear to reach Lambert Lake. TCHD staff also found excessive sludge and solids buildup in Pond 1 and confirmed malodors.
11. On 2 May 2012, Central Valley Water Board staff inspected the WWTF to investigate a sewage spill and an odor complaint. TCHD staff also requested that Central Valley Water Board assume oversight of this facility. Central Valley Water Board staff found several conditions in the WWTF that threatened to pollute surface waters. Inspection findings were transmitted to the Discharger in a 6 September 2012 inspection report.
12. On 9 May 2012, the Central Valley Water Board Executive Officer issued a Notice of Applicability to the Discharger for coverage under the General Order.

EXISTING FACILITY DESCRIPTION AND CURRENT CONDITIONS

13. The WWTF and its components includes a sewage collection system, a lift station with two pumps, one aeration pond (Pond 1) with two small bar screens at the inlet and outlet of the pond, one emergency storage pond, and two evaporation and percolation ponds (Ponds 2 and 3). Estimated combined pond volume (Ponds 2 and 3) is one million gallons. See Attachment A for a site map.
14. Central Valley Water Board staff's 2 May 2012 inspection of the WWTF found the following conditions:
 - a. Evidence of a recent sewage spill (22-25 April 2012) of unknown volume from Pond 3, due to sewage flow through rodent holes in the pond embankments. No confirmation of the spill having reached the lake was observed.

- b. Less than one-half foot of freeboard was observed in Ponds 2 and 3. Abundant rodent burrows were observed around the ponds-many at the pond water level. The pond's embankments were soft and saturated with water. Pond embankment failure was threatened. Released wastewater would reach the lake (250 feet away).
 - c. The lift station does not have a permanent backup generator. The lift station pumps the effluent from Pond 1 uphill to Ponds 2 and 3. If the lift station pumps fail, the overflow of raw sewage from the lift station and Pond 1 to the adjacent creek would occur in less than one day, and the sewage would reach Curtis Creek.
 - d. Unlined Pond 1, the emergency storage pond, and the lift station are less than 25 feet from Curtis Creek. At high flows, Curtis Creek threatens to inundate the ponds and the lift station. According to TCHD Director, during January-February 2011, Curtis Creek rose near the edge of the Pond 1. At the direction of TCHD, the Discharger had a septic hauler haul wastewater from Pond 1 to TUD's Sonora Regional WWTF.
 - e. Excessive solids (napkins/grease/scum) at the surface of Pond 1 and at its inlet and the outlet screens (reportedly a chronic problem). Excessive solids buildup on the screens can restrict the flow in the collection lines or pond outlet and threatens direct discharge of raw sewage to the adjacent creek.
 - f. According to TCHD staff, several odor complaints have been lodged by residents living near the ponds. Documented odor complaints include October 2008 and April 2012 complaints.
15. The conditions described in Finding No. 14 threaten to create nuisance and pollute surface waters.
16. A complainant alleges that the Park does not have a properly trained operator for the operation and maintenance of the WWTF.

LEGAL AUTHORITY FOR CLEANUP AND REPORTING

17. Water Code section 13304(a) states that:

Any person ... who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts.

18. Water Code section 13267(b)(1) states that:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

19. Water Code section 13304(c)(1) states that:

... the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . .

20. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised September 2009 (the "Basin Plan") designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board ("State Water Board").

21. The WWTF lies within the San Joaquin River Basin. The Basin Plan designates the beneficial uses of groundwater as including municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).

22. The Basin Plan also establishes narrative water quality objectives (e.g., for bacteria, chemical constituents, tastes and odors, and toxicity). Chapter IV of the Basin Plan contains the Policy for Application of Water Quality Objectives, which provides that "[w]here compliance with narrative objectives is required (i.e., where the objectives are applicable to protect specified beneficial uses), the Regional [Water] Board will, on a case-by-case basis, adopt numerical limitations in Orders which will implement the narrative objectives."

23. Narrative water quality objectives prohibit chemical constituents from being discharged at concentrations that would impact agricultural uses in groundwater designated as supporting the AGR beneficial use, and prohibit taste- or odor-producing substances from being discharged at concentrations that would cause nuisance or adversely affect beneficial uses.

24. Ammonia is a chemical constituent that, when present in elevated concentrations, affects the odor and taste of water to a degree that its use for MUN is impaired. Upper limits (in mg/L) established by various entities for ammonia odor and taste are listed in the table below. These limits are relevant and appropriate to this discharge situation.

<u>Limit (mg/L)</u>	<u>Reference</u>
1.5	Odor threshold (<i>Hazardous Substances Data Bank: Ammonia</i> . Bethesda, MD, National Library of Medicine, 1990)
35	Proposed taste threshold for ammonium cation (<i>Guidelines for Drinking Water Quality, 2nd ed. Vol. 2 Health criteria and other supporting information</i> . World Health Organization)

25. Water Code section 13050(l)(1) defines pollution as "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses."

DISCHARGER LIABILITY

26. Discharges occurred during the time that the Discharger owned and/or operated the Site, and these discharges have resulted in, or threaten to create, a condition of pollution. The condition of pollution is a priority violation and the issuance of a cleanup or abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board.
27. As described in the above Findings, the Discharger is subject to an order pursuant to Water Code section 13267 to submit technical reports because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Discharger named in this Order. The technical reports required by this Order are necessary to assure compliance with the Basin Plan, Resolution 92-49, and this Order, which require the prompt identification and abatement of waste sources and the investigation and cleanup of affected areas to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.
28. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to California Code of Regulations, title 14, section 15321(a)(2).

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, Sonora Cascade Properties I, L.P. and Cascade Partners LLC, their agents, assigns, and successors, shall take cleanup and abatement actions as specified below:

Forthwith, but at least by 5 November 2012:

1. Abate the threat to surface water created by threatened releases of sewage or wastewater from Discharger's WWTF. "Forthwith" means as soon as is reasonably possible without risk to health and safety. Staff, when referenced below, means Central Valley Water Board technical staff. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.
2. Submit a contingency plan to have a sewage pumper truck available for emergency response to pump down WWTF ponds, if necessary, to maintain required freeboard or correct conditions that otherwise threaten the integrity of pond embankments.

By 17 December 2012:

3. Pump off the sludge and solids from Pond 1 and dispose of it in accordance with Central Valley Water Board policies (e.g., haul solids to an approved facility such as TUD Sonora Regional WWTF).
4. Attain and maintain at least two feet of freeboard in Ponds 2 and 3 by pumping off excess wastewater and disposing of it in accordance with Central Valley Water Board policies (e.g., haul to an approved facility such as TUD Sonora Regional WWTF). Monitor the freeboard daily while working on an alternate plan. Determine solids content of Ponds 2 and 3 and, if necessary, pump off settled solids from these ponds to an approved facility.
5. Empty the emergency storage pond. Transfer wastewater/stormwater to Ponds 2 or 3 (if sufficient capacity exists) or transport it to an approved facility (e.g., TUD Sonora Regional WWTF).
6. Initiate a feasibility study to consider alternatives for handling the sewage from Park's sewage collection lines. Alternatives are to include connection to TUD sewage collection system, design and construct a new WWTF, or re-engineer current WWTF.
7. Submit a report documenting completion status of the above tasks.

By 11 February 2013:

8. Submit a technical report of the results of the feasibility study with recommendations for long-term wastewater treatment.
9. Submit a description of steps taken or planned for training of WWTF operators. Include documentation of existing certifications and training certificates.

GENERAL REQUIREMENTS

The Discharger shall:

10. As required by the Business and Professions Code sections 6735, 7835, and 7835.1, have reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or an authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate.
11. Conduct work only after Central Valley Water Board staff concurs with the proposed work.
12. Notify Central Valley Water Board staff at least three working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.
13. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
14. Reimburse the Central Valley Water Board for reasonable costs associated with oversight of the design and completion of WWTF improvements.

If, for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. An extension may be granted by revision of this Order or by a letter from the Executive Officer.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation; per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth

day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is effective upon the date of signature.

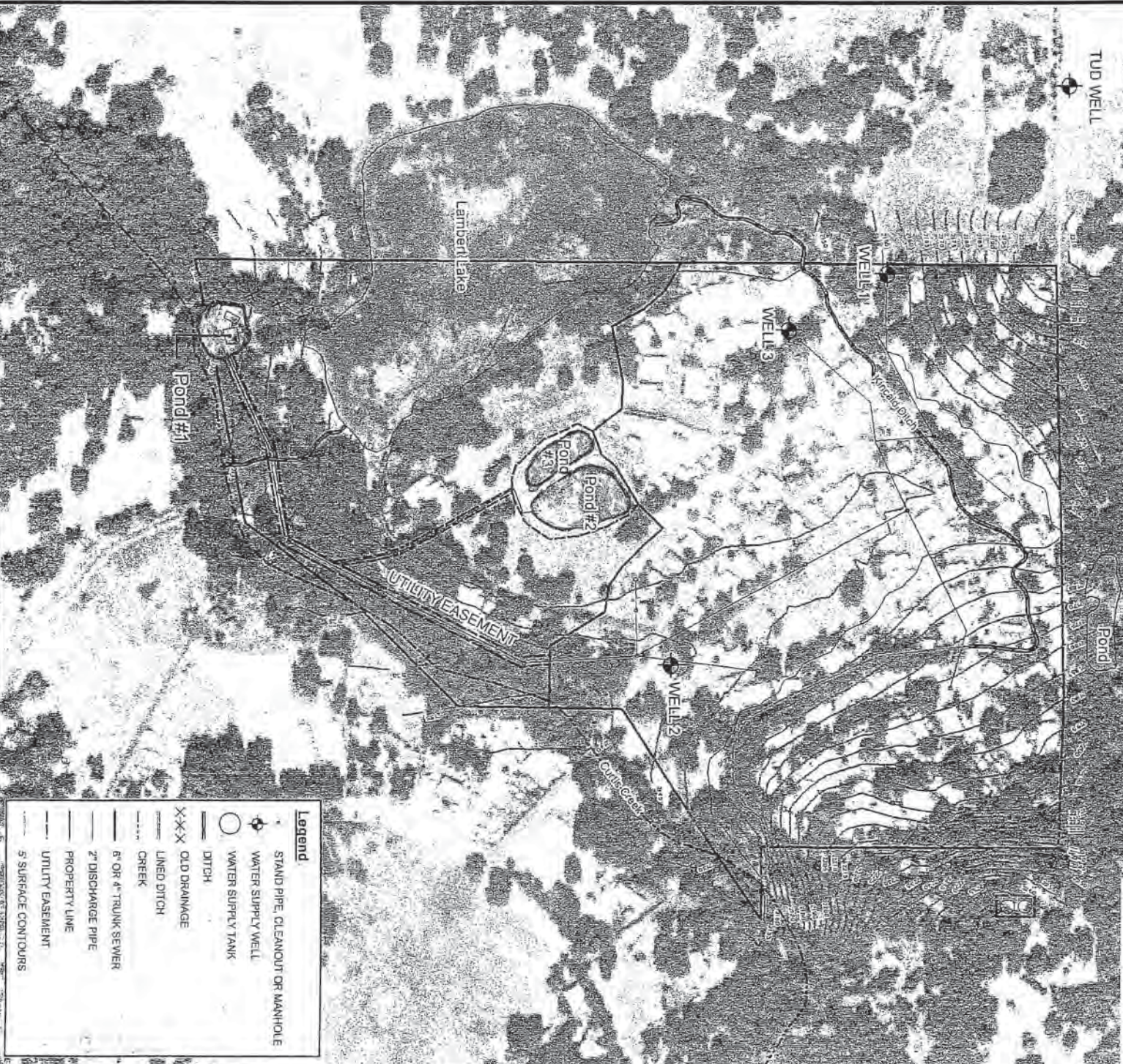
Clay L. Rodgers
for _____
PAMELA C. CREEDON, Executive Officer

10/24/12

(Date)

Attachment A: Site Map

ha/wwg: 10/24/2012



Legend	
	STAND PIPE, CLEANOUT OR MANHOLE
	WATER SUPPLY WELL
	WATER SUPPLY TANK
	DITCH
	OLD DRAINAGE
	LINED DITCH
	CREEK
	6" OR 4" TRUNK SEWER
	2" DISCHARGE PIPE
	PROPERTY LINE
	UTILITY EASEMENT
	5 SURFACE CONTOURS

CONDOR

CONDOR EARTH TECHNOLOGIES, INC.
 21663 Brian Lane
 P. O. Box 3905
 Sonoma, CA 95370
 (209) 532-0361
 fax (209) 532-0773
 www.condorearth.com

Job No.	5579	
Published Date	03/15/2010	
Scale	AS SHOWN	
Drawn	JDM	CHK'D DAB

SITE MAP

CASCADE MOBILEHOME PARK
WARDS FERRY RD. / TUOLUMNE RD.
SONORA, TUOLUMNE COUNTY, CALIFORNIA