

ITEM:

SUBJECT: Napa Berryessa Resort Improvement District, Wastewater Treatment System, Napa County

BOARD ACTION: *Consideration of Approval of Cease and Desist Order and Connection Restriction*

BACKGROUND: The Napa Berryessa Resort Improvement District (Discharger) owns and operates both a water treatment and a wastewater treatment system that serves the Berryessa Highlands subdivision and the Steele Park Resort on the eastern side of Lake Berryessa. Wastewater is treated in aeration basins and chlorinated before it is disposed of on sprayfields on a hillside overlooking Lake Berryessa.

The Discharger has a history of violations of its WDRs dating back to at least 1995. The majority of these violations are due to a lack of capacity in the storage and disposal components of the wastewater treatment plant, and include discharges to Lake Berryessa. In response to these violations the Regional Water Board adopted Cease and Desist (C&D) Order No. 96-232 in 1996. Since the C&D Order was adopted, Regional Water Board staff have issued numerous Notices of Violation for noncompliance with the C&D Order, the WDRs, and the Monitoring and Reporting Program.

ISSUES: In 1995, the Discharger authorized an outside consulting firm to complete a Master Plan to evaluate both the water treatment and wastewater treatment plants. The Master Plan describes a number of areas of noncompliance at the wastewater plant, including an influent flow of over twice that allowed by the WDRs (current flows are estimated at 113,000 gpd versus the flow limit of 50,000 gpd), the need to apply wastewater to sprayfields during rain events, an inadequately sized storage pond, improper sludge storage and disposal methods, and a lack of compliance with the groundwater monitoring requirements of the WDRs. In addition, the Master Plan discloses that waste from the water treatment plant is sprayed onto a hillside and may discharge into Lake Berryessa. The Discharger has never submitted a Report of Waste Discharge for the discharge of waste from the water treatment plant.

The Board has been concerned about increasing flows at this facility from new development since the 1996 Cease and Desist Order was issued. The District currently serves 558 equivalent dwelling units (EDUs), and is scheduled to serve 863 EDUs at full build-out. While the treatment portion of the plant is designed for build-out, the Master Plan clearly shows that the lack of capacity in the storage and disposal components is due to the growth in the service area.

Section 2244 of Title 23 of the California Code of Regulations authorizes the Regional Water Board to issue a “restriction on additional discharges to community sewer systems” (i.e., a connection restriction). The purpose of a connection restriction is to prevent an increase in the violations of waste discharge requirements (or the likelihood of violations) and thereby prevent an increase in unreasonable water quality impairment or an increase in nuisance. This facility has a demonstrated lack of capacity to store and dispose of its wastewater and continued growth will only exacerbate the violations. Therefore, it is appropriate for the Regional Water Board to consider a connection restriction for this facility. The restriction is implemented by the County Building Department, who is prohibited from issuing any further building permits for homes within the Discharger’s service area. The connection restriction language in the Order is the same as that in Title 23, with one difference. Five property owners have completed all the tasks to obtain a building permit with the exception of the ministerial action of paying their fees. Therefore, the Order excludes these five specific properties from the connection restriction, which would allow them to hook up to the sewage system.

The proposed Order requires that the Discharger complete numerous tasks, including developing a revenue plan and a staffing plan, calibrating its flow meter, properly managing its sludge, installing groundwater monitoring wells, assessing and repairing the collection system, properly reporting spills, obtaining WDRs for the water treatment plant discharge, and planning and constructing a facility that will comply with water quality regulations.

Comments were received from the Discharger, affected property owners, and the California Sportsfishing Protection Alliance. These comments are addressed in the staff report.

RECOMMENDATION: Adopt Cease and Desist Order and Connection Restriction

Mgmt. Review _____
Legal Review _____

26/27 October 2006
Central Valley Regional Water Quality Control Board meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670