

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

BOARD ORDER R7-2015-0010

**WASTE DISCHARGE REQUIREMENTS  
FOR  
FOUNTAIN OF YOUTH SPA CORPORATION, OWNER/OPERATOR  
FOUNTAIN OF YOUTH SPA RV RESORT  
EVAPORATION/OXIDATION BASIN DISPOSAL FACILITIES  
Northwest of Niland – Imperial County**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), finds that:

1. Fountain of Youth Spa Corporation, 2831 Camino Del Rio South #101, San Diego, California 92108 (Discharger), owns and operates Fountain of Youth Spa and its associated wastewater treatment and disposal ponds, located at 1500 Spa Road, Niland, CA 92257, in the east ½ of Section 13, Township 9 South, Range 12 East, San Bernardino Base & Meridian, as shown in Attachment A, incorporated herein and made a part of this Order. The Discharger opened this site in 1966 over a mineral well producing hot water at 131 °F and 600 gallons per minute. The mineral water is run through titanium heat exchangers, which heat all of the swimming pools, showers and laundry rooms.
2. The Discharger is discharging a maximum daily flow of 130,000 gallons-per-day (gpd) of domestic sewage from a mobile home and recreational vehicle (RV) park consisting of 430 mobile home spaces, two (2) laundry rooms, six (6) restrooms and 300 RV spaces that have an average 50% annual occupancy rate seasonally during the months of October through April. According to the owners of the facility, about a third of the RVs remain at the site throughout the year even when not occupied. The wastewater is discharged into three (3) clay-lined basins for disposal by evaporation. The basins are designed to have capacity of about 250,000 gpd.
3. There are no other wells in the vicinity of the discharge's facilities described in Finding No. 2, above. There are three onsite wells at a depth of 350 feet, the water from these wells is used for therapy and recreation; the water from these wells is high in mineral content and has a total dissolved solids (TDS) of 4585 ppm. Water for drinking and other use is being supplied to this park by Coachella Valley Water District; the supplied water has a TDS of 153.2 ppm.
4. This discharge has been subject to Waste Discharge Requirements (WDRs) adopted in Order R7-2002-0158 on November 13, 2002. The Colorado River Basin Water Board has determined that WDRs for the discharge are in need of

revision. The Facility and these WDRs are identified in the California Integrated Water Quality System (CIWQS) by WDID No. 7A131043011.

5. This Order updates the WDRs to comply with current laws and regulations as set forth in the California Water Code (CWC) and the California Code of Regulations (CCR).
6. The Water Quality Control Plan for the Colorado River Basin Water Board of California (Basin Plan), which was adopted on November 17, 1993, and amended on November 16, 2012, designates the beneficial uses of ground and surface waters in this Region and contains implementation programs and policies to achieve objectives.
7. The designated beneficial uses of ground waters in the Imperial Hydrologic Unit are:
  - a. Municipal supply (MUN), and
  - b. Industrial supply (IND).
8. RV holding tank wastewater may contain chemical additives that are used to prevent sewage odors. The chemical additives may include formaldehyde, phenols, coal tars, zinc, lime, chlorine, caustic sodas, aluminum sulfates, and other chemicals which may impact water quality.
9. State Water Resources Control Board (Colorado River Basin Water Board) Resolution 68-16 ("Policy with Respect to Maintaining High Quality Waters of the State") (hereinafter Resolution 68-16) requires the Colorado River Basin Water Board in regulating the discharge of waste to maintain high quality waters of the State (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than as described in plans and policies (e.g. violation of any water quality objective). Moreover, the discharge is required to meet WDRs that result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution or nuisance will not occur, and that the highest water quality consistent with maximum benefit to the people will be maintained.
10. Groundwater in the area of the proposed discharge is too saline for municipal use. The groundwater TDS is approximately 4585 ppm. The Colorado River Basin Water Board finds that groundwater near the site is not and cannot reasonably be expected to be a source of municipal or domestic supply. Consequently, effluent limitations that would be protective of a municipal beneficial use, as prescribed in Title 22, CCR, for nitrogen, pathogens and TDS, are not necessary for this discharge. Therefore, the treated discharge, as regulated by these WDRs, into the evaporation/percolation ponds is consistent with applicable water quality objectives in the Basin Plan.
11. This Order establishes WDRs pursuant to Division 7, Chapter 4, Article 4, of the CWC for discharges that are not subject to regulation under Clean Water Act (CWA) Section 402 (33 U.S.C. Section 1342).

12. Pursuant to CWC Section 13263(g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.
13. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
14. In accordance with Section 15301, Chapter 3, Title 14 of the CCR, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.).
15. The Colorado River Basin Water Board has notified the Discharger and all known interested agencies and persons of its intent to update WDRs for said discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
16. The Colorado River Basin Water Board in a public meeting heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Board Order R7-2002-0158 is rescinded upon the effective date of this Order, except for enforcement purposes, and, in Order to meet the provisions contained in Division 7 of the CWC, and regulations adopted thereunder, the Discharger shall comply with the following:

**A. Effluent Limitations**

1. Wastewater flow to the evaporation ponds shall not exceed 130,000 GPD.

**B. Prohibitions**

1. The direct discharge of any wastewater to surface waters or surface drainage courses is prohibited.
2. Bypass or overflow of untreated or partially treated waste is prohibited.
3. Discharge of treated wastewater at a location or in a manner different from that described in Finding No. 2, above, is prohibited.
4. The Discharger shall not accept waste in excess of the design treatment capacity of the disposal system.
5. The discharge of wastewater to land not owned or controlled by the Discharger is prohibited.

### **C. Specifications**

1. The treatment or disposal of wastes at this Facility shall not cause pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code, respectively.
2. A minimum depth of freeboard of two (2) feet shall be maintained at all times in the oxidation basins.
3. Ponds shall be managed to prevent breeding of mosquitoes. In particular:
  - a. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.
  - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
4. Public contact with un-disinfected wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
5. The discharge shall not cause degradation of any water supply.
6. No wastewater other than domestic wastewater shall be discharged into the sewage disposal system described in Finding No. 2, above.
7. Disposal by ponding shall be conducted in such a manner that there shall be no stranded or exposed sewage solids.
8. A surface aerobic environment shall be maintained in each basin. .

### **D. Provisions**

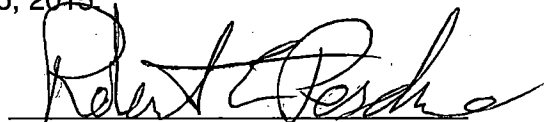
1. The Discharger shall comply with "Monitoring and Reporting Program R7-2015-0059 and future revisions thereto, which is incorporated herein and made a part of this Board Order by reference, as specified by the Colorado River Basin Water Board's Executive Officer.
2. Prior to any modifications in this Facility which would result in a material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Colorado River Basin Water Board and obtain revised requirements before any modifications are implemented.

3. Prior to any change in ownership or management of this operation, the Discharger shall transmit a copy of this Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Colorado River Basin Water Board.
4. The Discharger shall ensure that all site operating personnel are familiar with the content of this Order and shall maintain a copy of this Order at the site.
5. This Order does not authorize violation of any federal, state, or local laws or regulations.
6. Facilities shall be available to keep the wastewater disposal facilities in operation in the event of commercial power failure.
7. The Discharger shall allow the Colorado River Basin Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the premises regulated by this Order, or the place where records must be kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
8. The Discharger shall comply with all of the conditions of this Order. Any noncompliance with this Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
9. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order.
10. This Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
11. Unless otherwise approved by the Colorado River Basin Water Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such

- analyses. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
12. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
  13. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facilities.
  14. The Discharger is the responsible party for the WDRs and the monitoring and reporting program for the Facility. The Discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including Colorado River Basin Water Board Orders or court Orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Colorado River Basin Water Board..
  15. The Discharger shall retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, or report. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Colorado River Basin Water Board's Executive Officer.
  16. All maintenance performed shall be reported with the monitoring reports as required.
  17. The Discharger shall obtain written approval from the Colorado River Basin Water Board's Executive Officer specifying location and method of disposal, before disposing of treated or untreated sludge, or similar solid waste materials. In addition, the Discharger shall provide the results of any sludge analyses as specified by the Colorado River Basin Water Board's Executive Officer.
  18. The Colorado River Basin Water Board and the Director of the County Environmental Health Department shall be notified immediately of any failure of the wastewater containment facilities. Such failure shall be promptly corrected in accordance with the requirements of this Order.
  19. The Discharger shall remove and relocate any wastes which are discharged at this site in violation of these requirements.
  20. The Colorado River Basin Water Board will review this Order periodically and may revise requirements when necessary.
  21. All employees of this Facility shall receive training on how to minimize pollutant discharges to the oxidation basins. This instruction should include the following topics:
    - a. Proper disposal of materials handled at the Facility.

- b. Methods to wash tools and other objects so that no contaminants are introduced into the oxidation basins.
  - c. Methods to wash hands so that no contaminants are introduced into the oxidation basins.
22. Any off-site disposal of septage shall be only to a legal point of disposal, with the approval of the legal disposal site owner and operator. For purposes of these requirements, a legal disposal site is one for which requirements have been established by the California Regional Water Quality Control Board and which is in full compliance therewith. Any septage handling shall be in such a manner as to prevent its reaching surface waters or watercourses.
23. The Discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Colorado River Basin Water Board's Executive Officer within 24 hours from the time the Discharger becomes aware of the circumstances. A written submittal shall also be provided within five days of the time the Discharger becomes aware of the circumstances. The written submittal shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Colorado River Basin Water Board's Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis, if the oral report has been received within 24 hours.
24. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
25. The Discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board Executive Officer and in Monitoring and Reporting Program R7-2015-0010. Such specifications are subject to periodic revisions as may be warranted. Documents that are normally sent via mail by the Discharger, such as regulatory reports, documents, submissions, materials, data, and correspondence, to the Colorado River Basin Water Board shall be converted to Portable Document Format (PDF) or other appropriate Microsoft application, such as Excel, and emailed to RB7-wdrs\_paperless@waterboards.ca.gov. Documents that are 50 MB or larger should be transferred to a disk and mailed to the Colorado River Basin Water board office in Palm Desert.

I, Robert Perdue, Executive Office, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 15, 2015.

  
ROBERT PERDUE  
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

MONITORING AND REPORTING PROGRAM R7-2015-0010  
FOR  
FOUNTAIN OF YOUTH SPA CORP, OWNER/OPERATOR, FOUNTAIN OF YOUTH  
SPA DOMESTIC RV RESORT WASTEWATER DISPOSAL PONDS  
Niland, Imperial County

MONITORING

1. This Monitoring and Reporting Program (MRP) describes requirements for monitoring a wastewater system and groundwater quality (when needed). This MRP is issued pursuant to California Water Code (Water Code) section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.
  
2. Water Code section 13267 states, in part:

*“In conducting an investigation specified in subdivision (a), the Colorado River Basin Water 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.”*
  
3. Water Code section 13268 states, in part:

*“(a) (1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of § 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in accordance with subdivision (b). (b) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with § 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”*
  
4. The Discharger owns and operates the wastewater system that is subject to Board Order R7-2015-0010. The reports are necessary to ensure that the Discharger complies with the Order. Pursuant to Water Code section 13267, the Discharger shall implement the MRP and shall submit the monitoring reports described herein.



5. All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The time, date, and location of each grab sample shall be recorded on the sample chain of custody form. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Colorado River Basin Water Board staff.
6. Field test instruments (such as those used to test pH, dissolved oxygen, and electrical conductivity) may be used provided that:
  - a. The user is trained in proper use and maintenance of the instruments;
  - b. The instruments are field calibrated prior to monitoring events at the frequency recommended by the manufacturer;
  - c. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
  - d. Field calibration reports are submitted as described in the "Reporting" section of this MRP.
7. The collection, preservation and holding times of all samples shall be in accordance with U. S. Environmental Protection Agency approved procedures. Unless otherwise approved by the Colorado River Basin Water Board Executive Officer, all analyses shall be conducted by a certified laboratory. All analyses shall be conducted in accordance with the latest edition of the "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), promulgated by the USEPA.
8. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least five (5) years from the date of the sample, measurement, report or application. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurement(s);
  - b. The individual(s) who performed the sampling or measurement(s);
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or method used; and
  - f. The results of such analyses.
9. The Discharger shall submit an annual status report on the following:
  - a. Estimate of maximum daily flow (GPD<sup>1</sup>) of sewage discharged to basin(s).
  - b. Number of mobile home and RV spaces presently connected to the sewerage system.
  - c. List any proposed changes in the sewage disposal facilities during the upcoming year.

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<sup>1</sup> GPD – gallons-per-day

- d. Explain any problems in the sewage treatment and disposal system during the preceding year.
- e. One of the oxidation basins shall be sampled annually during November each year. The samples shall be analyzed for the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Total Dissolved Solids	mg/L <sup>2</sup>	Grab	Annual
Volatile Organics	µg/L <sup>3</sup>	Grab	Annual
Hydrogen Ion	pH	Grab	Annual
Nitrate as NO <sub>3</sub> -N	mg/L	Grab	Annual
Total Nitrogen	mg/L	Grab	Annual

- 10. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least five (5) years from the date of the sample, measurement, report or application. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurement(s);
  - b. The individual(s) who performed the sampling or measurement(s);
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or method used; and
  - f. The results of such analyses.

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<sup>2</sup> mg/L - milligrams-per-Liter

<sup>3</sup> µg/L - micrograms-per-Liter

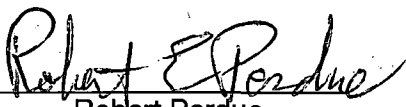
### REPORTING

1. The Discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the Facility is operating in compliance with Colorado River Basin Water Board.
2. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurement(s);
  - b. The individual(s) who performed the sampling or measurement(s);
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or method used; and
  - f. The results of such analyses.
3. Each report shall contain the following statement:

“I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
4. A duly authorized representative of the Discharger may sign the documents if:
  - a. The authorization is made in writing by the person described above;
  - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
  - c. The written authorization is submitted to the Colorado River Basin Water Board’s Executive Officer.
5. Report immediately any failure in the waste disposal system to the Colorado River Basin Water Board and the Director of the County Environmental Health Department by telephone with follow-up by letter.
6. Note any changes in the operating procedure for the season.
7. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.

8. The Discharger shall submit, technical monitoring and all documents that are normally mailed by the Discharger, such as regulatory documents, submissions, materials, data, and correspondence electronically. All information required to be submitted in accordance to this Board Order must be emailed prior to the regulatory due date. To accomplish electronic submittal of documents the Discharger shall convert the signed original report to Portable Document Format (PDF), other appropriate Microsoft application, such as Excel documents may also be emailed. Email all the documents to RB7-wdrs\_paperless@waterboards.ca.gov. Documents that are 50 MB or larger should be transferred to a disk and sent mailed to:

California Regional Water Quality Control Board  
Colorado River Basin Water Board  
73-720 Fred Waring, Suite 100  
Palm Desert, CA 92260

  
Robert Perdue

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January 15, 2015

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**R7-2015-0010: ATTACHMENT A**



**SITE MAP  
FOUNTAIN OF YOUTH SPA CORP, OWNER/OPERATOR  
FOUNTAIN OF YOUTH SPA  
DOMESTIC WASTEWATER DISPOSAL PONDS  
Niland - Imperial County**