



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Acting Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Edmund G. Brown Jr.
Governor

February 9, 2011

Harold J. Singer, Executive Officer
Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

TRANSMITTAL OF LAHONTAN WATER BOARD PROSECUTION TEAM'S WRITTEN REBUTTAL EVIDENCE AND TESTIMONY FOR CONSIDERATION OF ISSUANCE OF A CEASE AND DESIST ORDER TO ADELANTO PUBLIC UTILITY AUTHORITY, ADELANTO, SAN BERNARDINO COUNTY

Pursuant to the January 3, 2011 Revised Hearing Procedures, I am submitting one original, 15 copies, and an electronic copy of the Lahontan Water Board Prosecution Team's written rebuttal evidence and testimony to you for the above-referenced case. I am also electronically mailing single copies to Chuck Curtis, Laura Drabandt, Kimberly Niemeyer, D. James Hart, Ph.D., and Todd Litfin, as allowed pursuant to your February 7, 2011 electronic mail allowing such transmittal.

Please contact me at (530) 542-5436 if you have any questions regarding this matter.

Lauri Lauri Kemper, P.E.
Assistant Executive Officer

Enclosure

cc (w/enclosure): Laura Drabandt, SWRCB, Office of Enforcement (e-mail only)
Kimberly Niemeyer, SWRCB, Office of Chief Counsel (e-mail only)
Chuck Curtis, Lahontan Water Board (e-mail only)
D. James Hart, Ph.D., City of Adelanto (e-mail only)
Todd Litfin, City of Adelanto (e-mail only)
John Sponsler, Adelanto Public Utility Authority (e-mail only)

California Environmental Protection Agency

cc (w/o enclosure): Adelanto City Council (e-mail only)
Wilson So, So & Associates, Inc. (e-mail only)
Mike Perales/United Water (e-mail only)
Roger Vesely, United Water (e-mail only)
Terri S. Williams, San Bernardino County Environmental Health Services
(e-mail only)

SCF/adw/T:/Agenda Items/2011/3-March/Adelanto WWTP CDO/Prosecution Team Evidentiary Materials/Adelanto WWTF, CDO
Rebuttal Package-Cover Letter
File Under: SLT Office – WDID No. 6B369805001, VVL Office - 6B369805001

**REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION
PUBLIC HEARING SCHEDULED FOR MARCH 9-10, 2011**

**TRANSMITTAL OF REBUTTAL EVIDENCE FOR CONSIDERATION OF
CEASE AND DESIST ORDER NO. R6V-2011-(PROPOSED)**

**REQUIRING ADELANTO PUBLIC UTILITY AUTHORITY TO CEASE AND
DESIST FROM DISCHARGING OR THREATENING TO DISCHARGE IN
VIOLATIO OF WASTE DISCHARGE REQUIREMENTS SPECIFIED BY
WATER BOARD ORDER NOS. R6V-2002-0050 AND R6V-2009-0036
AND IN VIOLATION OF
CEASE AND DESIST ORDER NO. R6V-2007-0024 AND CLEANUP AND
ABATEMENT ORDER NO. R6V-2010-0054
FOR
ADELANTO DOMESTIC WASTEWATER TREATMENT FACILITY
AND
ADELANTO WASTEWATER TREATMENT PLANT**

EXHIBIT 1



**California Regional Water Quality Control Board
Lahontan Region**



Alan C. Lloyd Ph.D.
Agency Secretary

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392-2306
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

August 16, 2005

WDID No. 6B369805001

Jack Stonesifer, Director of Utilities
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301-1914

NOTICE OF VIOLATION, EFFLUENT LIMIT VIOLATIONS, ADELANTO DOMESTIC WASTEWATER TREATMENT FACILITY - CITY OF ADELANTO, SAN BERNARDINO COUNTY

The City of Adelanto Domestic Wastewater Treatment Facility (Facility) is under Waste Discharge Requirements (WDRs), Board Order No. R6V-2002-050, adopted by the Regional Board on September 11, 2002, for the discharge of sewage effluent to percolation/evaporation ponds. These WDRs specify discharge effluent limitations for flow, biochemical oxygen demand (BOD), and methylene blue active substances (MBAS) pursuant to Section 13263(a) of the California Water Code.

Review of your monthly self-monitoring reports for the period between March and June 2005 indicates numerous violations of the maximum flow limit, daily maximum BOD effluent limit, 30-day mean effluent limit, and MBAS daily maximum and 30-day mean effluent limits have occurred.

Board Order No. R6V-2002-050 Requirements

The WDRs contain the following effluent limitations:

"I.A.1. The total volume of flow to the Adelanto Treatment Facility, during a 24-hour period, shall not exceed 1.5 million gallons."

"I.A.5. All wastewater discharged to the authorized disposal sites shall not contain concentrations of parameter in excess of the following limits:

Parameter	Units	30-Day Mean	Daily Maximum
BOD	mg/L	15	30
MBAS	mg/L	1.0	2.0"

Violations

Your information indicates that for the 122-day monitoring period between March and June 2005, the daily flows were in violation of the maximum flow limit of 1.5 million gallons per day (mgd) for a total of 121 days, or 99% of the time. The highest daily flow reported was 1.770 mgd on April 2, 2005.

Your self-monitoring reports also indicate that for the same monitoring period, the BOD daily effluent sample results were in violation of the BOD daily maximum effluent limit (30 mg/L) a total of six days. The highest daily effluent sample reported was 48 mg/L on June 23, 2005. For this same period, you were in violation of the 30-day mean effluent (15 mg/L) a total of approximately five days, the highest reported as 47.4 mg/L for March 2005.

The MBAS daily effluent sample results were in violation of the MBAS daily maximum effluent limit (2.0 mg/L) for one day. The highest daily effluent sample reported was 2.3 mg/L on March 23, 2005. For this same period, you were in violation of the 30-day mean effluent (1.0 mg/L) for the month of March 2005, with an MBAS concentration reported as 1.215 mg/L.

These continued violations of WDRs are a great concern to me.

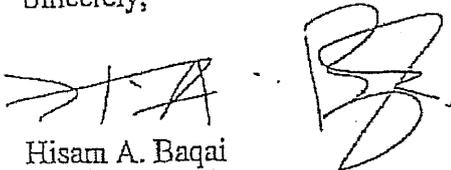
Required Action

We hereby request that you send to our Victorville office by September 26, 2005, a report containing:

- 1) Any past actions that have been implemented to date to bring the discharge into compliance; and
- 2) Future actions you propose including a time schedule for implementation of these actions to bring the discharge into compliance with the effluent discharge limits contained in your WDRs.

If you have any questions regarding the above request, please contact me at (760) 241-7325 or Joe Koutsky at (760) 241-7391.

Sincerely,


Hisam A. Baqai
Supervising Engineer

cc: Lawrence M. Perales, Aquarion Services

JK\rc\U\Adelanto WWTF\NOVs\Adelanto WTF NOV JJK 8 11 2005.DOC

EXHIBIT 2

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

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6V-2008-0035

**ADELANTO PUBLIC UTILITY AUTHORITY, FOR VIOLATION OF CEASE AND
DESIST ORDER NO. R6V-2007-24, FOR FAILURE TO SUBMIT QUARTERLY
STATUS REPORT BY REQUIRED DUE DATE, SAN BERNARDINO COUNTY,
WDID NO. 6B369805001**

INTRODUCTION

1. By this Order, the Regional Water Quality Control Board, Lahontan Region (Water Board) imposes administrative civil liability on the Adelanto Public Utility Authority (hereafter referred to as the "Discharger") pursuant to a settlement agreement. The issuance of an order pursuant to a settlement agreement is authorized by Government Code section 11415.60.

BACKGROUND

2. Pursuant to Water Code section 13323, the Assistant Executive Officer of the Water Board issued Administrative Civil Liability Complaint No. R6V-2008-0012 (Complaint) to the Adelanto Public Utility Authority on April 4, 2008, (Attachment A, which is made part of this Order). The Complaint alleged that the Discharger violated Cease and Desist Order (CDO) No. R6V-2007-24, Requirement III, when the Discharger submitted the CDO-required quarterly status report 23 days after the due date. The Complaint proposed that the Discharger be assessed \$15,000 in administrative civil liability pursuant to Water Code section 13268.
3. After the Complaint was issued, the Discharger provided additional information regarding staff illnesses, which caused its staff who was responsible for preparing the CDO-required report, to be absent from work for a significant time period. Based upon this information, the Water Board's Prosecution Team agreed to settle the Complaint for a reduced civil liability of \$6,500.
4. On May 9, 2008, the Discharger provided a signed waiver of public hearing form and agreement to pay an administrative civil liability of \$6,500 (Attachment B, which is made a part of this Order).
5. Together, the Complaint and waiver represent a Settlement Agreement.
6. Notice of the Settlement Agreement was provided to the public and the public received no less than 30 days to comment. The Water Board has considered all the comments that have been received.
7. The Water Board accepts the Settlement Agreement.

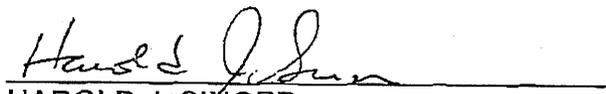
**ADELANTO PUBLIC UTILITY AUTHORITY - 2 - ADMINISTRATIVE CIVIL LIABILITY ORDER
SAN BERNARDINO COUNTY
R6V-2008-0035
WDID NO. 6B369805001**

8. The adoption of this Order accepting the Settlement Agreement is exempt from the provisions of the California Environmental Quality Act, in accordance with the California Code of Regulations, title 14, section 15321, subdivision (a)(2) (Enforcement Actions by Regulatory Agencies).
9. Any aggrieved person may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and the State Board's regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at www.waterboards.ca.gov/wqpetitions/index.html and will also be provided upon request.
10. State Board and Water Board staff have spent time responding to the alleged violation and preparing this enforcement action. Estimated staff costs for investigation and preparation of enforcement documents, communications with the Discharger and interested parties, and preparation of materials for public review and the Water Board meeting are \$4,290.

IT IS HEREBY ORDERED THAT:

1. The Water Board imposes administrative civil liability against the Discharger in the amount of \$6,500.
2. The Discharger must provide payment in the amount of \$6,500 to the California State Water Resources Control Board, State Water Pollution Cleanup and Abatement Account by **December 11, 2008.**
3. If the Discharger fails to make the specified payment to the California State Water Resources Control Board, State Water Pollution Cleanup and Abatement Account within the time limits specified in this Order, the Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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 12, 2008.


HAROLD J. SINGER
EXECUTIVE OFFICER

- Attachments: A. Administrative Civil Liability Complaint No. R6V-2008-0012
B. Signed Waiver of Hearing Form



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

ATTACHMENT A

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

In the Matter of the Adelanto Public Utility Authority:) COMPLAINT NO.
Violation of Reporting Requirements Prescribed in Cease) R6V-2008-0012 FOR
and Desist Order No. R6V-2007-24 for failure to submit) ADMINISTRATIVE
required report by required due date, San Bernardino County,) CIVIL LIABILITY
WDID No. 6B369805001)

ADELANTO PUBLIC UTILITY AUTHORITY, YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are charged with violating provisions of law and regulations for which the California Regional Water Quality Control Board, Lahontan Region (Water Board) may impose administrative civil liability pursuant to California Water Code (Water Code) section 13268, subdivision (b)(1).
2. Unless waived, a hearing on this matter will be held before the Water Board within 90 days following the issuance of this Complaint. The Adelanto Public Utility Authority, or its representatives, will have an opportunity to address and contest the allegations in this Complaint and the imposition of civil liability by the Water Board.
3. At the hearing, the Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability, or whether to refer the matter to the Attorney General for assessment of judicial civil liability.

ALLEGATIONS

4. The Adelanto Public Utility Authority ("Discharger") is the owner of the Adelanto Domestic Wastewater Treatment Facility ("Facility"), located at the northeast corner of Auburn Ave. and Jonathan St., in Adelanto. The Discharger is authorized to discharge treated wastewater to percolation ponds under Waste Discharge Requirements — Board Order No. R6V-2002-050.
5. The Facility receives and treats domestic wastewater from the Discharger's sewer service area. The Facility's design capacity is an average daily flow of 1.5 million gallons per day (mgd), but in 2007 the Facility treated an annual average flow of 1.9 mgd. The Facility provides secondary treatment using an activated sludge – extended aeration process. On August 29, 2007, the Water Board adopted Cease and Desist Order No. R6V-2007-24 (CDO) to correct flow, Biochemical Oxygen Demand (BOD), and Dissolved Oxygen violations at the Facility.

6. The CDO requires the Discharger to submit quarterly status reports to keep the Board informed of the Discharger's progress in correcting the Waste Discharge Requirements violations at the Facility. The first report was due on or before October 15, 2007. Water Board staff notified the Discharger's City Engineer (Wilson So of So & Associates) on November 6, 2007 by phone, that the Water Board had not received the report. The Discharger submitted the report to the Water Board's Victorville office on November 7, 2007. The report was received 23 days late. The Discharger did not request a time extension to accommodate a late submission.
7. Violation – Cease and Desist Order No. R6V-2007-24.

The Discharger violated the following requirement in Cease and Desist Order No. R6V-2007-24:

“III. Pursuant to Section 13267 of the California Water Code, beginning October 15, 2007, and every three months, on or before January 15, April 15, July 15, and October 15, the Adelanto Public Utility Authority must submit the following Cease and Desist Order quarterly status reports until final compliance is achieved.”

The Discharger violated CDO Requirement III when it submitted the quarterly report on November 7, 2007, 23 days after the due date of October 15, 2007.

8. Administrative Civil Liability Authority – Water Code Section 13268

The Water Board may impose civil liability pursuant to Water Code section 13268, subdivision (a). Water Code section 13268, subdivision (a) states:

“(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 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).”

The CDO requires the Discharger to submit, by October 15, 2007, a quarterly technical report pursuant to Section 13267 of the Water Code. The Discharger failed to furnish the report on or before October 15, 2007. Therefore, the Water Board is authorized to impose civil liability pursuant to Water Code section 13268 subdivision (a).

PROPOSED CIVIL LIABILITY

9. Civil Liability – California Water Code

For failure to furnish a technical report pursuant to Section 13267 of the Water Code, the Water Board may impose civil liability in an amount up to that specified by Water Code section 13268, subdivision (b)(1):

“(b) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 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.”

In this matter, the maximum amount of civil liability under Water Code section 13268, subdivision (b)(1) is \$23,000 because the Discharger submitted the required technical report on November 7, 2007, 23 days past the due date. This civil liability is based upon:

$$23 \text{ days} \times \$1,000/\text{day} = \$23,000$$

10. Factors Affecting the Amount of Civil Liability

Water Code section 13327 requires the Water Board to consider enumerated factors when it determines the amount of civil liability for a discharge covered by Water Code section 13268. The Assistant Executive Officer of the Water Board considered those factors in recommending the amount of the administrative civil liability:

a. The nature, circumstances, extent, and gravity of the violations;

Violating a Water Board Cease and Desist Order, classified as a “formal” enforcement action by the Water Quality Enforcement Policy, is a serious offense. The CDO was issued to correct flow and BOD violations and bring the Discharger into compliance with the Waste Discharge Requirements prescribed by Board Order No. R6V-2002-0050. The CDO requires the Discharger to provide a quarterly status report documenting the Discharger’s actions and progress to achieve compliance with the CDO. This quarterly status report is one of the primary tools that Water Board staff has to evaluate the Discharger’s compliance with the CDO. The Long-Term Action Plan due December 31, 2007, and the quarterly status report due January 15, 2008 were submitted on time.

b. Whether the discharge is susceptible to cleanup or abatement;

This matter does not involve a violation caused by a discharge.

c. The degree of toxicity of the discharge;

This matter does not involve a violation caused by a discharge.

d. Ability to pay;

The estimated (2005) population of the City of Adelanto is 23,382 people (California State Department of Finance). The State Water Resources Control Board’s (State Board’s) May 2007 *Wastewater User Charge Survey for fiscal year 2006-2007* reported that the Discharger’s monthly sewer user fee per connection was \$43.00. Therefore, Discharger’s monthly fee is approximately

170 percent of the average monthly fee of \$24.69 for 236 wastewater agencies throughout California, including the Discharger, with populations ranging between 10,000 and 49,000. Using an assumption that 90% of Adelanto's population is connected to the public sewer, and that on an average each connection serves 3.5 people, the Discharger's annual revenue for wastewater services is $0.90 \times 23,382 + 3.5 \times \$24.46/\text{mo} \times 12 \text{ mo}/\text{yr} = \1.7 million. The Discharger now has the opportunity to provide additional financial data to the Water Board regarding its ability to pay the proposed liability.

- e. The effect on the Discharger's ability to continue its business;

Water Board staff is not aware of any reason that the Discharger's ability to continue its business would be affected by the proposed liability. The Discharger now has the opportunity to provide any information to the Water Board showing an inability to continue its business due to payment of the proposed liability.

- f. Any voluntary cleanup efforts undertaken by the violator;

The Discharger did not voluntarily submit the required technical report. The Discharger submitted the report only after telephone notification by Water Board staff.

- g. Prior history of violations;

The Discharger has nearly continuous violations of daily flow limits, daily maximum Biochemical Oxygen Demand (BOD) limits, monthly average BOD limits, daily maximum MBAS limits, and monthly average MBAS limits since January 2004. In 2004, the Discharger committed to correct the violations by implementing a facilities improvement project within one year. When the Discharger failed to develop a plan to correct effluent violations, Water Board staff followed up with a Notice of Violation letter on August 16, 2005 and again on January 10, 2007. The Discharger responded on January 31, 2007 and proposed to correct the violations with a facilities improvement project with construction to start by July 2007 and attain operational level by May-June 2008. According to the Discharger's Interim Action Plan of October 31, 2007, construction was planned to begin on March 15, 2008 and be completed November 15, 2008. The CDO requires final WDR compliance by December 31, 2008.

- h. Degree of culpability;

The Adelanto Public Utility Authority is identified as the "Discharger" in Cease and Desist Order No. R6V-2007-24 and Board Order No. R6V-2002-050 and thus, is responsible for compliance with Cease and Desist Order No. R6V-2007-24, Board Order No. R6V-2002-050, and applicable state laws and regulations. The Adelanto Public Utility Authority is ultimately responsible for its failure to submit the required quarterly status report under Cease and Desist Order No. R6V-2007-24.

- i. Economic savings resulting from the violation;

There is no appreciable economic savings to the Discharger by submitting the report 23 days late.

- j. Other matters as justice may require.

Staff Costs - Staff from the State Board and Water Board have spent time responding to the incident and preparing the Administrative Civil Liability Complaint. Estimated staff costs for complaint preparation are \$3,500.

The Discharger submitted subsequent reports required by the CDO on time.

11. Amount of Civil Liability

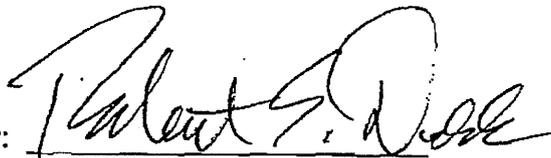
The Assistant Executive Officer of the Water Board considered the above factors and proposes that administrative civil liability be imposed by the Water Board in the amount of \$15,000, pursuant to Water Code section 13268.

WAIVER OF HEARING

You may waive the right to a hearing. Waiver of your right to a hearing constitutes acceptance of the assessment of civil liability in the amount set forth within the Complaint. If you wish to waive your right to a hearing, an authorized person must sign the Waiver of Hearing prepared for this Complaint, and submit it to the address below. Please note that any settlement will not be effective until reasonable opportunity for public participation has been provided pursuant to the State Water Board's 2002 Enforcement Policy. The Water Board will notify interested persons of any proposed settlement for the recommended liability and will solicit comments on the settlement for a period of thirty (30) days. Any settlement will not become final until after a public comment period.

Lahontan Water Board
Attn: Robert S. Dodds, Assistant Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Ordered by:


Robert S. Dodds
Assistant Executive Officer

Dated: April 4, 2008

**WAIVER
OF RIGHT TO A
PUBLIC HEARING**

Charley Glasper, Mayor Pro Tem
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301

Complaint No. R6V-2008-0012

For

Administrative Civil Liability

~~\$15,000~~ \$6,500

HA
RSD

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6V-2008-0012 ISSUED TO
ADELANTO PUBLIC UTILITY AUTHORITY, FOR VIOLATION OF REPORTING
REQUIREMENTS IN CEASE AND DESIST ORDER NO. R6V-2007-24, SAN
BERNARDINO COUNTY, WDID NO. 6B369805001

By signing below, the Adelanto Public Utility Authority (Authority) waives its right to a hearing before the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) with regard to the violation alleged in Complaint No. R6V-2008-0012 (the Complaint), and agrees to remit payment for the amount of the civil liability set forth above. The Authority has been informed of the right provided by Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of an Administrative Civil Liability (ACL) Complaint and herein waives that right.

The party signing below is a duly authorized representative of the Authority in connection with the Complaint. By signing below, the Authority neither admits nor denies the allegations contained in the Complaint.

Please note that the settlement of the Complaint, as provided above, will not be effective until reasonable opportunity for public participation has been provided pursuant to the State Water Resources Control Board 2002 Enforcement Policy (Enforcement Policy). In accordance with the Enforcement Policy, a 30-day public comment period will be required for a proposed settlement of administrative civil liability. The Lahontan Water Board will notify interested persons of any proposed settlement for the recommended liability and will solicit comments on the settlement for a period of 30 days.

During the period of public participation, which includes the 30-day comment period and a reasonable time thereafter for the Lahontan Water Board to review and evaluate any public comments received, the Lahontan Water Board retains complete discretion to terminate this settlement by withdrawing the Complaint and issuing a new ACL Complaint. This waiver is void if the Lahontan Water Board withdraws the Complaint.

Adelanto Public Utility Authority Representative

Jim Hart
Signature

City Manager
Title

5/9/08
Date

D. James Hart
Print your name

Send this signed form to:
California Regional Water Quality Control Board-- Lahontan Region
Attn: Robert S. Dodds, Assistant Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

5/9/08

Robert Dodds
Assistant Executive Officer

Accepted Robert S. Dodds 5/9/08

Bob,

This will confirm our discussion this morning wherein we agreed to settle complaint no. RBV-2008-0012 originally levied at \$15,000 to the sum of \$6,500. I have changed the original figure on page 1 to \$6,500 and initialed it.

If this meets your approval, please initial page 1 also and sign this form.

Jim Hart
D. James Hart
City Manager

EXHIBIT 3



California Regional Water Quality Control Board
Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392-2306
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

January 10, 2007

WDID No. 6B369805001

Mr. John Sponsler
Director of Public Utilities, City of Adelanto
Department of Public Works/Engineering
P.O. Box 10
Adelanto, CA 92301

NOTICE OF VIOLATION – VIOLATION OF EFFLUENT AND FLOW LIMITS, CITY OF ADELANTO WASTEWATER TREATMENT FACILITY, SAN BERNARDINO COUNTY

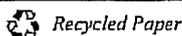
Review of your monthly self-monitoring reports for the period of September 2005 through October 2006 indicates your facility cannot meet its Waste Discharge Requirements (WDR) in Board Order No. R6V-2002-050. Enclosed is a table of these violations. You continue to have violations of the maximum flow limit, which indicates the facility was not designed for the capacity it is now receiving.

We requested documentation as to what you were doing to correct these violations in our Notice of Violation (NOV) dated August 16, 2005, and again in a facsimile dated April 3, 2006, with a copy of the NOV attached. You indicated in your May 1, 2006, correspondence that you had installed a "flow equalization" facility to reduce the daily surges in flow and organic loadings; however, you have not addressed the daily flow limit violations. Moreover, your facility exceeds its biochemical oxygen demand (BOD) limitations on a regular basis.

The provisions in your WDR included a time schedule to provide a report of measures you would implement to prevent wastewater flow volumes from exceeding the capacities of existing treatment and disposal facilities, and also for increasing capacities of wastewater treatment and disposal facilities to accommodate wastewater flow volumes. These were to include projections for increases in sewer-service-area population and influent flow volumes. These actions were to address flows projected through January 17, 2007. The flow limit and constituent numeric effluent limits continue to be violated, which indicates to us that the City is not committed to complying with its WDRs.

We request that by **February 15, 2007**, you provide a report on how you will bring your facility into compliance with your WDRs. The report must include measures you will implement to prevent wastewater flow volumes from exceeding the capacities of the treatment and disposal facilities. It must address how the facility will cease violating other effluent constituents, including BOD, MBAS, and oil and grease. Additionally, the report

California Environmental Protection Agency



000457

Mr. Sponsler

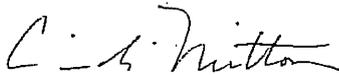
- 2 -

January 10, 2007

must include measures to be taken that will address general administrative details, such as reporting. Also include a time schedule for implementation of actions to prevent future violations of your WDRs. Please be advised that continued operation of your facility in violation of your WDRs may result in further enforcement action by the Water Board.

We appreciate your attention to this important matter and look forward to working with you to address this issue. Please contact Judy Keir, Environmental Scientist, at (760) 241-7366 or Mike Plaziak, Senior Engineering Geologist, at (760) 241-7404 if you have any questions regarding this letter.

Sincerely,



Cindi Mitton
Supervising Engineer

Enclosure: Table of Violations, September 2005 – October 2006

cc: Mailing List

JMK/rc/U:/PROJECTS/Adelanto_WWTF/NOV Adelanto WTF.doc



MAILING LIST
Adelanto Wastewater Treatment Facility

Jim Hart, City Manager
City of Adelanto
11600 Air Expressway
P.O. Box 10
Adelanto, CA 92301

Peg Battersby, City Attorney
City of Adelanto
11600 Air Expressway
P.O. Box 10
Adelanto, CA 92301

Wilson F. So, P.E., City Engineer
City of Adelanto
Department of Public Works/Engineering
P.O. Box 10
Adelanto, CA 92301



**Violations Report for
ADELANTO WASTEWATER TREATMENT FACILITY**

Violation ID	Violation Type	Status	Date Occurred	Violation Description
3rd Quarter 2005				
445630	Other Requirement -> Permit Condition	Violation	1-Sep-05	Daily flow limit of 1.5 mgd was exceeded every day of the month of September 2005. The highest reading was of 1.792 mgd.
445632	Reporting -> Deficient Report	Violation	1-Sep-05	Maximum instantaneous flow rate was not reported for the month of September 2005.
445637	Water Quality -> Effluent	Violation	1-Sep-05	Kjeldahl-Nitrogen limit of 10.0 mg/L was exceeded for the month of September 2005 at 12 mg/L.
445639	Water Quality -> Effluent	Violation	1-Sep-05	Oil and Grease was detected in effluent in September 2005
4th Quarter 2005				
445617	Water Quality -> Effluent	Violation	1-Oct-05	MBAS 30-day mean limit of 1.0 mg/L and Daily limit of 2.0 mg/L were exceeded in October 2005 at 10 mg/L.
445606	Other Requirement -> Permit Condition	Violation	2-Oct-05	Daily flow limit of 1.5 mgd was exceeded on October 2-7, 9-14, 16-28, and 30.
445607	Water Quality -> Effluent	Violation	2-Oct-05	Daily BOD limit of 30 mg/L was exceeded on October 26 with 45 mg/L.
445609	Reporting -> Deficient Report	Violation	2-Oct-05	Failure to report maximum instantaneous flow rate for month of October 2005.
445615	Monitoring -> Deficient Monitoring	Violation	26-Oct-05	Ammonia as Nitrogen not reported in October 2005.
440826	Monitoring -> Deficient Monitoring	Violation	30-Oct-05	Oil and grease sampled only once of bi-monthly requirement during October 2005.
445644	Other Requirement -> Permit Condition	Violation	1-Nov-05	Daily Flow limit of 1.5 mgd was exceeded every day of November 2005 with the highest reading at 1.825 mgd.

**Violations Report for
ADELANTO WASTEWATER TREATMENT FACILITY**

Violation ID	Violation Type	Status	Date Occurred	Violation Description
445649	Water Quality -> Effluent	Violation	1-Nov-05	30-day mean BOD limit of 15.0 mg/L was exceeded for November at 28.5 mg/L.
445652	Reporting -> Deficient Report	Violation	1-Nov-05	Failure to report maximum instantaneous flow for month of November 2005.
445653	Monitoring -> Deficient Monitoring	Violation	1-Nov-05	MBAS sampled only once per bi-monthly requirement.
445654	Water Quality -> Effluent	Violation	1-Nov-05	Oil and Grease was detected in effluent in November 2005
446897	Monitoring -> Deficient Monitoring	Violation	1-Nov-05	Ammonia as Nitrogen and TKN not monitored in November 2005.
446898	Water Quality -> Effluent	Violation	2-Nov-05	Daily BOD limit of 30.0 mg/L was exceeded on November 2 and 9 in November 2005.
365267	Other Requirement -> Permit Condition	Violation	1-Dec-05	Daily flow limit of 1.5 MGD exceeded everyday of December 2005 (except on 12/05/2005).
365268	Reporting -> Deficient Report	Violation	1-Dec-05	Failure to report maximum instantaneous flow in December 2005.
365269	Reporting -> Deficient Report	Violation	1-Dec-05	Failure to report the total volume of flow to the percolation ponds in December 2005.

1st Quarter 2006

365271	Other Requirement -> Permit Condition	Violation	1-Jan-06	Daily flow limit exceeded 1.5 MGD everyday of the month of January 2006 (except on 01/03/2006 and 01/16/2006).
365277	Reporting -> Deficient Report	Violation	1-Jan-06	Failure to report maximum instantaneous flow in January 2006.
365278	Reporting -> Deficient Report	Violation	1-Jan-06	Failure to report the total volume of flow to the percolation ponds in January 2006.

**Violations Report for
ADELANTO WASTEWATER TREATMENT FACILITY**

Violation ID	Violation Type	Status	Date Occurred	Violation Description
445664	Water Quality -> Effluent	Violation	1-Jan-06	Oil and Grease was detected in effluent in January 2006.
445665	Other Requirement -> Permit Condition	Violation	1-Feb-06	Daily Flow limit of 1.5 mgd was exceeded every day of February 2006 with the highest reading at 1.987 mgd.
445638	Reporting -> Deficient Report	Violation	1-Feb-06	Failure to report maximum instantaneous flow rate for the month of February 2006.
446900	Water Quality -> Effluent	Violation	1-Feb-06	Oil and Grease was detected in effluent in February 2006.
446902	Water Quality -> Effluent	Violation	1-Feb-06	Daily BOD limit of 30.0 mg/L was exceeded on February 1 and 16 in February 2006.
446903	Water Quality -> Effluent	Violation	1-Feb-06	30-day mean BOD limit of 15.0 mg/L was exceeded in the February 2006 Monthly SMR.
365270	Monitoring -> Deficient Monitoring	Violation	28-Feb-06	Nitrate Nitrogen not analyzed in February 2006.
446901	Monitoring -> Deficient Monitoring	Violation	28-Feb-06	TKN not analyzed in February 2006.
445656	Monitoring -> Deficient Monitoring	Violation	28-Feb-06	Ammonia as N not analyzed in February 2006.
446379	Other Requirement -> Permit Condition	Violation	1-Mar-06	Daily flow limit of 1.5 mgd was exceeded in March 2006.
446279	Water Quality -> Effluent	Violation	1-Mar-06	Daily BOD limit of 30 mg/L exceeded on March 1 at 41 mg/L in March 2006.
446280	Water Quality -> Effluent	Violation	1-Mar-06	30-day mean BOD limit of 15 mg/L exceeded at 27 mg/L in March 2006.
446287	Reporting -> Deficient Report	Violation	1-Mar-06	MBAS reported incorrectly for March 2006.

**Violations Report for
ADELANTO WASTEWATER TREATMENT FACILITY**

Violation ID	Violation Type	Status	Date Occurred	Violation Description
2nd Quarter 2006				
446389	Reporting -> Deficient Report	Violation	1-Apr-06	Failure to report the maximum instantaneous flow for April 2006.
446395	Other Requirement -> Permit Condition	Violation	1-Apr-06	Daily flow limit of 1.5 mgd exceeded every day in April 2006.
446402	Reporting -> Deficient Report	Violation	1-Apr-06	Did not report average monthly flow in April 2006.
446408	Water Quality -> Effluent	Violation	1-Apr-06	30-day mean BOD limit of 15 mg/L was exceeded in April 2006.
446409	Water Quality -> Effluent	Violation	19-Apr-06	Daily BOD limit of 30 mg/L was exceeded in April 2006.
446410	Water Quality -> Effluent	Violation	19-Apr-06	Oil & Grease was detected in effluent for April 2006.
446904	Other Requirement -> Permit Condition	Violation	1-May-06	Daily Flow limit of 1.5 mgd was exceeded every day in May 2006 except May 23 .
446907	Water Quality -> Effluent	Violation	1-May-06	30-day mean BOD limit of 15.0 mg/L was exceeded in May 2006.
446909	Reporting -> Deficient Report	Violation	1-May-06	Maximum Instantaneous Flow was not reported in May 2006.
446926	Water Quality -> Effluent	Violation	30-May-06	Oil and grease detected in effluent in May 2006.
446917	Other Requirement -> Permit Condition	Violation	1-Jun-06	Daily Flow limit of 1.5 mgd was exceeded every day for the entire month in June 2006.
446919	Water Quality -> Effluent	Violation	1-Jun-06	30-day mean BOD limit of 15.0 mg/L was exceeded in June 2006.
446920	Water Quality -> Effluent	Violation	7-Jun-06	Daily BOD limit of 30.0 mg/L was exceeded on June 7, 21, and 28 in June 2006.
445661	Water Quality -> Effluent	Violation	30-Jun-06	Oil and grease was detected in effluent in June 2006.

Violations Report for ADELANTO WASTEWATER TREATMENT FACILITY

Violation ID	Violation Type	Status	Date Occurred	Violation Description
445663	Water Quality -> Effluent	Violation	30-Jun-06	Kjeldahl Nitrogen limit exceeded in June 2006.
446899	Reporting -> Deficient Report	Violation	30-Jun-06	Failure to report maximum instantaneous flow in June 2006.
3rd Quarter 2006				
446375	Other Requirement -> Permit Condition	Violation	1-Jul-06	Daily Flow limit of 1.5 mgd was exceeded every day for the entire month in July 2006.
446381	Water Quality -> Effluent	Violation	1-Jul-06	30-day mean BOD limit of 15 mg/L exceeded in July 2006.
446928	Water Quality -> Effluent	Violation	30-Jul-06	Daily BOD limit of 30.0 mg/L was exceeded on July 7 and 19 in July 2006.
TBD	Other Requirement -> Permit Condition	Violation	1-Aug-06	Daily Flow limit of 1.5 mgd was exceeded every day for the entire month of August 2006.
TBD	Water Quality -> Effluent	Violation	1-Aug-06	Daily BOD limit of 30 mg/L was exceeded on August 30, 2006.
TBD	Water Quality -> Effluent	Violation	1-Aug-06	30-day mean BOD limit of 15 mg/L exceeded in August 2006.
TBD	Water Quality -> Effluent	Violation	1-Aug-06	Kjeldahl Nitrogen limit exceeded in August 2006.
TBD	Water Quality -> Effluent	Violation	1-Aug-06	Oil and grease was detected in effluent in August 2006.
TBD	Other Requirement -> Permit Condition	Violation	1-Sep-06	Daily Flow limit of 1.5 mgd was exceeded every day for the entire month of September 2006.
TBD	Water Quality -> Effluent	Violation	1-Sep-06	30-Day Mean BOD limit of 15 mg/L exceeded in September 2006.
TBD	Water Quality -> Effluent	Violation	1-Sep-06	Kjeldahl Nitrogen limit exceeded in September 2006.
TBD	Water Quality -> Effluent	Violation	1-Sep-06	Oil and grease was detected in effluent in September 2006.

**Violations Report for
ADELANTO WASTEWATER TREATMENT FACILITY**

Violation ID	Violation Type	Status	Date Occurred	Violation Description
4th Quarter 2006				
446929	Other Requirement -> Permit Condition	Violation	1-Oct-06	Daily Flow limit of 1.5 mgd was exceeded every day of the month in the October 2006 Monthly SMR.
446931	Water Quality -> Effluent	Violation	1-Oct-06	30-Day mean BOD limit of 15.0 mg/L was exceeded in the October 2006 Monthly SMR.
446930	Water Quality -> Effluent	Violation	27-Oct-06	Daily BOD limit of 30.0 mg/L was exceeded on October 27 in the October 2006 Monthly SMR.

EXHIBIT 4



**California Regional Water Quality Control Board
Lahontan Region**



OLC

Linda S. Adams
Executive Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

JAN 26 2011

John Sponsler, Director
Adelanto Public Utility Authority
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jsponsler@ci.adelanto.ca.us

**NOTICE OF VIOLATION OF CEASE AND DESIST ORDER NO. R6V-2007-24:
FAILURE TO IMPLEMENT INTERIM ACTION PLAN AND LONG TERM ACTION
PLAN FOR THE ADELANTO PUBLIC UTILITY AUTHORITY WASTEWATER
TREATMENT PLANT, ADELANTO, SAN BERNARDINO COUNTY, WDID NO.
6B369805001**

Lahontan Regional Water Quality Control Board (Water Board) issued Cease and Desist Order No. R6V-2007-24 to the Adelanto Public Utility Authority (Authority) on August 29, 2007. The Order was adopted in response to continual influent flow limitation violations, Biochemical Oxygen Demand (BOD) effluent limitation violations, and discharges of waste to an unauthorized disposal site. The Order established compliance dates for (1) submitting and implementing an Interim Action Plan to reduce BOD concentrations in the wastewater treatment plant effluent, and (2) submitting a Long Term Action Plan identifying measures the Authority proposed to implement to return its Facility to full compliance with its Waste Discharge Requirements (e.g., provide adequate wastewater treatment, storage, and disposal capacity). The Authority was required to ultimately comply with existing Waste Discharge Requirements contained in Water Board Order No. R6V-2002-050 by December 31, 2008.

Compliance Status – Interim Action Plan

Paragraph I.B. of the Order required the Authority to submit an Interim Action Plan to the Water Board by October 31, 2007. The Interim Action Plan was to have identified corrective actions the Authority could immediately implement to reduce BOD concentrations in the wastewater treatment plant's effluent. The Authority submitted the Interim Action Plan to the Water Board on November 1, 2007. The submitted plan indicated that the Authority had replaced all non-functioning air diffusers in the aeration basins in order to improve the oxygen transfer capability within the treatment plant. Additionally, the Authority committed to carefully equalizing flow (peak shaving and flow



release during low influent flow periods) to the aeration basins to reduce the impact of organic loadings to the treatment plant.

Paragraph I.C. of the Order required the Authority to begin full operation of the modified facilities proposed in the Interim Action Plan by January 31, 2008. Furthermore, the Authority is required to continue operations of the modified facilities until the Authority completes the expansion to the wastewater treatment plant to increase the treatment capacity.

In its December 28, 2007 quarterly status report, the Authority amended the Interim Action Plan to include the installation of a structure to house the proposed Primary Clean Screens and associated influent piping extensions (Clean-Screens Facility). The amendment proposed to complete this installation by August 2008, up to seven months after the January 31, 2008 due date.

The Authority has failed to comply with its proposed installation of the Clean-Screens Facility as identified in its Interim Action Plan, resulting in continued violation of the facility's BOD effluent concentration requirements. The Authority continually documented delays in making this facility operational in its quarterly status reports required by the Cease and Desist Order.

- The October 15, 2008 quarterly status report, the Authority modified the schedule to install the Clean-Screens Facility from August 2008 to December 2008, up to twelve months late.
- The January 15, 2009 quarterly status report modified the schedule to install the Clean-Screens Facility to February 2009, up to 13 months late.
- The April 15, 2009 quarterly status report modified the schedule to install the Clean-Screens Facility to approximately July 2009, up to a year and a half late.
- The October 15, 2009 quarterly status report notes that the Clean-Screens Facility had been constructed and tested, but no estimated startup date was provided.
- The January 15, 2010 quarterly status report notes that further testing of the Clean-Screens Facility may occur in March 2010, but no estimate was provided for startup.
- The April 15, 2010 quarterly status report notes that further testing of the Clean-Screens Facility may occur in May 2010, but no estimate was provided for startup.



- The July 14, 2010 quarterly status report notes that further testing of the Clean-Screens Facility has not occurred and did not provide an estimate for additional testing or startup.
- The September 13, 2010 quarterly status report notes that further testing of the Clean-Screens Facility has not occurred and did not provide an estimate for additional testing or startup.
- The January 14, 2011 quarterly status report notes that the Primary Clean-Screens Facility has been renamed Primary Separators due to a change in ownership of the equipment supplier. The report states that equipment components of the Primary Clean-Screens Facility had to be shipped back to Texas for re-installation by early November 2010, with startup testing to begin after Thanksgiving. The report did not indicate whether the planned actions and testing actually occurred. The Authority later clarified in an electronic mail (John Sponsler, dated January 25, 2011) that two of the three Clean-Screens had been installed in early to mid 2009, have been receiving flows, and have been undergoing testing and modifications since the installation. The Authority also clarified that the third Clean-Screen was installed during October and November, 2010. The Authority commented that the equipment supplier was working on the Clean-Screen Facility through the end of December 2010, but did not elaborate on the deficiencies of the facility nor on time frames for implementing full operations.

Presently, three years after the due date, the Authority has yet to fully implement the Clean-Screen Facility.

In its April 14, 2008 quarterly status report, the Authority amended the Interim Action Plan to document the installation of an additional auxiliary aerator into each of the aeration basins. The report indicates that the aerator installation occurred in February 2008. In its October 15, 2009 quarterly status report, the Authority documented that the auxiliary aeration had been discontinued because it was deemed ineffective.

In its October 15, 2008 quarterly status report, the Authority documented that flow equalization had been discontinued.

The Authority had not submitted a prior request to, nor did it receive concurrence from, the Water Board to modify its Interim Action Plan to delay construction of the Clean-Screens Facility for three years, to discontinue use of the auxiliary aerators, or to discontinue the use of flow equalization. The Authority did not submit an alternative Interim Action Plan proposal to reduce the BOD concentrations in its wastewater treatment plant effluent following the failures of its initial interim actions. The Authority continued to consistently violate its BOD wastewater treatment plant effluent limits through August 2010, when it began diverting influent flows to Victor Valley Wastewater



Reclamation Authority, thus returning influent flows to levels at or below the Facility's maximum design capacity. The Authority has been out of compliance with its own Interim Action Plan at least since September 30, 2008. The October 15, 2008 quarterly report did not provide a specific date within the July 1 through September 30 quarter when flow equalization was discontinued, which suggests the Authority has been out of compliance even longer. **As of January 31, 2011, the Authority has failed to comply with the Interim Action Plan required by the Cease and Desist Order for a period of 1,248 days.**

Compliance Status – Long Term Action Plan

Paragraph II.B. of the Order required the Authority to achieve full compliance with the existing Waste Discharge Requirements contained in Water Board Order No. R6V-2002-050 by December 31, 2008. The Authority has not achieved the prescribed compliance. In the quarterly status reports, the Authority consistently identified delays in meeting this compliance date. During a November 18, 2010 meeting with Water Board staff, the Authority stated that final compliance with the existing Waste Discharge Requirements is estimated to occur by November 30, 2011 – **1,065 days delinquent from the date of compliance required by the Cease and Desist Order.**

Water Board staff is continuing to evaluate the Authority's response to the Cease and Desist Order and overall lack of compliance with this and other Water Board Orders. Continued non-compliance with the Cease and Desist Order will result in additional enforcement action, which may include assessing administrative civil liabilities. The Water Board may impose administrative civil liability up to \$5,000 for each violation each day pursuant to Water Code section 13350, subdivision (e). The potential liability the Water Board is authorized to assess against the Authority continues to increase with each day of non-compliance. The Water Board reserves its right to take any further enforcement action authorized by law.

Please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432, if you have any questions regarding this matter.



Lor: Lauri Kemper, P.E.
Assistant Executive Officer

cc: Regional Board Members
Adelanto City Council
D. James Hart, Ph.D., City Manager/City of Adelanto
Wilson So/So & Associates Engineers, Inc.
Todd Liftin, Attorney, City of Adelanto



John Sponsler, Director
Adelanto Public Utility Authority

- 5 -

Mike Perales/United Water
Roger Vesely/United Water
Terri S. Williams/San Bernardino County Environmental Health Services, Land
Use Protection Program
Harold J. Singer/Lahontan Regional Water Quality Control Board
Cindi Mitton/Lahontan Regional Water Quality Control Board
John Morales/Lahontan Regional Water Quality Control Board
Eric Taxer/Lahontan Regional Water Quality Control Board
Laura Drabandt/State Water Resources Control Board, Office of Enforcement
Kim Niemeyer/State Water Resources Control Board, Office of Chief Counsel

EJT/adw/TAdelanto WWTF, , NOV for CDO Interim Action Plan, 2011-01-26 SCF
Revisions: 1/21/11 EJT, 1/24/11 LD & SCF, 1/25/11 EJT, 1/26 SCF
File Under: SLT Office-WDID No. 6B369805001 (With Eric)
File Under: VWL Office-WDID No. 6B369805001

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EXHIBIT 5



California Regional Water Quality Control Board

Lahontan Region



CLC

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Edmund G. Brown Jr.
Governor

January 27, 2011

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3rd NOTICE OF VIOLATION OF CLEANUP AND ABATEMENT ORDER NO. R6V-2010-0054: FAILURE TO IMPLEMENT SPILL CONTINGENCY MANAGEMENT PLAN ON DECEMBER 23, 2010 FOR THE ADELANTO PUBLIC UTILITY AUTHORITY WASTEWATER TREATMENT PLANT, ADELANTO, SAN BERNARDINO COUNTY, W DID NO. 6B369805001

The Lahontan Regional Water Quality Control Board (Water Board) issued Cleanup and Abatement Order No. R6V-2010-0054 to the Adelanto Public Utility Authority (Authority) on November 1, 2010. That Order required the Authority to immediately develop and begin implementing a Spill Contingency Management Plan by November 3, 2010. The Order also required the Authority to complete implementation of the Spill Contingency Management Plan (and all amendments as deemed necessary by the Assistant Executive Officer) no later than November 10, 2010.

Past and Continued Non Compliance

Water Board staff identified deficiencies in the Spill Contingency Management Plan in the November 5, 2010 Notice of Violation to the Authority. The Notice of Violation required the Authority to amend the Spill Contingency Management Plan and to implement the amendments.

The Cleanup and Abatement Order required the Authority to submit a Final Report by November 12, 2010 to document all actions the Authority took to fully comply with the Order. Water Board staff reviewed the Final Report and identified continued deficiencies for developing and implementing an effective Spill Contingency Management Plan, in addition to deficiencies in overall compliance documentation required by the Order. Water Board staff identified these deficiencies in its second Notice of Violation issued November 19, 2010 to the Authority. The Notice of Violation required the Authority to submit an amended Final Report adequately addressing all of the identified deficiencies in addition to the amended Spill Contingency Management Plan required by the Water Board's November 5, 2010 Notice of Violation.

The Authority has yet to submit either amended document. These failures constitute ongoing violations of Cleanup and Abatement Order No. R6V-2010-0054. The Water Board is authorized to impose administrative civil liability for such violations on a daily basis for each violation pursuant to Water Code section 13350, subdivision (e).

December 23, 2010 Spill Event

On December 23, 2010, Water Board staff inspected the Authority's wastewater treatment plant (Facility) after receiving the Authority's report that wastewater from one of the percolation ponds was being discharged to adjacent land areas due to increased influent flows to the Facility created by recent rain events. Upon arriving at the Facility, Water Board staff observed and documented the following:

- A section of the berm surrounding Pond No. 4-South failed.
- Wastewater from Pond No. 4-South discharged through the failed section of berm and flowed uncontrollably off the Authority's property onto an open land area adjacent to the pond.
- Water Board staff estimated that the discharge volume was 200,000 gallons. The Authority later reported in its December 27, 2010 weekly status report, that the spill volume was 197,472 gallons. The Authority did not provide any basis for its spill volume value.
- John Sponsler indicated the discharge began at approximately 2:00 a.m. on December 23, 2010. Flow into Pond No. 4-South was not stopped until 9:30 a.m. on December 23, 2010.
- The Authority's contractor, Stan Rolan's Dirt Works, was observed using an excavator to extend the trenches on the east side of Pond No. 4-South to increase the pond capacity.

Additional details regarding the discharge were provided in the Authority's December 27, 2010 through January 10, 2011 weekly status reports and January 6, 2011 electronic mail:

- Plant influent flows exceeded 3 million gallons per day (mgd) due to heavy rains which began on December 21, 2010 – two days prior to the discharge event. The permitted maximum influent flow is 1.5 mgd.
- Discharge ended at approximately 3:00 p.m. on December 23, 2010.

- The Authority placed dirt (un-engineered fill material that was compacted using the bucket of the excavator) to repair the berm failure area. The berm breach was filled with dirt by 10:00 a.m. on the following day, December 24, 2010.
- Effluent spill area was disinfected with granular 65 percent calcium hypochlorite (six three-inch tablets).
- The wastewater discharged to the adjacent property did not completely percolate into the ground until 11:00 a.m. on January 10, 2011, 23 days after the discharge occurred.

Failure to Implement Spill Contingency Management Plan Before and During Spill Event

The Authority failed to adequately amend and implement the Spill Contingency Management Plan in the following manner:

1. **The Authority Failed to Attempt to Reduce its Inflows by Notifying the Public to Limit its Water Use.** The Authority was required to amend the Spill Contingency Management Plan to include an evaluation of the use of Public Service Announcements and reverse 911 calls to inform the affected population of the urgency to immediately and significantly reduce water use and subsequent wastewater discharges. One specific example in what the Authority submitted as its Final Report states that Public Service Announcements will be completed, "...in the event this becomes necessary," but did not define boundaries for determining when it is necessary.

An inflow amount double the Facility's permit limit would likely, and quickly, diminish the Facility's pond freeboard levels. Water Board staff considers this situation of drastically increased Facility inflow and quickly diminishing pond freeboard levels to be an irrefutable event necessary to warn Adelanto's community to assist in preventing a catastrophic spill. However, the Authority did not communicate to its residents the need to limit its wastewater or water usage to prevent a spill at the Facility.

In its November 11, 2010 Final Report in response to the Cleanup and Abatement Order, the Authority claimed that, "... the City has no reverse 911 system." In fact, the San Bernardino County Sheriff's Public Affairs Division informed State Water Board staff that San Bernardino County has a reverse 911 system. The Adelanto Police Department further verified to State Water Board staff that the Department has a contract with the San Bernardino County Sheriff's Office to use the County's reverse 911 system for the Adelanto Police and Fire Departments.

Even though misguided about the availability of the reverse 911 system, the Authority's Final Report did not discuss any alternative methods to inform the community, such as television or mailing notices. The Authority failed to implement emergency notification procedures that might have helped to reduce influent plant flows and the resulting December 23, 2010 unauthorized and uncontrolled discharge of approximately 200,000 gallons of undisinfected secondary-treated wastewater. By failing to implement an adequate Spill Contingency Management Plan, the Authority did not satisfactorily attempt to prevent the spill that occurred December 23, 2010.

2. **The Authority Failed to Provide Structural Integrity and Stability to Pond's Existing Banks.** The Authority was required to amend its Spill Contingency Management Plan to provide information regarding the structural stability of the modified pond embankments (additional soil material was deposited on existing embankments to increase the height and storage capacity of the ponds). The Authority noted that it had modified Percolation Ponds Nos. 1, 3, and 4 by adding dirt to the existing banks, but it failed to provide information verifying that the additional material used to build up the pond heights has any sort of structural stability that would prevent a catastrophic breach of the respective ponds. As a result, a catastrophic failure occurred within the berm along Pond No. 4-South, which contributed to the unauthorized and uncontrolled discharge of approximately 200,000 gallons of undisinfected secondary-treated wastewater.
3. **The Authority Failed to Install Trenches as an Emergency Measure.** The Water Board's November 5, 2010 Notice of Violation accepted the construction of temporary percolation/seepage trenches within the proposed Pond No. 5 site. The trench installation proposal for the proposed Pond No. 5 site was to be fully described within the Spill Contingency Management Plan prior to installation. The Final Report states that four to six trenches (each 25-feet deep, 30-feet long, and 10-feet wide) may be installed within the proposed Pond No. 5 site should the existing percolation ponds be in danger of overflowing. Effluent would be pumped and distributed to the trenches. The Authority failed to implement this emergency measure as it said it would. Failing to implement this measure contributed to the unauthorized and uncontrolled discharge of approximately 200,000 gallons of undisinfected secondary-treated wastewater.
4. **The Authority Failed to Clean Up the Spill as Stated in their Plan.** For the off-site disposal alternative, the Final Report states that, at a maximum, 150,000 gallons of treated wastewater would overflow from Pond No. 4-South before repair actions could be completed to Pond No. 4-South. The overflow volume is estimated to impact 210,000 square feet within an adjacent 10-acre parcel, and the parcel does not contain any ephemeral channels, desert washes, or roadside ditches. The Final Report further states, "The spilled water will be disinfected with a diluted chlorine solution and cleaned up by United Water staff and contracted sucker company. This material will be transported to the Victor Valley Wastewater Reclamation Facility for

disposal into their drying beds.” The Authority failed to clean up the spilled material, which resulted in the persistent discharge of approximately 200,000 gallons of undisinfected secondary-treated wastewater for 23 days on neighboring lands not owned by the Authority.

5. **Inadequate Pond Design.** The Authority was required to provide additional information needed to demonstrate that the pond embankments as originally constructed and as modified are structurally sound to withstand the hydraulic forces from the high pond levels, weather, and geologic forces. The Authority had more than a month to address the structural issues noted below and thereby demonstrate that the ponds had been appropriately constructed in a manner that would prevent a catastrophic failure, and/or to implement the spill contingency measures discussed below to control any unauthorized discharges from the ponds. The Authority’s failure to provide the following information and to take the above-referenced actions contributed to the unauthorized and uncontrolled discharge of approximately 200,000 gallons of undisinfected secondary-treated wastewater.
- a. Embankment Foundation Design Details. The Final Report notes that the Authority does not have design details for any of the constructed ponds. The Final Report also states that the additional loose sandy soil used to increase pond height was compacted primarily only along the north side of Ponds Nos. 3 and 4. The height of the ponds was increased three feet at their lowest levels. The Report implies that all ponds were increased in height, although no such verification is provided. As noted in the Water Board’s November 5, 2010 Notice of Violation, the loose sandy soil is susceptible to seepage, erosion, and failure, and the soil may become unstable and collapse under the action of a dynamic load, vibration, or shock, all of which may cause the foundation to behave as a liquid unless properly designed.
 - b. Embankment/Foundation Bonding Details. The Water Board’s November 5, 2010 Notice of Violation noted the Authority’s confusion regarding the use of the term “bonding” in reference to securing embankments to their foundations. Water Board staff clarified that bonding refers to either installing a cutoff trench, a partial cutoff trench, or a key trench to bond the impervious zone of the embankment to the foundation, or construction of stabilizing fill materials for weak foundations. This practice is necessary to ensure the structural integrity of the embankment. Regardless, the Final Report notes that the embankments have not been secured to their foundations (if such foundations even exist), and proposes to provide the security by installing a shallow trench in the roadways between the ponds and filling the trenches with native material to a 3-foot (or less) height.
 - c. Protection from Piping Failure. The Final Report notes that the embankments have not been designed to protect against piping. Although rip rap was placed on two of the ponds, rip rap does not protect against piping per se. The Final

Report notes that protection against piping impacts will be implemented in the future (specific date not provided) when the ponds can be reconstructed and rehabilitated.

- d. Crest Detail. The Final Report states that the crest surface is native sandy material, and 18 boxes of six-mil plastic sheeting (20 feet by 100 feet) exists to cover the embankment crests if the need arises. The Final Report fails to indicate at what point such need to cover the crest is determined, whether the 18 boxes of plastic sheeting are adequate, and the length of time needed to install and secure the sheeting to the embankment crest. This information is needed to determine whether the option of covering the crest is viable.
- e. Crest Drainage. The Final Report still notes that the slope of the crest is 60-degrees downward and that sandbags will be used if erosion control is necessary. The Water Board's November 5, 2010 Notice of Violation noted that the slopes exceed the natural angle of repose and will erode, which was supported by photographic evidence of erosion. The Notice of Violation required an analysis to verify the quantity of sandbags that will be needed and whether such quantity of sandbags exists on the site. The Notice of Violation also required information to indicate where drainage from the crest will be directed and managed, whether it will be directed into the ponds or down the embankments' outer faces. This information was not provided.
- f. Interior Slope Protection Methods. The Final Report notes that rip rap was applied to the eastside bank of Pond No. 1 to prevent wave erosion. The submitted photograph of the rip rap installed within Pond No. 1 shows that the rip rap was not placed consistently throughout the embankment face. No information was provided for the other ponds.
- g. Spillway Design Details. The Final Report states rip rap and sandbags will be placed along the southeast corner of Pond No. 4-South to control the overflow in the event an overflow occurs. However, no analysis is provided to verify the materials are available, the length of time needed to install a stabilized spillway, and the criteria the Authority would use to determine that an overflow may occur so that a stabilized spillway can be quickly constructed. An inflow amount double the Facility's permit limit would likely, and quickly, diminish the facility's pond freeboard levels. Water Board staff considers this situation of drastically increased facility inflow and associated decreased freeboard to be an irrefutable event necessary to construct a stabilized spillway. However, the Authority did not implement the actions it had identified as necessary to construct a stabilized spillway when it was losing its freeboard capacity prior to the catastrophic pond failure on December 23, 2010.
- h. Earthquake Protection. The Final Report does not indicate that the embankments as constructed and modified have been constructed to withstand

earthquakes. Instead, the Final Report includes measures to deploy sandbags, rip rap, plastic sheeting, etc., in the event of an earthquake. The intent of ensuring that the embankment modifications have been designed and constructed to withstand earthquakes is to prevent embankment damage and failure. Having repair materials available does not satisfy this objective.

Water Board staff is continuing to evaluate the Authority's response to the Cleanup and Abatement Order and overall lack of compliance with this and other Water Board Orders. Continued non-compliance with the Cleanup and Abatement Order and Water Board Orders No. R6V-2002-050 and No. R6V-2009-0036 will result in additional enforcement action, which may include assessing administrative civil liabilities. The Water Board may impose administrative civil liability up to \$5,000 for each violation each day pursuant to Water Code section 13350, subdivision (e). The potential liability the Water Board is authorized to assess against the Authority continues to increase with each day of non-compliance. The Water Board reserves its right to take any further enforcement action authorized by law.

Please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432, if you have any questions regarding this matter.



for: Lauri Kemper, P.E.
Assistant Executive Officer

cc: Regional Board Members
Adelanto City Council
D. James Hart, Ph.D., City Manager/City of Adelanto
Wilson So/So & Associates Engineers, Inc.
Todd Liftin, Attorney, City of Adelanto
Mike Perales/United Water
Roger Vesely/United Water
Terri S. Williams/San Bernardino County Environmental Health Services, Land Use Protection Program
Harold J. Singer/Lahontan Regional Water Quality Control Board
Cindi Mitton/Lahontan Regional Water Quality Control Board
John Morales/Lahontan Regional Water Quality Control Board
Eric Taxer/Lahontan Regional Water Quality Control Board
Laura Drabandt/State Water Resources Control Board, Office of Enforcement
Kim Niemeyer/State Water Resources Control Board, Office of Chief Counsel

EXHIBIT 6

INSPECTION REPORT

FILE: 6B369805001

WDID: 6B369805001

DATE OF INSPECTION: December 23, 2010

INSPECTOR: John Morales (Water Board)

DISCHARGER: Adelanto Public Utility Authority

DISCHARGER CONTACT: John Sponsler, Director of Operations, Adelanto Public Utility Authority, Adelanto, CA.

DISCHARGER PHONE NO.: (760) 246-2300

FACILITY NAME: Adelanto Public Utility Authority, Adelanto, CA.

FIELD INSPECTION REPORT – INSPECTION OF WASTEWATER SPILL FROM PERCOLATION POND NO. 4S

On December 23, 2010, Water Board staff met with Roger Vesely, Chief Operator at the waste treatment plant and John Sponsler, Director of Operations for the Adelanto Public Utility Authority. The purpose of the visit was to assess an overflow of secondary treated wastewater from percolation pond No. 4S onto an adjacent private property.

During the site tour, John Sponsler advised that the spill began at approximately 2:00 a.m. Mr. Sponsler also indicated that Stan Rolan's Dirt Works was the contractor excavating and extending trenches in percolation pond 4S. The equipment used for extending the trenches was an excavator.

Field Inspection Assessment

Upon arrival at the site, I observed an overflow spill from percolation pond 4S. I observed the extent of the spill and estimated the dimensions of the spill to be approximately 200 ft. X 200 ft X 8 inches deep (average depth), equating to a spill volume of approximately 200,000 gallons of secondary treated wastewater that had breached through a berm on the south side of the pond. The spill had extended to an adjacent private property separated from the Adelanto treatment plant by a chain link fence.

The topography of the land is such that the spill was contained within the private property and the pond, without extending south towards populated areas. Water Board staff assessed that the spill did not affect the public directly. There are no dry wells, production or supply wells within the vicinity of the spill. The only wells nearby the spill

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are the treatment plant's monitoring wells, which are located approximately 500 yards to the north of the over spill.

VIOLATIONS

Violation of Board Order No. R6V-2002-050, section I.D.1 states:

"There shall be no discharge, bypass, or diversion of raw or partially treated sewage, sewage sludge, grease, or oils from the collection, transport, treatment, or disposal facilities to adjacent areas or surface waters."

Violation of Board Order No. R6V-2009-0036, section I.C.1 states

"There shall be no discharge, bypass, or diversion of raw or partially treated sewage, sewage sludge, grease, or oils from the collection, transport, treatment, or disposal facilities to adjacent areas or surface waters."

Violation of Cease and Desist Order No. R6V-2007-024, section II.B. states:

"By December 31, 2008, the Discharger must achieve final compliance with WDRs adopted by the Water Board."

Violation of Cleanup and Abatement Order No. R6V-2010-0054, section I.A.b states:

"To prevent the overflow of wastewater from the ponds, the Spill Contingency Management Plan shall include an evaluation of methods approved by a licensed Professional Engineer to transport wastewater from the ponds and/or other areas within the wastewater treatment plant facility to alternative disposal areas without jeopardizing the integrity of the ponds or other treatment facility components."

Violation of Cleanup and Abatement Order No. R6V-2010-0054, section I.C states:

"By 5:00 p.m. on Wednesday, November 10, 2010, or prior to any unauthorized discharge from any of the percolation ponds, whichever is sooner, the Discharger must complete implementation of the Spill Contingency Management Plan (and its amendments if deemed necessary by the Assistant Executive Officer)."

CONCLUSIONS

The Discharger did not implement measures to prevent unauthorized discharges from the ponds as required.



**Adelanto Public Utility Authority; December 23,2010 ; J. Morales
Photo showing the southern berm failure. The chain link fence
divides the treatment plant property from the private property to the
south.**



**Adelanto Public Utility Authority; December 23,2010 ; J. Morales
Looking east, photo showing the spill water between the failed berm
and the dividing chain link fence.**

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**Adelanto Public Utility Authority; December 23,2010 ; J. Morales
Looking south, photo showing the extent of the spill onto private
property. The topography of the land from the south is such that
water accumulated to the extent shown.**

EXHIBIT 7

Adelanto Meeting

5/18/10

0.7 MED - VVWRA Accepted diversion; this will get them into Compliance w/ WDR

April 2008 began Construction
Still Correcting electrical

Utilizing the Sand Filters from Micro-media has been proven to work. These will be tertiary filters.

Adelanto will issue a letter to Micro-media as an exit strategy; Next few days. This will request that Micro-media conduct & justify operation. IF they fail, then the City will terminate the contract.

Cindi pointed out the Violating the CDO has a potential Liability of \$5,000/day & they have been in violation for ~ 1 yr! Cindi advised that John & Wilson share this information to the Lawyers.

(N) plant will consist

Sludge processes - the new plant \leftarrow nitrification
denitrification

Cindi requested that the (N) plant expansion should abide by the RMP Order (Total Nitrogen = 10mg/L)

When you violate an enforcement Order, it is more expensive than violating a permit.

The CDO Violations (flow & effluent) need to be

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addressed as a priority; Cindi also requested a schedule for compliance.

to be
addressed
in the
13267
letter

Diverting influent to VVWRA will show a good effort & will stop the everyday violation (bleeding)

Short & long term fix

Groundwater Work

Wilson contacted Mark Roberts - Hydrogeologist. Wilson will have a meeting w/ Mark Roberts to develop a plan. Describe the Workplan & schedule.

The condition of the percolation ponds is such that they are not percolating properly.

Response to NOV (March 13, 2010) will come from Wilson. Schedule included & then request an extension. Lay out all the positive things that they are doing. Provide a target date for GW monitoring report/workplan.

SAP

John requested Unified Water to August 15, 2010 - Anticipated to get SAP submitted

SAP - Once you have a sample in your hand, where does the sample go from there. (Ask @ MRP Section)

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for shutting off some of the influent to VVWRA,
the diversion to VVWRA will probably be
by the end of June (0.7MGD).

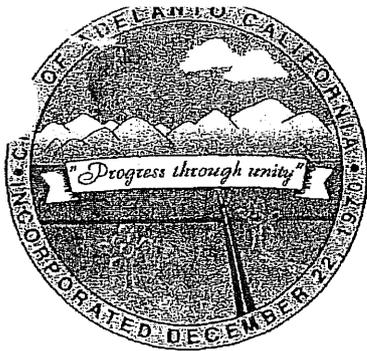
VVWRA will sample; John will inquire with
Marce D. of VVWRA.

Embi requested to talk to state health.

the line belongs to Adilanto

TARGET for next meeting: July 20, 2010
@ 2:00 - 3:00

EXHIBIT 8



City of Adelanto

Engineering Department
c/o So & Associates Engineers Inc.
16209 Kamana Road
Apple Valley, CA 92307

CRWQCB REG6

9/75

REC'D	✓	RECEIVED SEP 13 2010
JM		Hand Del.
CM		
FILE		

September 13, 2010

California Regional Water Quality
Control Board (Lahontan Region)
14440 Civic Drive, Suite 200
Victorville, CA 92392-2306

Attn: Ms. Cindy Mitton, PE
Senior Engineering Manager

RE: Adelanto Wastewater Treatment Plant – Flow & Effluent Compliance Plan and Implementation Schedule

Dear Ms. Mitton:

As a follow up to meetings with you and Mr. John Morales on May 18, 2010 and July 27, 2010, City of Adelanto is pleased to submit this Flow & Effluent Compliance Plan and Implementation Schedule for Lahontan Regional Water Quality Control Board's (RWQCB) review.

Flow and Effluent compliance tie closely to several on-going tasks: (1) interim diversion of raw wastewater to the Victor Valley Wastewater Reclamation Authority (VWVRA); (2) start-up testing of the modified Micromedia biofilter treatment process; (3) City Attorney and City Engineer efforts to secure additional properties for constructing adequate effluent percolation ponds; which will also be addressed in our separate report on groundwater monitoring work plan (due October 15, 2010). The following provides a brief discussion on the issues referenced above:

(1) **Interim Diversion of Raw-wastewater to VWVRA** – City's agreement with VWVRA is to permit us to divert up to 0.8 MGD (million gallons per day) of raw wastewater to the VWVRA-regional plant for processing/disposal. However, due to the un-expected percolation problem at our existing effluent ponds, City of Adelanto had further requested permission with VWVRA to increase the raw-wastewater diversion to about 1.3 MGD.

This diversion is extremely costly to the City as we had already committed to pay for treatment under our existing agreement with the contracted operation-service. City of Adelanto management staff is taking steps to address the percolation ponds problem and hopefully, we can bring the raw-wastewater diversion back to the 0.7 MGD to 0.8 MGD range. In all situations, City of Adelanto should be in compliance with the initial discharge permit for the 15 months (commencing on or about mid-August, 2010) taking into consideration our current average flow of about 2.1 MGD and our permitted capacity of 1.5 MGD at the existing Biolac-Treatment Plant.

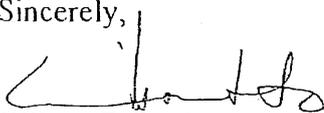
(2) **Start-up Testing of the Modified Micromedia Bio-filter (MMF) Treatment Process** – The initial MMF bio-filtration process utilizing anoxic group of microbes is not successful. As John Sponsler and I have shared with you and John Morales, MMF had submitted a new testing protocol to utilize aerobic and anoxic microbes at the two-stage bio-filters. Based on our evaluation, we find this Alternative

effluent quality limits under the initial permit. City and RWQCB staff will need to sit down and discuss extending the current Biolac Plant permit since both treatment process are essentially the same.

A copy of this Letter is provided to our City Manager and Council for their review to ensure that resources are found and made available to meet the above commitment. However, please keep in mind that the schedule proposed can be interrupted by unforeseen difficulties. If and when such difficulties are encountered, City staff will keep RWQCB staff timely advised.

We appreciate the cooperation and assistance extended by RWQCB staff and we shall continue with the coordination meetings to seek advice and guidance.

Sincerely,



Wilson F. So, PE
City Engineer

Cc: City Manager and Council Members
John Morales, Water Quality Engineer
John Sponsler, APUA Director

to be positive (based on similar process equipment that are available). This proposed treatment process is very similar to conventional Activated Sludge Process, except that this is a fixed-film bio-media process. Therefore, we are working closely with MMF staff to conduct start-up testing on a single train (due to constraints associated with the current diversion to VVWRA and other equipment constraints). We have stressed the importance to MMF to complete this re-testing within the next 90 to 120 calendar days.

While City staff is confident that this newly modified treatment process will produce a Title 22 quality effluent, we will be faced with some process equipment modifications such as installing (a) oxygen supply system and oxygen diffusion piping inside the **primary** filter-vessel; (b) piping and flow meter to route advanced primary effluent to the **secondary** (shorter one) filter-vessel to provide carbon source for the de-nitrification process; (c) resolve all of the mechanical problems with the primary clean-screens; and (d) design and constructing a new Flow Equalization Basin.

It is not likely that the balance of the 15-month diversion agreement with VVWRA will be adequate to enable us to complete all of the engineering tasks mentioned above. However, if the modified MMF process is fully satisfactory, one or two trains (up to about 0.4 to 0.5 MGD capacity) could be placed into operation to reduce the amount of diverted raw-wastewater to VVWRA; thus enabling the City to extend the diversion until all of the required construction and modifications are completed. The ability of City of Adelanto to treat all incoming raw-wastewater and dispose of the effluent also depend on the ability to purchase land and construct additional percolation ponds, and develop an effluent reuse program and facilities.

(3) **Purchase of Properties, Construct Additional Percolation Ponds, and Implement Effluent Reuse Program** – City Attorney and City Engineer have been working on securing additional acreage and develop plans to construct additional percolation ponds. Requirement for additional monitoring wells will be addressed under the Groundwater Monitoring Work Plan. Over the course of next 3 to 4 months, we are hopeful that City Attorney may be able to secure the additional properties under consideration by the City without exercising the eminent domain proceedings, which would require more time. Once additional property is secured and environmental clearance is obtained, City should be able to complete the much need Pond NO.5 and others. This should ensure our ability to coordinate with RWQCB, plan for additional future effluent disposal facility, and develop an effluent pond rotation problem for effective maintenance.

Once City of Adelanto is assured of consistently producing Title 22 quality effluent, discussions will be initiated by City Engineer with RWQCB and State Health Department staff for submission of a Title 22 Engineering Report to enable the City to seek grants and other assistance to take some of the effluent for the irrigation of City's existing parks. We have already incorporated such reuse option in the City's adopted Water Master Plan.

Flow and Effluent Compliance Plan and Schedule: The above discussions should have provided RWQCB an over-view of City of Adelanto's compliance plan and schedule. This paragraph will briefly summarize the Plan and Schedule:

- (i) **Flow Compliance Plan** – With the diversion of raw-wastewater to the VVWRA regional treatment plant; City of Adelanto is currently in compliance with the flow limits in the old permit. City staff will continue to monitor the total flow, diverted flow, and our ability to dispose effluent; and adjust the diversion quantity accordingly. We should be able to maintain this compliance. If difficulty should be anticipated near the end of the 15-month agreement with VVWRA, City staff will promptly notify RWQCB staff.
- (ii) **Effluent Compliance Plan** – With the anticipation that the modified Micromedia clean-screen primary and fixed-film biofiltration process will produce a Title 22 effluent, we should be able to meet the current

EXHIBIT 9

Chuck Curtis - Maintenance of Percolation Ponds

From: "DeHollan, Erika" <edehollan@lacsds.org>
To: Eric Taxer <etaxer@waterboards.ca.gov>
Date: 2/9/2011 12:04 PM
Subject: Maintenance of Percolation Ponds

Hello Eric,

To the best of my knowledge, there are not any industry guidelines documented for percolation pond maintenance. Specific maintenance activities and schedules most likely vary by site-specific conditions.

Some of our recycled water is delivered to spreading grounds for groundwater replenishment in the Montebello Forebay. The spreading grounds, which are actually maintained by Los Angeles County Public Works, are maintained and operated to retain optimal percolation rates to ensure maximum replenishment to the groundwater. Public Works tries to disc the bottom of each pond on an annual basis. This is done when the pond is dry, so that maintenance equipment vehicles are not likely to get their wheels stuck in the mud. Public Works will also dredge and remove soils periodically and as needed, to get percolation rates back up if they have been significantly reduced.

I have found documents that refer to maintaining percolations ponds:

1. City of Riverbank, CA (<http://www.nolte.com/shared/pdf/MunicipalPondSystem.pdf>). On page 6, the "Disposal Capacity" section refers to annual disking as necessary for proper operation of the percolation ponds.
2. Technical Memorandum to City of Lone, CA (<http://www.ione-ca.com/home/ione/MyMedia/WWTP%20MP/lone-wwtp-master-plan-%20appendix%207.4.pdf>). On page 7, the consultant recommends maintaining at least one pond annually to maintain percolation rates.

Hope this information helps you. Please feel free to contact me if you have any questions or concerns.

Thank you,
Erika

Erika de Hollan
Project Engineer
Sanitation Districts of Los Angeles County
1955 South Workman Mill Road
Whittier, CA 90601
Phone: (562) 908-4288 Ext. 2836
Fax: (562) 908-4293
Email: edehollan@lacsds.org

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