



Central Coast Regional Water Quality Control Board

To: Central Coast Water Board Advisory Staff

From: Central Coast Water Board Prosecution Staff

CC: Dischargers

Date: January 17, 2014

Subject: Prosecution Staff's Legal and Technical Analysis in Support of Proposed Cease and Desist Order No. R3-2014-0004 for the Inn at Pasatiempo, Santa Cruz, Santa Cruz County, Scheduled for Hearing March 7, 2014

SUMMARY

The Inn at Pasatiempo operates its own wastewater treatment and disposal systems. The wastewater treatment systems are not working properly and the facility is not meeting the requirements of its waste discharge requirements. These discharge problems are significant and long-term. Central Coast Water Board Prosecution Staff recommends adoption of a cease and desist order to require the Dischargers to submit a plan to eliminate the violations of their waste discharge requirements.

DISCUSSION

Background

Pasatiempo Investments, Pasatiempo II Investments, Richard S. Gregersen, and Adventco Holding Corporation (Dischargers) own and operate the Inn at Pasatiempo (the Inn or Facility) and collect, treat, and dispose of domestic wastewater at the Inn. The Inn consists of a 54-room motel, conference rooms, and restaurant located at 555 Highway 17, Santa Cruz, Santa Cruz County, in the San Lorenzo River watershed.

Waste Discharge Requirements (WDR) Order No. 99-136 permits the discharge of wastewater to two independent, on-site treatment and disposal facilities. The first system serves the main building, which includes the restaurant and bar, and two out buildings (buildings A/B). This system consists of a Fixed Activated Sludge Treatment (FAST) wastewater treatment system containing two individual septic tanks, grease interceptors, the FAST system, an effluent pumping station, a distribution box, and eleven subsurface drain lines. The second system is a septic system and serves a third out building (building C). This system consists of a large septic tank (7500 gallons), a 1500-gallon holding tank, an effluent pump, a distribution box, ten subsurface drain lines, and an overflow drain line. Peak flows of 10,000 gallons per day (gpd) are expected during 100% occupancy. The design capacity of the Facility's system is rated at 12,000 gpd.

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., EXECUTIVE OFFICER

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Item No. 11 Attachment 2
March 6-7, 2014
PT Briefing Statement CDO R3-2014-0004

Between 2001 and 2012, the Central Coast Water Board issued nine notices of violation for reporting and effluent limit violations to the Dischargers. In 1999, the Water Board assessed the Dischargers administrative civil liability for late and incomplete monitoring reports. The Water Board issued two previous cease and desist orders to the Dischargers, in 1995 and again in 1999. The 1995 cease and desist order established a schedule to connect to the City of Santa Cruz wastewater treatment plant. The 1999 cease and desist order recognized the failure of the Dischargers to hook up to the City's sewer system and established a time schedule to install the enhanced onsite wastewater treatment system. The Dischargers responded to the 1999 cease and desist order by installing the existing FAST system in January of 2001. The FAST system has had chronic problems since it was installed and is not functioning properly to remove wastes.

The facility has not been operating in accordance with its waste discharge requirements (Order No. 99-136, or WDRs) and the proposed cease and desist order would require the Dischargers to cease discharging wastes contrary to their WDRs and submit a plan to eliminate the violations of their WDRs.

Permit Requirements

The Dischargers' waste discharge requirements include the following:

- Reduce total nitrogen by at least 50% prior to subsurface disposal.
- Daily flow averaged over each month shall not exceed 12,000 gallons.
- Comply with an effluent sodium concentration limit of 125 mg/L.
- Comply with an effluent chloride concentration limit of 125 mg/L.
- Comply with an effluent total dissolved solids concentration limit of 600 mg/L.

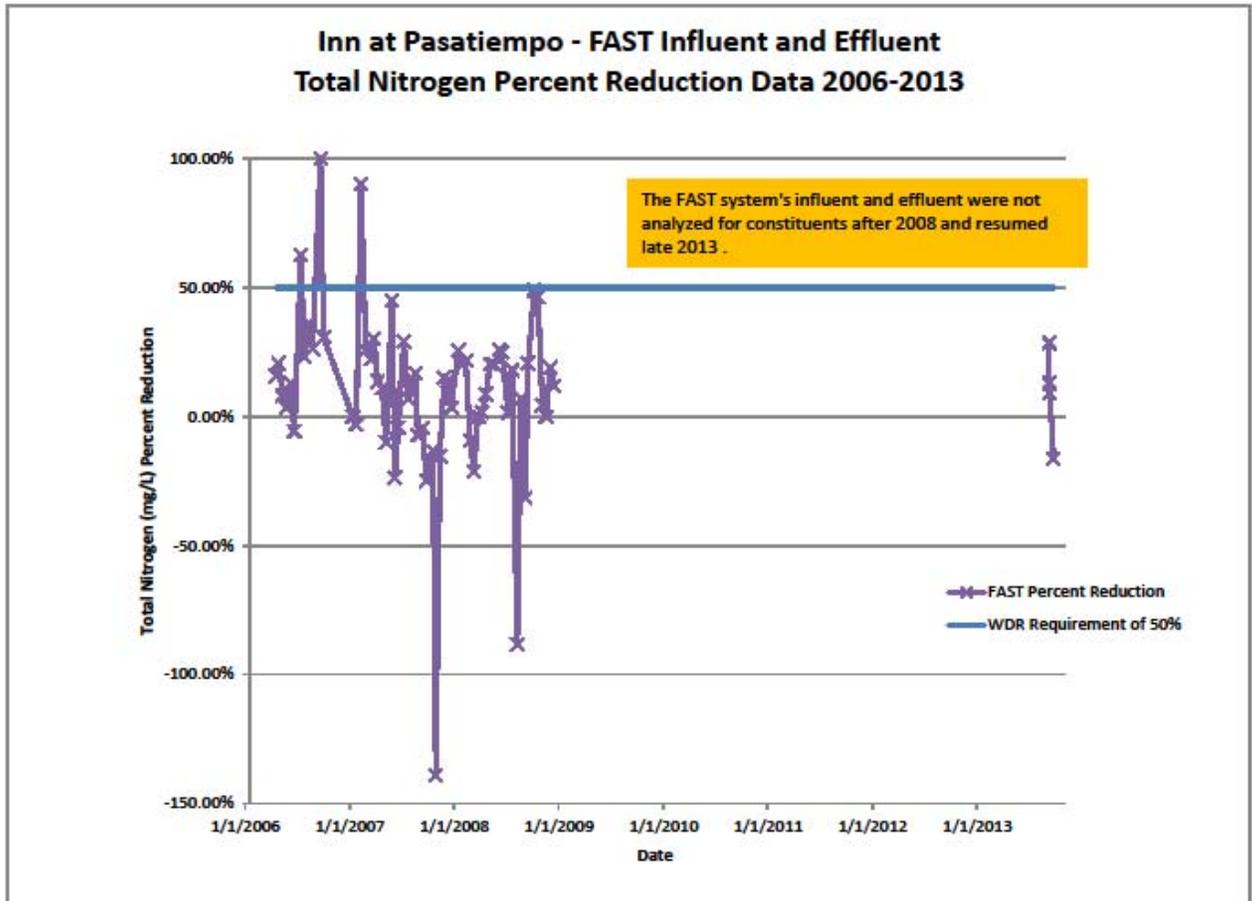
The following discharge prohibition applies: Bypass of the enhanced onsite wastewater treatment facility and/or discharge of untreated or partially treated wastes directly to subsurface disposal areas are prohibited.

Permit Violations

Total Nitrogen Reduction: The Dischargers have been reporting their total nitrogen reduction by using a flow-weighted average for a site-wide evaluation of the discharge from Buildings A/B, the kitchen, and Building C. This would be an appropriate way to report; however, the flow meters have been broken since 2003 and historical flow data is being used. Additionally, since 2009, the Dischargers are using historical values from the Garden Tank to represent the building A/B influent for total nitrogen. Actual measurements are needed to calculate nitrogen removal on a site-wide basis. Additionally, the location of the Garden Tank is different from where Water Board staff directed the Dischargers to take representative influent measurements for buildings A/B. Even with the inappropriate modifications to the correct sampling methods, the Dischargers continue to report violations of the required 50% reduction in total nitrogen.

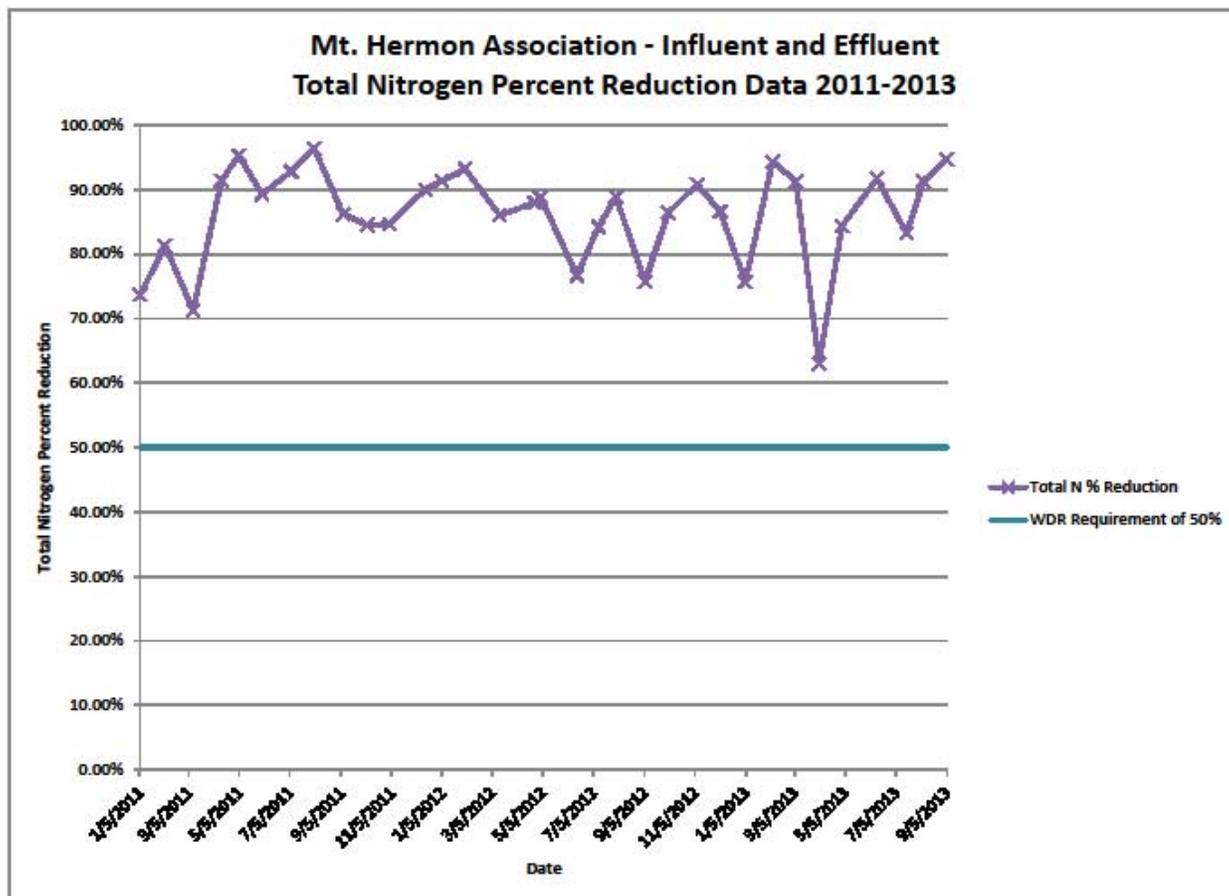
Without flow measurements, Water Board staff is unable to calculate a site-wide total nitrogen reduction value, but staff is able to assess the total nitrogen reduction for the FAST system at buildings A/B. Staff analyzed influent and effluent from April 18, 2006, through December 15, 2008. Graph 1 below shows that of 59 separate data points, only three data points met the requirement of at least a 50% reduction.

Graph 1.



For comparison purposes, Graph 2 below depicts the total nitrogen percent reduction for a properly functioning onsite wastewater treatment plant at the Mt. Hermon Association, a conference center located higher up in the San Lorenzo watershed from the Inn at Pasatiempo. The total nitrogen percent reduction rates are consistently higher than the 50% requirement. This is consistent with a system that is properly functioning to process wastewater.

Graph 2.



Flow Data: Since the flow meters have not been working properly since 2003, the Dischargers cannot report a flow-weighted average total nitrogen reduction for the site as a whole. Additionally, it is impossible to report the monthly average flows as required by the permit.

Sodium: The Dischargers have not been reporting sodium concentration data since May 2009. Sodium concentrations have typically been low and have met permit limits.

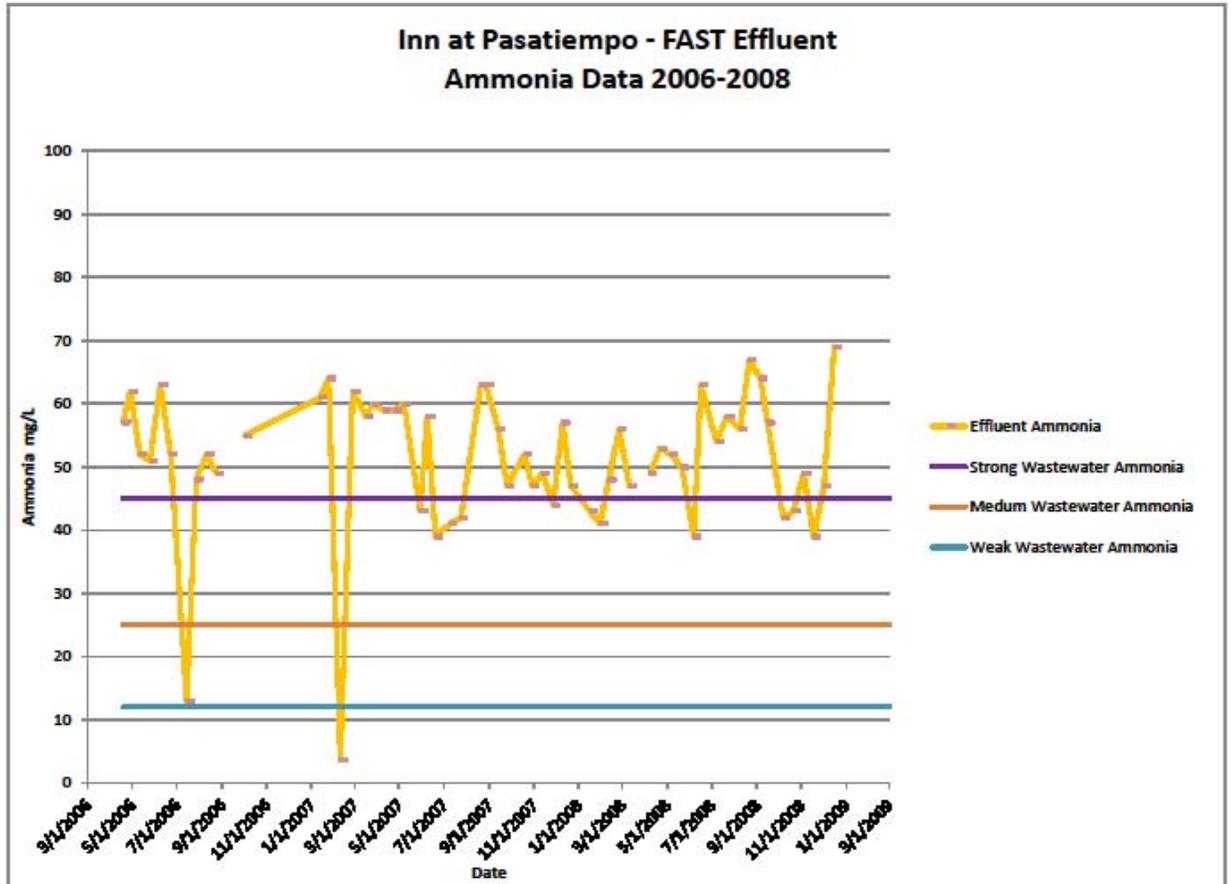
Chloride: There are chronic exceedances of chloride effluent limits at buildings A/B. Since May 2009 the Dischargers stopped regularly reporting this value. The chloride limit is 125 mg/L and reported values in 2008 were 540 mg/L for October, 490 mg/L for September, 420 mg/L for May, and 620 mg/L for March.

Discharge Prohibition: The Dischargers have been discharging untreated or partially treated wastes directly to subsurface disposal areas. This is evident by elevated effluent ammonia and nitrogen samples taken at the building A/B FAST system.

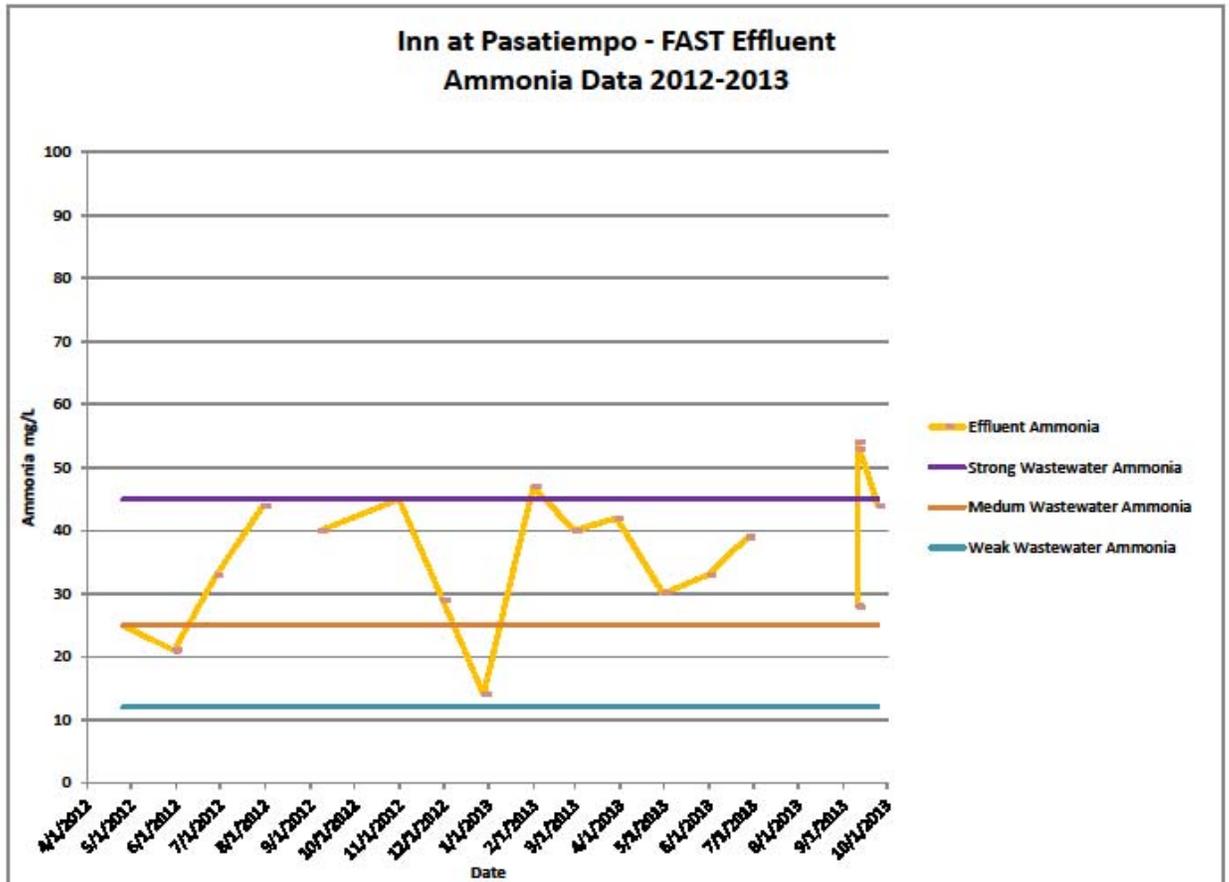
1) Ammonia

During a September 10, 2013 field visit, Central Coast Water Board staff took samples of the building A/B effluent. Effluent ammonia was 53 mg/L as N and 54 mg/L as N, indicative of a high strength wastewater discharge according to *Wastewater Engineering Treatment and Reuse*, by Metcalf and Eddy, 2003. The Dischargers' representative also took samples on September 10 and again on September 24, 2013. Effluent ammonia concentrations were 28 mg/L and 44 mg/L respectively, indicative of medium strength wastewater and a system that is not functioning properly to remove wastes. Graphs 3 and 4 below demonstrate that effluent ammonia levels have consistently been indicative of high to medium strength wastewater. Graph 5 shows effluent ammonia data from a functioning wastewater treatment system at the Mt. Hermon Association. Effluent ammonia is consistently at or near zero. This is what one would expect from a functioning system.

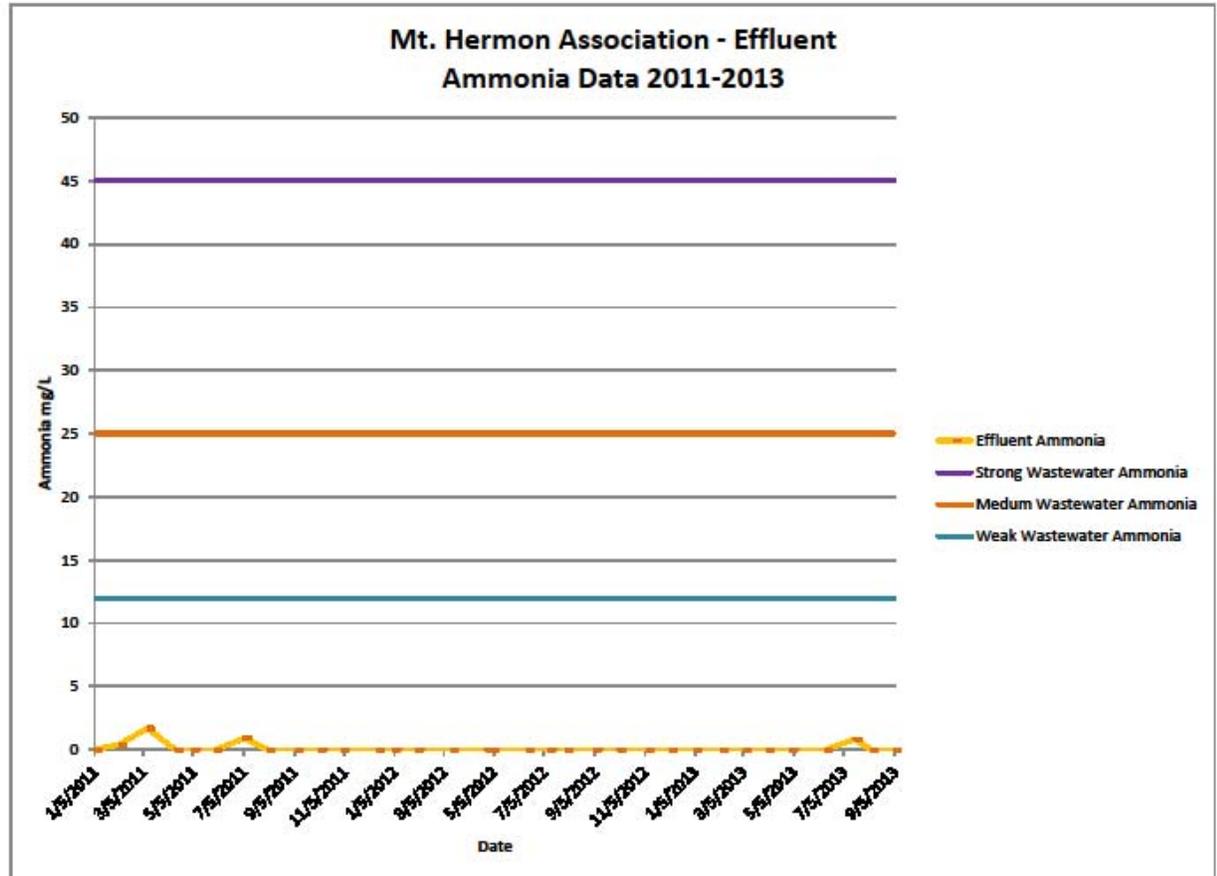
Graph 3.



Graph 4.



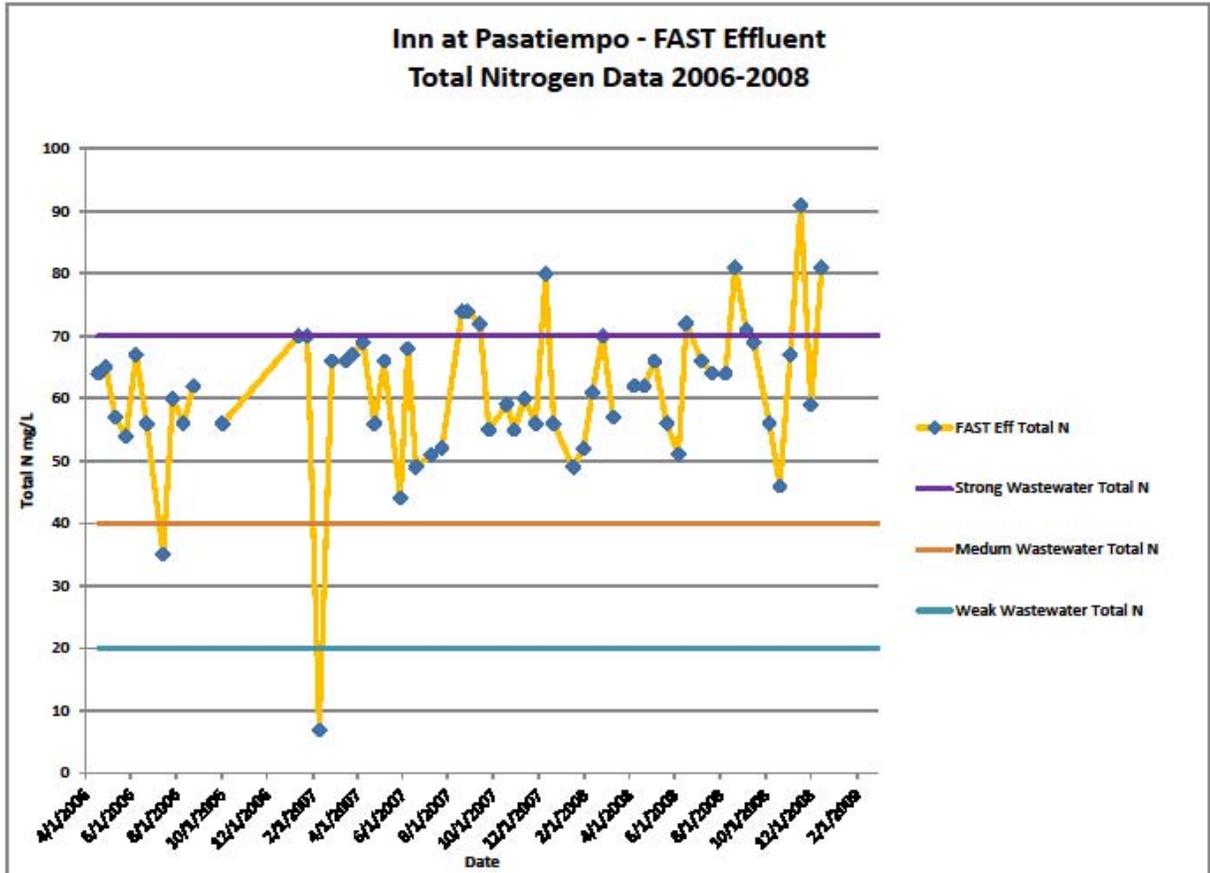
Graph 5.



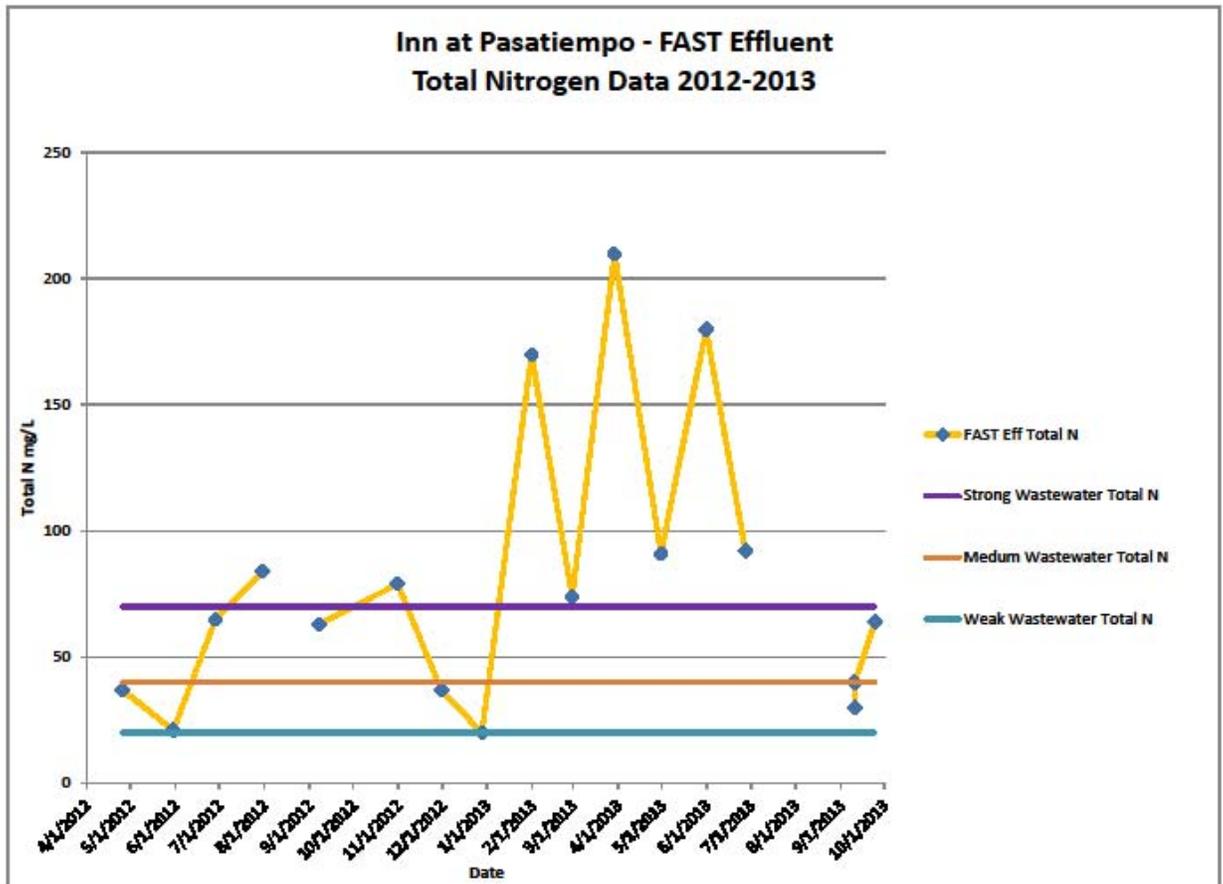
2) Total Nitrogen

During the September 10, 2013 field visit, the building A/B effluent samples contained 40 mg/L as N total nitrogen, indicative of a medium strength wastewater discharge. The Dischargers' representative also sampled on September 10 and then again on September 24. Effluent total nitrogen samples were 30 mg/L and 64 mg/L, indicative of low strength wastewater and medium strength wastewater, respectively. These data show that the wastewater treatment system is not working to remove wastes. Graphs 6 and 7 below demonstrate that effluent total nitrogen has consistently been at medium to high level strength wastewater. Graph 8 shows that by comparison, the wastewater treatment plant located at the Mt. Hermon Association functions properly with total nitrogen data regularly below 10 mg/L.

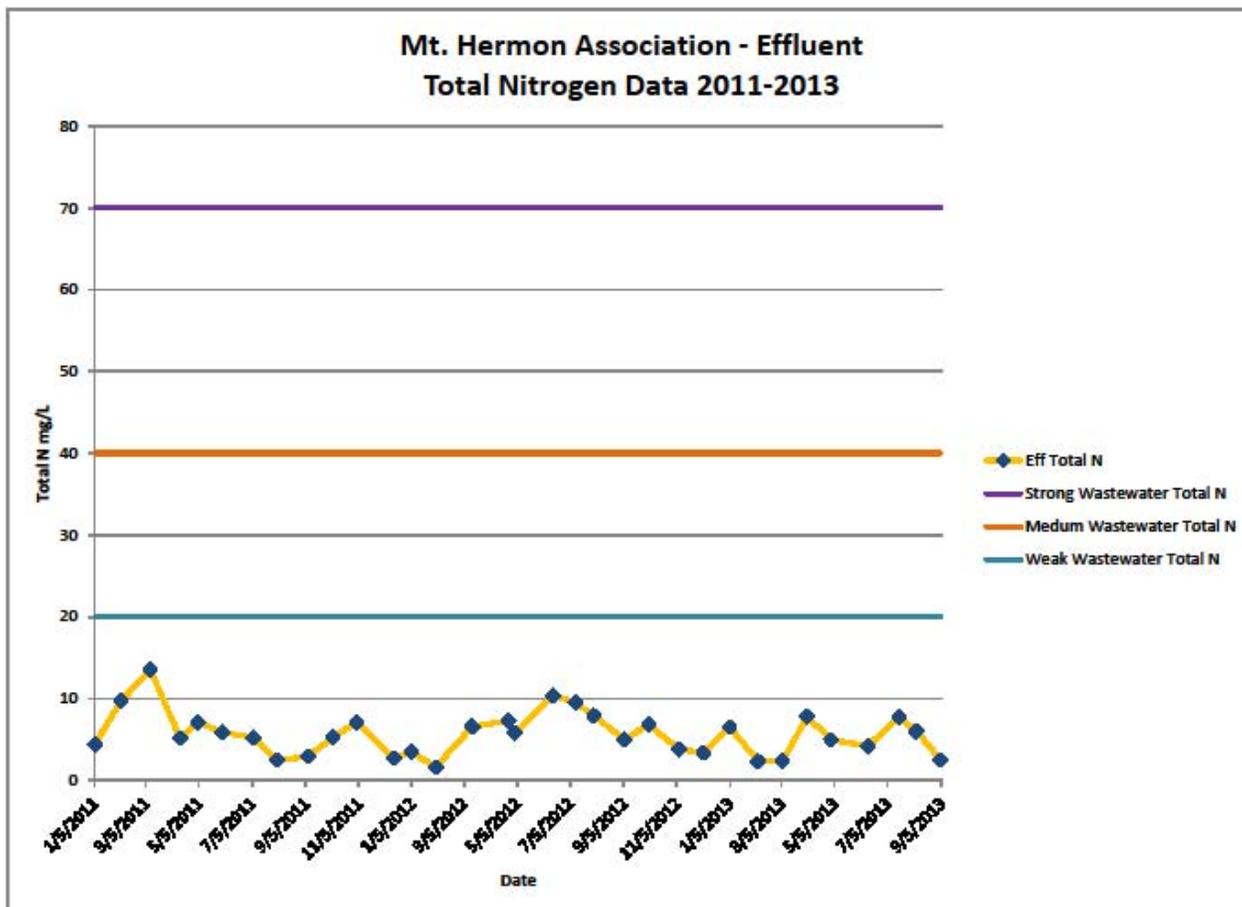
Graph 6.



Graph 7.



Graph 8.



The above data indicate that the FAST system at the Inn at Pasatiempo is not working to reduce wastes and the facility is not meeting the requirements of WDR Order No. 99-136. Graphs 2, 5 and 8 indicate that it is possible for an onsite wastewater treatment system to attain compliance with WDR requirements. Since the first quarter of 2004, the Inn at Pasatiempo monitoring reports have indicated the Dischargers are looking into hooking up to the City of Santa Cruz's wastewater treatment plant. The 1st quarter 2006 monitoring report indicated that monies for the current system upgrades were being diverted to the development of a permanent sewer line. Cost estimates for a sewer line hook-up were completed in January 2009. In an April 29, 2009 letter to the Central Coast Water Board, the Dischargers acknowledged that the FAST system was not working properly and was "not capable of reducing the chemical constituents compliant with...Monitoring Requirements." According to the Dischargers, they last met with the County and City of Santa Cruz in February and March 2011, respectively, to discuss further action needed to install a sewer line hook-up. Central Coast Water Board staff is not aware of any further progress made toward hooking up to the city's wastewater treatment plant.

Proposed Order Contents

California Water Code Section 13301 provides the authority to the Water Board to issue cease and desist orders. The Board must find that a "discharge of waste is taking place, or threatening to take place, in violation of requirements...prescribed by the regional board." As discussed in this staff report and in the draft order's findings, the Dischargers are discharging waste in violation of their waste discharge requirements.

Proposed Cease and Desist Order No. R3-2014-0004 requires the Dischargers to submit a plan to eliminate the violations of WDR Order No. 99-136. The plan must include either a detailed plan to replace or repair the onsite wastewater treatment facilities or a detailed plan for construction and hook-up of a permanent sewer line to the city-operated sewer system.

Administrative Civil Liability

On November 21, 2013, Central Coast Water Board Enforcement staff issued ACL Complaint No. R3-2014-0002 to the Dischargers. The complaint is based on findings that the Dischargers failed to submit Self-Monitoring Reports as required by their permit. The complaint alleges that the Dischargers' report submittals are chronically late and in the case of the 3rd quarter 2011 report, never submitted. Water Board enforcement staff is handling the ACL Complaint as a separate action. The Dischargers submitted a waiver requesting additional time before hearing, and hearing is currently scheduled for May 23, 2014.

ENVIRONMENTAL SUMMARY

This enforcement action by a regulatory agency is exempt from the requirements of the California Environmental Quality Act (Public Resources Code sections 21000-21177), pursuant to title 14, California Code of Regulations, section 15321.

RECOMMENDATION

Adopt Cease and Desist Order No. R3-2014-0004 as proposed.

ENCLOSURES

1. Draft Cease and Desist Order No. R3-2014-0004
2. Prosecution Team Exhibit List and Exhibits
3. Prosecution Team Witness List

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