



California Regional Water Quality Control Board

Colorado River Basin Region



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July 31, 2003

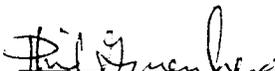
Peter Ormond
Date Gardens Mobile Home Park
518 Scenic Avenue
Piedmont, CA 94611

RE: TIME SCHEDULE ORDER NO. R7-2003-0115 FOR DATE GARDENS MOBILE HOME PARK
WASTEWATER TREATMENT PLANT

Enclosed for your immediate attention is Time Schedule Order No. R7-2003-0115. Compliance with this enforcement action is required in order to meet the discharge requirements established under Board Order No. R7-2003-0054.

If the specified tasks are not completed according to the dates specified in this Time Schedule Order, an administrative civil liability complaint may be filed against the discharger, in accordance with Article 2.5, Chapter 5, Division 7 of the California Water Code.

If you have any questions concerning this matter, please contact Jose Cortez at (760) 674-8142.


PHIL GRUENBERG
Executive Officer

JC/jr

Enc.: Time Schedule Order No. R7-2003-0115

cc: Lori Okun, OCC, SWRCB, Sacramento
Region 7 Board Members
Stan Martinson, DWQ, SWRCB, Sacramento
Rocky Vandergriff, Date Gardens Mobile Home Park, El Centro

File: 7A 13 1057 011, Date Gardens Mobile Home Park, Board Order No. R7-2003-0054

California Environmental Protection Agency

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

TIME SCHEDULE ORDER NO. R7-2003-0115

ISSUED TO

PETER ORMOND, OWNER/OPERATOR
ROCKY VANDERGRUFF WATER TREATMENT SERVICES, OPERATOR
DATE GARDENS MOBILE HOME PARK
WASTEWATER TREATMENT PLANT
West of El Centro – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Board) finds that:

1. Peter Ormond, Date Gardens Mobile Home Park, 518 Scenic Avenue, Piedmont, CA 94611 (hereinafter referred to as the discharger) owns and operates the Date Gardens Mobile Home Park Wastewater Treatment Plant, located at 1020 W. Evan Hewes Highway, El Centro, CA 92243. Plant operation is under contract with Rocky Vandergruff Water Treatment Services. The treatment facility has a design capacity of 0.021 million gallons-per-day (MGD).
2. The facility provides secondary treatment through two (2) activated sludge package plants that run in parallel. Wastewater from the mobile home park is pumped into the aeration chambers of the complete mix extended aeration package plants.
3. Discharge from the facility is into Rice Drain No. 3 in the SW ¼, of the SW ¼ of Section 33, T14S, R13, SBB&M. Rice Drain No. 3 flows for a distance of approximately seven (7) miles before entering the New River then 30 miles to the Salton Sea.
4. On May 7, 2003, the Regional Board adopted Board Order No. R7-2003-0054, which specified effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
5. The Water Quality Control Plan for the Colorado River Basin, as amended to date, designates the beneficial uses of ground and surface waters in the Region.
6. The designated beneficial uses of waters in the Imperial Valley Drains are:
 - a. Fresh Water Replenishment of Salton Sea (FRSH)
 - b. Industrial Service Supply (IND)¹
 - c. Water Contact Recreation (REC I)²
 - d. Non-Contact Water Recreation (REC II)
 - e. Warm Water Habitat (WARM)
 - f. Wildlife Habitat (WILD)
 - g. Preservation of Rare, Threatened, or Endangered Species (RARE)³

¹ Potential use

² Although some fishing occurs in the downstream reaches, the presently contaminated water in the river makes it unfit for any recreational use. An advisory has been issued by the Imperial County Health Department warning against the consumption of any fish caught from the river and the river has been posted with advisories against any body contact with the water.

7. Board Order No. R7-2003-0054 contains a new effluent limitation for *Escherichia coliform* (E. Coli) discharged from the facility.
8. Board Order No. R7-2003-0054 specifies that the discharger must disinfect their wastewater prior to discharge into Rice Drain No. 3 by June 30, 2003.
9. Effluent Limitations No. A.4 of Board Order R7-2003-0054 states:

"Beginning on June 30, 2003, unless otherwise approved by the Regional Board's Executive Officer, wastewater effluent discharged to the Rice Drain No. 3 shall not have a geometric mean *Escherichia coli* (E. Coli) concentration in excess of 126 Most Probable Number (MPN) per 100 milliliters (based on a minimum of not less than five (5) samples for any 30-day period) nor shall any sample exceed 400 MPN per 100 milliliters. The compliance point for this effluent limitation shall be at a location acceptable to the Regional Board's Executive Officer or his designee."
10. Corrective actions by the discharger are necessary in order for the discharge from the wastewater treatment plant to comply with the requirements of Board Order No. R7-2003-0054.
11. On July 11, 2003, the Regional Board received a letter from Peter Ormond, owner of Date Gardens Mobile Home Park, requesting an extension for the start-up of the disinfection system to December 31, 2003. The discharger is planning on having an ultraviolet (UV) unit installed.
12. The discharger is not able to consistently comply with the above effluent limitation because the limitation is a new, more stringent or modified regulatory requirement. New or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed and put into operation within 30 calendar days.
13. Section 13300 of the California Water Code states:

"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board... the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."
14. Pursuant to Water Code Section 13300, Time Schedule Order No. R7-2003-0115 is being issued to set forth actions that the discharger shall take to correct or prevent discharges of waste that may be in violation of Board Order No. R7-2003-0054.
15. Pursuant to Water Code Section 13385(j), the discharger will be exempt from Mandatory Minimum Penalties for violations of the new effluent limitation for *Escherichia coliform* (E. Coli) if the discharger is in compliance with Time Schedule Order No. R7-2003-0115.

³ Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

16. Section 13267(b) of the California Water Code provides 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, 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." The evidence supporting this requirement is discussed in Findings 1-12, above. Additional information may be available in the Regional Board's files. Section 13383 of the California Water Code also authorizes the Regional Board to establish monitoring requirements for publicly owned treatment works or other treatment works treating domestic sewage.

17. This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA: Public Resources Code Section 21000, et. Seq.), pursuant to Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

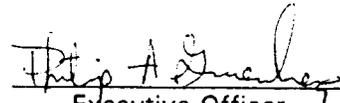
1. The discharger is required to prepare and implement a Pollution Prevention Plan pursuant to Section 13263.3 of the California Water Code. The discharger must address all of the issues specified in Section 13263.3(d)(3).
2. The discharger shall take specific actions as indicated in the following time schedule to achieve compliance with all requirements of Board Order No. R7-2002-0054:

<u>Milestone</u>	<u>Milestone Description</u>	<u>Milestone Submittal</u>	<u>Completion Date</u>
1	Complete Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Board	October 1, 2003
2	Complete Final Design of New Wastewater Disinfection System	Submit a Copy of Final Design Drawings to the Regional Board	December 1, 2003
3	Complete Installation of the New Wastewater Disinfection System	Submit Summary and Verification of Installation Completion	February 1, 2004

4	Disinfection System Shall be Functional and in Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2003-0054	Submit a Summary and Verification of Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2003-0054	April 1, 2004
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If in the opinion of the Regional Board's Executive Officer, the discharger fails to comply with this Time Schedule Order, the Regional Board's Executive Officer may issue a complaint against the discharger under Article 2.5, Chapter 5, Division 7 of the California Water Code, and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate action against the discharger including the injunction and civil monetary liability as deemed appropriate.

I, Philip A. Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on 7-31-03.


Executive Officer