

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF NOVEMBER 16, 2010**  
South Lake Tahoe

**ITEM:** 5

**SUBJECT:** **REVOCAION OF CEASE AND DESIST ORDER NO. R6T-2005-0016 FOR CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION HIGH DESERT STATE PRISON AND CALIFORNIA CORRECTIONAL CENTER AT SUSANVILLE WASTEWATER TREATMENT FACILITY, LASSEN COUNTY**

**CHRONOLOGY:** July 14, 2005 Water Board adopted Cease and Desist Order (CDO) No. R6T-2005-0016 against the California Department of Corrections and Rehabilitation (Discharger) for the above-cited Facility.

July 23, 2008 Water Board adopted revised waste discharge requirements (WDRs) in Board Order No. R6T-2008-0024 for planned upgrades to the Facility.

**ISSUE:** Should the Water Board revoke CDO No. R6T-2005-0016?

**DISCUSSION:** Prior to adopting the CDO, Water Board staff identified an average daily flow rate of roughly 1.58 million gallons per day (mgd). The WDRs in effect at the time authorized only 1.4 mgd. In February 2005, the Discharger informed staff that irrigation was going to start early, prior to the growing season, because Facility storage was insufficient to store excessive predicted influent flow prior to normal irrigation season. The Water Board adopted the CDO and required a number of things which are summarized below.

1. Propose modifications to the Facility to achieve disposal of treated wastewater at agronomic rates.
2. Complete an Environmental Impact Report for all projects proposed, new ponds, new irrigation area, etc.
3. Complete a report of Waste Discharge for new projects at the Facility needed to comply with the CDO.
4. Complete all construction activities by December 31, 2009.

The Discharger completed items 1. through 3., above, and that resulted in the Water Board adopting Board Order R6T-2008 - 0024, revised WDRs for upgrades to the Facility.

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Prior to December 31, 2009 all of the physical construction was completed and most of the new upgrades were complete and in use as detailed in the proposed revocation Order. The upgrades to the Facility included the following: 1) lining five existing ponds with 60 mil high density polyethylene, 2) increasing the treated wastewater storage capacity by 480 acre-feet, 3) increasing treatment capacity to 1.8 mgd, and 4) adding an additional 250 acres to the crop production wastewater recycling area. With the completion of the upgrades, the Discharger has achieved compliance with the CDO and WDRs.

The Discharger and interested persons were notified of the proposed revocation in a tentative Order. A notice of the availability of a draft order, and that a public meeting would be held to consider revocation of the CDO, was published in the Lassen County Times on September 28, 2010. Supporting comments were received from the Discharger. See Enclosure 2.

**RECOMMENDATION:** Adoption of the Order as proposed.

Enclosure:           1. Proposed Revocation Order  
                          2. Comment Letter dated October 22, 2010

**ENCLOSURE 1**

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

BOARD ORDER NO. R6T-2010-(PROPOSED)

REVOCATION OF CEASE AND DESIST  
ORDER NO. R6T-2005-0016

FOR

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
HIGH DESERT STATE PRISON  
AND  
CALIFORNIA CORRECTIONAL CENTER AT SUSANVILLE  
WASTEWATER TREATMENT FACILITY

\_\_\_\_\_  
Lassen County

The California Regional Water Quality Control Board, Lahontan Region (Water Board or Regional Board) finds:

1. Discharger and Facility

The California Department of Corrections and Rehabilitation (hereinafter CDCR) operates the High Desert State Prison and California Correctional Center at Susanville Wastewater Treatment Facility. For the purpose of this Order the CDCR is the "Discharger," and the "Facility" is defined as the High Desert State Prison (HDSP) and California Correctional Center (CCC) at Susanville Wastewater Treatment Facility. The Facility includes mechanical aeration and oxidation ponds, as well as storage ponds. Chlorination disinfects the effluent prior to spray irrigation for disposal on fodder crop fields. The disinfected effluent is not sampled for bacteria, and therefore the irrigation water is considered undisinfected secondary recycled water as defined by California Code of Regulations, title 22, section 60301.902.

2. History

The Water Board regulated wastewater operations at the CCC site with a series of waste discharge requirements (WDRs) dating from the 1970's. The wastewater flow and the disposal area were increased with the opening of HDSP under revised WDRs in Board Order No. 6-95-23, adopted on September 9, 1995.

On July 13, 2005, the Water Board adopted Cease and Desist Order (CDO) No. R6T-2005-0016 to enforce WDRs associated with flow limits and maintaining agronomic wastewater application rates in the authorized disposal areas. The CDO required the Discharger to take both immediate and long-term corrective actions to comply with the WDRs. In response to the CDO, the Discharger

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implemented water conservation measures to reduce influent flow, and increased available irrigation area.

On July 13, 2005, the Water Board amended WDRs in Board Order No. 6-95-23A1 to increase the authorized disposal area from 250 acres to a total of 320 acres, a twenty-eight percent increase, to assist in maintaining agronomic water disposal rates.

3. Requirements in CDO No. R6T-2005-0016

The following text and numbering is reproduced in italics from the CDO. Standard text below each requirement indicates whether or how the requirement was satisfied.

*"I.A. [It is hereby ordered that] By **August 31, 2005**, the Discharger shall begin irrigating additional areas with treated wastewater at agronomic rates as described in a Report of Waste Discharge filed on June 10, 2005..."*

Additional sprayfield area was designated by Board Order No. 6-95-23A1 which increased the approved sprayfield area by 70 acres from 250 acres to 320 acres. Initial irrigation on the additional acreage occurred in September 2005, and limited irrigation occurred there in October 2005. The CDO specifies a goal of 21 million gallons of wastewater for diversion to the new areas; however, due to the timing of planting, the alfalfa crop was not fully established. Thus, a diversion of this amount of water was not possible that would also maintain agronomic rates of application. Based on pumping times it is estimated that one million gallons were applied to the new fields in October. The intent of this short term measure was to discharge additional treated water, to agricultural reuse, to prevent an uncontrolled release, from storage, during the winter or spring months. No uncontrolled release occurred in the winter of 2005 or spring of 2006.

*"I.B. [It is hereby ordered that] By **September 15, 2005**, the Discharger shall reduce the influent into the Facility from the 2004 monthly average of 1.58 MGD to 1.4 MGD (0.18 MGD reduction in influent) by installing water conservation devices."*

Various water saving technologies along with improved management and supervision of water use were implemented and eventually reduced the average monthly influent flow rate of 1.58 MGD to less than 1.4 MGD. Newly installed plumbing consisted of low-flow fixtures. The Discharger did not comply by September 15, 2005, as required. Compliance with section I.B. of the CDO occurred during the 1<sup>st</sup> quarter of 2006; the average monthly flow rates for these months (January, February, and March) were 1.385, 1.350, and 1.320 MGD respectively. Average monthly flow rates, during the months of July and August were, again, above the

1.4 MGD limit during the 3<sup>rd</sup> quarter of 2006; the average monthly flow rates for these months were 1.475, and 1.445 MGD, respectively. Since this time the CDCR has been in compliance with section I.B. of the CDO.

The intent of the short term measures was to prevent an uncontrolled release from storage ponds during the winter or spring months. No uncontrolled release occurred in the winter of 2005 or spring of 2006.

"II.A. [It is hereby ordered that] By **December 15, 2005**, submit a modified Facility Plan based on an evaluation of the results from the Agronomic Technical report (due September 15, 2005, see Finding No. 5), to achieve disposal of wastewater at agronomic rates. If no modification is necessary for the Facility Plan, submit the details on the evaluation that concluded the existing Facility Plan will meet agronomic rates."

The modified Facility Plan was completed and received on December 14, 2005, in compliance with the CDO.

"II.B. [It is hereby ordered that] By **December 31, 2009**, the Discharger must comply with waste discharge requirements (irrigation of crops is at or below agronomic rates). The Discharger may achieve compliance by increasing storage capacity, increasing the discharge area, and implementing the Facility Plan dated September 2004 or as modified to achieve full compliance with this order...."

To comply with WDRs for irrigation of crops at or below agronomic rates, major modifications to both the Facility and disposal area were necessary. Facility modifications planned and implemented consist of: improvements to the headworks; new influent pumps and force main; use of 60-mil high density polyethylene (HDPE) liners; two soil-lined primary ponds were converted to secondary oxidation ponds; and ponds 1 through 5, along with the new treatment and storage ponds, are lined with HDPE. New ponds constructed with HDPE lining include, a primary/fermentation pond; two constructed wetland cells (10 acres each), and three new storage ponds (nos. 8, 9 and 10) increasing the storage capacity by 480 acre-feet. Disposal area modifications include adding to the 320-acre disposal area an additional 250 acres (referred to as the North Circle Irrigation Field). The extra disposal acreage is to provide enough acres in production such that fields may be periodically fallowed, and will assist the Discharger to maintain agronomic water and nutrient applications rates on the disposal areas. These actions were required by the CDO and were all accomplished by December 31, 2009, as required by the CDO. The updated facilities are regulated under revised WDRs in Board Order No. R6T-2008-0024.

"II.C. [It is hereby ordered that] If the Discharger intends to achieve timely compliance by an alternative method, the Discharger must, by October 15, 2005, submit a detailed plan and implementation schedule for all facilities necessary to achieve compliance no later than December 28, 2009.

The alternative requirements were not utilized and are therefore moot requirements.

"III. [It is hereby ordered that] Pursuant to section 13267 of the California Water Code, beginning **October 15, 2005**, the Discharger must submit quarterly status reports as described below until final compliance is achieved."

The Discharger has submitted all required quarterly status reports as described in the CDO, dating from July 2005 to April 2010.

4. Overall Compliance Determination

The short-term requirements in CDO No. R6T-2005-0016 items I.A. and I.B. were not met with respect to the time schedule set in the CDO. However, all long-term requirements have been met by increasing the treatment, storage, and discharge capacity of the Facility. Additionally the Discharger is in compliance with the current 2008 WDRs. It is appropriate to revoke the CDO.

5. California Environmental Quality Act

Revoking this enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with section 15321, title 14, California Code of Regulations.

6. Notification of Interested Parties

The Water Board notified the CDCR and interested parties of the proposed rescission Order and public hearing scheduled for the Water Board meeting on November 16, 2010, in South Lake Tahoe at Lake Tahoe Community College. A legal notice of the hearing was published in the Lassen County Times on September 28, 2010, with a request for comments by October 29, 2010.

7. Public Hearing

The Water Board held a public hearing in South Lake Tahoe at the Lake Tahoe Community College on November 16, 2010, to receive testimony and comments concerning this Board Order, and has considered the comments received.

**IT IS HEREBY ORDERED THAT:** Cease and Desist Order No. R6T-2005-0016 is revoked.

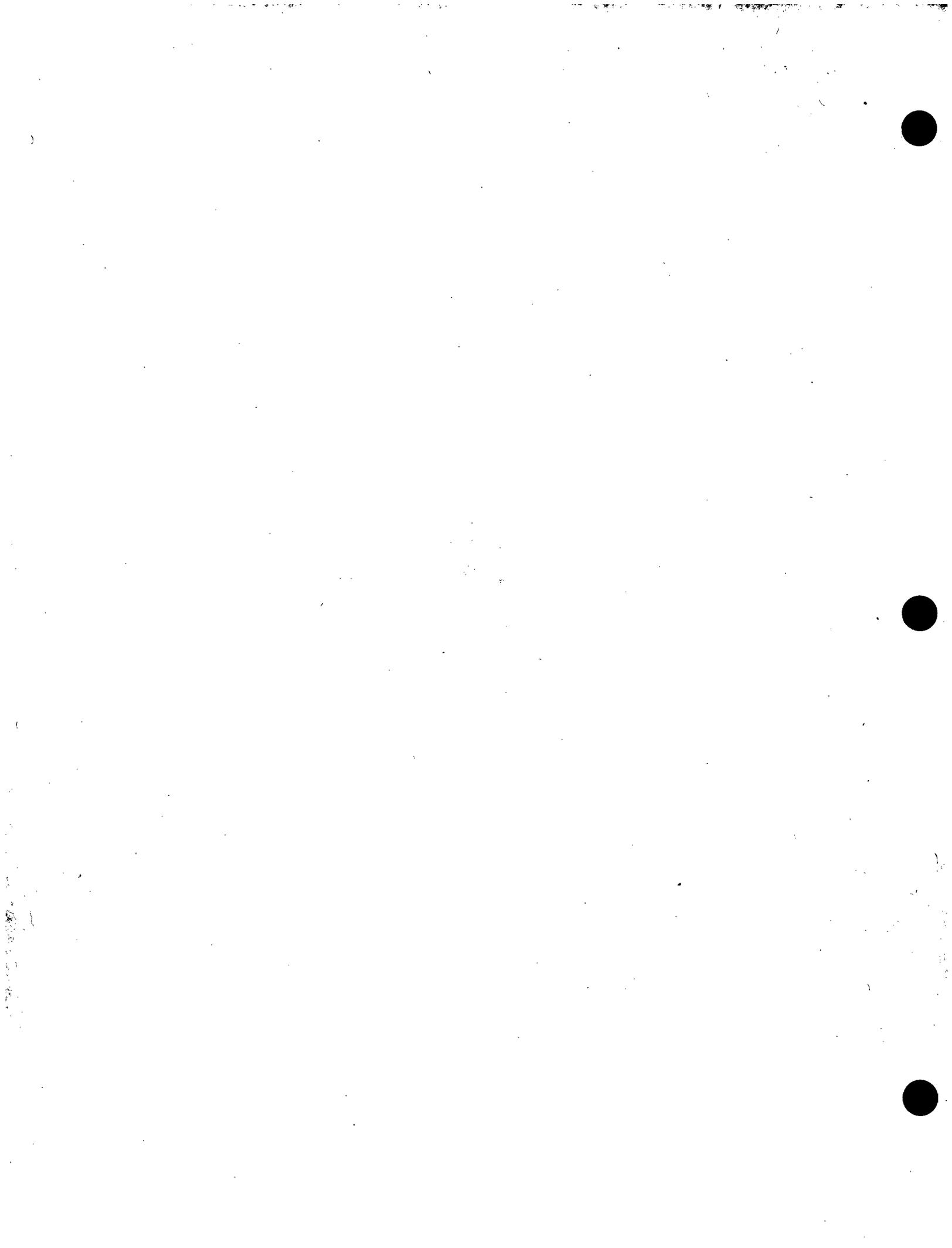
I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Lahontan Region, on November 16, 2010.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

**PROPOSED**

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**ENCLOSURE 2**

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**DIVISION OF ADULT INSTITUTIONS**

High Desert State Prison  
P. O. Box 750  
Susanville, CA 96127-0750



October 22, 2010

California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

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*Alm*

Attention: Alan Miller, Chief, North Basin Regulatory Unit

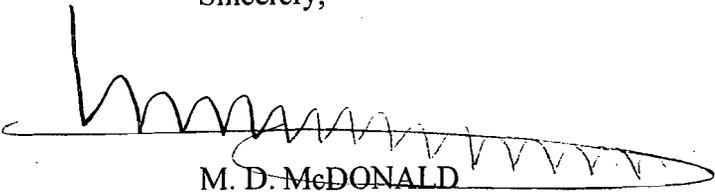
**Response to Proposed Revocation of Cease and Desist Order No. R6T-2005-0016,  
letter dated October 13, 2010, for the California Correctional Center at Susanville  
Wastewater Treatment Facility, Lassen County (WDID 6A186000500)**

After reviewing the attached documents, I am inclined to approve the recommendation to rescind the Cease and Desist Order No. R6T-2005-0016 for the California Correctional Center at Susanville, Wastewater Treatment Facility, Lassen County, WDID 6A186000500.

The necessary requirements were fulfilled as stated in the Cease and Desist Order No. R6T-2005-0016, with the exception of meeting the first few time limit constraints.

Therefore, as the Warden for High Desert State Prison, and as being in conjunction with the California Correctional Center in this action, I highly recommend your approval of the revocation of the Cease and Desist Order No. R6T-2005-0016.

Sincerely,

  
M. D. McDONALD  
Warden

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