CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO.

CEASE AND DESIST ORDER AND CONNECTION RESTRICTION

FOR
CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT
WASTEWATER TREATMENT FACILITY
LAKE COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as "Regional Water Board") finds that:

1. Waste Discharge Requirements (WDRs) Order No. 98-207, adopted by the Regional Water Board on 23 October 1998, prescribes requirements for the wastewater system owned and operated by the City of Lakeport Municipal Sewer District (hereafter referred to as "Discharger"). Revised Monitoring and Reporting Program No. 98-207 was issued on 22 April 2004.

2. The Discharger's wastewater treatment and storage system is on the southwestern shore of Clear Lake in Section 1 of T13N, R10W, MDB&M. The facility is southwest of downtown Lakeport on the west side of Highway 29. Assessor's Parcel Numbers for the property are APN 007-003-43 and 46, and 005-035-06, 16 and 18.

Wastewater Treatment Facility

3. The WDRs prescribe requirements for the treatment and disposal of a monthly average dry weather flow not exceed 1.05 million gallons per day (mgd) and a maximum daily discharge not to exceed 3.8 million gallons.

4. The Wastewater Treatment Facility (WWTF) is comprised of a domestic wastewater collection system, a treatment facility, a storage reservoir, a tailwater recapture system and disposal fields. The collection system consists of approximately 250,000 linear feet of sewer main and laterals and collects wastewater from approximately 5,150 residents. The treatment system is designed to treat 1.05 mgd of domestic sewage in a baffled pond system. The effluent is disinfected to secondary standards prior to discharge to a 600 acre-foot storage reservoir (at two feet of freeboard) and to a land application area.

5. The Discharger states that the discharge from the storage reservoir is used to irrigate approximately 242 acres of pasture and open areas (land application areas). However, the WDRs state that the land application area consists of 340 acres. The Discharger states that 211 acres are spray irrigated and 31 acres are flood irrigated. The land application area is divided into 31 fields. On a typical irrigation day, between nine and ten fields are irrigated on an alternating schedule over a 12-hour period. A different set of

irrigation fields are used each day over a three-day period.

Violations of the Waste Discharge Requirements

Spill Violations

6. Discharge Prohibition No. A.1 of WDRs Order No.98-207 states: *"Discharge of wastes to surface waters or surface water drainage courses is prohibited."*

7. Discharge Prohibition No. A.2 of WDRs Order No. 98-207 states: *"Bypass or overflow of untreated or partially treated effluent is prohibited."*

8. Since adoption of WDRs Order No. 98-207 on 23 October 1998, the Discharger has reported 64 spills from the collection system and 3 spills from the treatment system. Of these spills, 33 entered surface waters. The largest of these spills was partially treated wastewater that occurred over an 11 day period in April 2006 and was estimated between 3.6 and 6.6 million gallons. A description of these spills is presented as Attachment A of this Cease and Desist Order.

9. To prevent unauthorized discharges of wastewater to surface water and surface water drainage courses, it is appropriate to require a Spill Contingency Plan.

Storage Capacity Violations

10. Discharge Specification No. B.11 of the WDRs Order No. 98-207 states: *"Treatment ponds and the storage reservoir shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation and ancillary inflow and infiltration during the nonirrigating season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. The effluent storage reservoir freeboard shall never be less than two (2.0) feet (measured vertically at the spillway) except during years equaling or exceeding the precipitation of a 100-year return period. Treatment ponds shall never have a freeboard of less than 2.0 feet (measured vertically)."*

11. Monthly self-monitoring reports show that the freeboard in the storage reservoir was less than two feet in April and May 2006.

12. The Discharger's 18 September 2006 water balance, prepared by a California Registered Engineer, shows that there is adequate storage capacity for an average dry weather flow (ADWF) of 0.57 mgd. However, at the currently permitted flow rate of 1.05 mgd, there is inadequate storage capacity. The water balance is based on 100-year annual precipitation data, 600 acre-feet of storage with two feet of freeboard, a beginning storage volume in October of each year of 100 acre-feet or less, and applying wastewater to 260 acres of disposal area. Staff's review of monthly monitoring reports shows that the monthly ADWF from May through September 2006 ranges from 0.38 to 0.64 mgd. Therefore, the water balance demonstrates that the Discharger does not have enough storage capacity for its permitted flow; nor does it have enough storage capacity for its

current wastewater flow. Both of these conditions are a violation of Discharge Specification No. B.11.

13. To ensure that influent flows are accurately measured, it is appropriate to require a flow meter calibration report.

Land Application Area Violations

14. Wastewater Reclamation Specification No. E.7 of the WDRs Order No. 98-207 states: *"The Discharger may not spray irrigate effluent during periods of precipitation and for at least 24 hours after cessation of precipitation or when winds exceed 30 mph."*

15. Monthly self-monitoring reports show that the Discharger has violated Wastewater Reclamation Specification No. E.7. During April 2006, rainfall occurred a total of four days and the Discharger applied wastewater to the land application areas via spray irrigation on these days. This discharge during precipitation events resulted in the discharge of wastewater to Clear Lake.

Groundwater Violations

16. Groundwater Limitations No. G.1 of the WDRs Order No. 98-207 states*: "The Discharger, in combination with other sources, shall not cause underlying groundwater to be degraded."*

17. The provisions of the WDRs and Revised Monitoring and Reporting Program (MRP) No. 98-207 require that the City of Lakeport install groundwater monitoring wells, sample the installed groundwater monitoring wells, and evaluate groundwater conditions related to the discharge of waste at the facility.

18. Five groundwater monitoring wells were installed at the WWTF and land application area in September 2004. Quarterly groundwater monitoring and sampling reports were submitted between November 2004 and December 2006. Review of the groundwater monitoring data shows that the discharge appears to have degraded groundwater when comparing the upgradient background well to the downgradient wells. Concentrations of Total Dissolved Solids (TDS), boron, iron, manganese, magnesium, potassium, sodium, and chloride in the downgradient wells are higher than those in the upgradient background well. The discharge of waste from the City of Lakeport's WWTF has violated the Groundwater Limitations of WDRs Order No. 98-207. Therefore, it is appropriate to require the Discharger to complete a Background Groundwater Quality Study Analysis and to evaluate Best Practicable Treatment Control Measures to reduce degradation to below water quality objectives.

Previous Enforcement

19. Since issuance of the current WDRs in October 1998, Regional Water Board records indicate that four Notices of Violations (NOVs) have been issued for multiple wastewater spills. These NOVs are summarized as follows:

a. An NOV was issued on 15 January 2004 for a 66,000 gallon raw sewage spill that occurred on 27 October 2003 and for five other spills ranging from 25 to 100 gallons that occurred in November and December 2003. The NOV required the submittal of a *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* (SSS Plan). The SSS plan was received by Regional Water Board staff on 4 June 2004.

b. An NOV was issued on 8 February 2006 for a raw sewage spill estimated at approximately 500 gallons that occurred on 31 December 2005 and the Discharger's inability to report the spill as required by the Standard Provisions and Reporting Requirements of the Waste Discharge Requirements. The spill was caused by (i) excessive amounts of rain accompanied with inflow and infiltration (I/I), (ii) fats, oils, and greases in the main sewer line, (iii) privately operated sewer pumps from nearby motels that are connected to the sewer main, (iv) and an undersized section of the sewer main. Because the Discharger did not report the spill as required by the Standard Provisions and Reporting Requirements, the NOV required the submittal of a technical report describing how they will change internal procedures such that all spills will be reported as required by the Standard Provisions. The NOV also required the submittal of a report showing the repairs that had been completed to reduce the I/I in the spill area, a copy of the ordinance submitted to City of Lakeport regarding the reduction of fats, oils, and grease from nearby restaurants connected to the main sewer line, results of the investigation regarding the operation of the privately operated sewer pumps during periods of heavy rains, and a timeline for the replacement of the undersized section of sewer main. The Discharger has submitted the required information.

c. An NOV was issued on 3 August 2006 for a discharge of wastewater into Clear Lake from the recapture reservoir. The discharge occurred between 13 and 24 April 2006 and was estimated to be between 3,600,000 and 6,600,000 gallons of partially treated wastewater. The Discharger based the estimate spilled on approximately 15 to 25 percent of the total amount of wastewater (24 million gallons) that was discharged to the spray field during this period. The primary causes of the spill were the inflow from the Willow Point area due to the high lake levels and the uncapped sewer cleanouts, the heavy rains that occurred during this period, the lack of storage capacity, and the inability to allow the land application area to dry prior to irrigation. The NOV required the Discharger to submit a water balance prepared by a California Registered Engineer evaluating the wastewater treatment system's capacity and ability of the ponds to maintain two feet of freeboard on a month-by-month basis. The technical report and water balance prepared by a California Registered Engineer were received on 18 September 2006.

d. On 9 January 2007, an NOV was issued for two raw sewage spills that occurred on 26 October and 9 November 2006. The October spill was estimated to be between 100 and 200 gallons, and was from an overflowing manhole. The spill entered a flowing storm drain and eventually Clear Lake and was caused by a grease blockage in the sewer pipe. The Discharger states that the sewer pipe was cleaned

of grease deposits and video surveyed. The Discharger indicates that this section of sewer pipe will be inspected by the 3rd quarter 2007. The November spill, estimated at 90 gallons, occurred from an overflowing manhole located near the Clear Lake High School. The spill did not enter a surface water drainage course. The spill was caused by a blockage in the sewer line from a large mass of wet paper products possibly from vandalism. A video inspection conducted by the Discharger on 9 November 2006 indicated that there were no defects within the manhole or sewer mains.

Response to April 2006 Spill and Notice of Violation

20. On 10 August 2006, the Discharger requested a meeting with Regional Water Board staff to discuss the 3 August 2006 NOV and any additional enforcement action under consideration. The meeting with staff was held on 5 September 2006, and a subsequent meeting was held with the Executive Officer on 6 October 2006. The following information was presented at each meeting and in follow-up correspondence.

    The Discharger states that the main cause of the April 2006 spill was the continuous rainfall that occurred beginning in December 2005 and the inability to apply wastewater to the land application area. Once the Discharger began irrigating in April, storm water run-on into the tailwater diversion ditch from the surrounding areas contributed to the increased volumes to the storage reservoir. In addition, the Discharger submitted the following information:

    - In response to increased flows at Lift Station C, the City of Lakeport staff inspected the Willow Point RV Park on 1 March 2006 and found approximately 20 uncapped private sewer cleanouts. The RV Park is immediately adjacent to Clear Lake.

    - Extensive flooding occurred along the shores of Clear Lake and in the Willow Point RV Park from 6 March through 27 April 2006. This flooding allowed approximately 65 acre-feet of excess water to enter the collection system through the uncapped sewer cleanouts.

    - The majority of the open sewer cleanouts were brought to grade and capped with watertight covers on 24 March 2006 after utilizing the services of the City of Lakeport Building Department, the California Housing and Community Development, and Lake County Environmental Health Department. Wastewater flows at the nearby Lift Station No. 6 have since been reduced. However, follow-up site investigations on 18 and 22 August 2006 indicate that the Recreation Vehicle (RV) Dump Station cleanout remains open and is subject to future flooding. The inspection also found that large amounts of rock and gravel were placed onsite to prevent future flooding of the area.

    - The City of Lakeport will monitor the repairs made to the sewer cleanouts through inspections and take flow measurements both upstream and downstream of the

Willow Point RV Park.

- The owner of the Willow Point RV Park has received citations from the Lake County Environmental Health Department and the California Department of Housing and Community Development for the two sewer spills. One of the sewer spills was discovered within five feet of the lake level on 1 March 2006.

The impact to beneficial uses from the millions of gallons of wastewater spilled into Clear Lake was negligible because (a) the wastewater was re-disinfected prior to discharge and (b) the heavy rains diluted any constituents of concern. In addition, the Discharger took action to prevent some wastewater from entering Clear Lake. Approximately 597,000 gallons of partially treated wastewater was transported by sewage pumper trucks to the Southeast Regional Wastewater Treatment Facility during a seven-day period from 13 through 21 April 2006 at a cost of approximately $96,000.

Inflow/Infiltration Assessment

21. Provision H.3.a of the WDRs requires that, in order to resolve capacity issues related to high inflow and infiltration (I/I), the Discharger was to submit an I/I assessment report by 1 June 1999. The report was not submitted until November 2000.

22. In a 10 May 2000 inspection report, Regional Water Board staff informed the Discharger that the wastewater treatment and disposal facilities appeared well-operated and maintained. However, the report also stated that the collection system had significant inflow/infiltration (I/I) problems (documented in Attachment A to this Order). To address these problems, the Discharger was reminded that the WDRs required submittal of an I/I assessment report, and that it should detail the City's plan and schedule for implementing a program to define the nature and extent of I/I in the collection system, establish cost effective measures for reduction of I/I sources, and perform ongoing I/I prevention and control. The report was received in November 2000, and included the following:

Task	Target Completion Date	Status
Determine the strategy to mitigate the I/I problem	16 October 2001	Completed
Finalize the analysis of the new sewer rates and coordinate the rate increase with the Lake County Sanitation District rate increase.	10 January 2001	Completed
Implement the rate increase with Proposition 218 requirements.	31 March 2001	Completed
Hire additional staff for I/I issues, and obtain necessary monitoring equipment and provide training.	15 June 2001	Hired two additional staff in March and April 2004.

Task	Target Completion Date	Status
Conduct initial smoke testing, provide initial update for mapping the sewer collection system, conduct base flow monitoring, sewer testing and miscellaneous repair activities.	15 October 2001	Smoke testing began in June 2004 (as of June 2005 approximately 65 percent of the lines inspected). Geographical Information System (GIS) mapping of sewer manholes (2004/2005).
Issue repair notices and work orders for defective collection system facilities.	30 November 2001	Ongoing
Initiate wet weather flow monitoring	1 December 2001	Magnetic flow meters arrived in June 2004 and have been installed at four lift stations (Lakeshore Blvd., Rose Ave., Martin Street, and C Street). A fifth magnetic flow meter is planned to be installed at the Linda Lane lift station.
Conduct ongoing flow monitoring, mapping, and repair activities to the sewer collection system.	Ongoing	Ongoing

23. The Discharger states that a concerted effort has been made towards an I/I Reduction Program with the following actions having been taken: (a) aerial mapping of the city in 1991, 2002, 2006, (b) GIS mapping of utilities from 1999 to present, (c) inventory of sewer utilities from 2001 to present, (d) creation of the I/I Department in 2003, (e) providing a GIS utility atlas to field crews in 2004, (f) completion of the sewer spillage database in 2005, (g) physical inspection of all sewer manholes from 2001 to present, (h) video inspection of sewers from 2001 to present, (i) purchase of magnetic flow meters for sewage lift stations in 2004, (j) restoration of 10 sewer manholes in 2004, 21 manholes in 2005, and 20 manholes in 2006, and (k) the installation of 44 sewer manhole covers in 2005.

24. The Discharger's 18 September 2006 technical report states that historically, the wastewater collection system has experienced substantial inflow and infiltration; however, the I/I Reduction Program was created in 2003 to identify the problem areas and repair the collection system. The Discharger states that an average of $225,000 per year has been spent on the I/I Reduction Program.

25. In addition, the Discharger indicates that it has recently contracted with a consultant to prepare a Sewer Master Plan. The Plan will address both collection system and treatment system improvements. The estimated cost to complete the plan is $50,000 and the scheduled completion date is 13 August 2007. In summary, the Master Plan will

contain the following: (a) development of a service area and system map, (b) an inflow/infiltration flow monitoring program, (c) development of a hydraulic model, (d) an evaluation of, and recommended improvements to the wastewater treatment, storage and disposal system to accommodate the next 20 years of growth, (e) cost estimates associated with those recommended improvements, and (f) development of a sewer master plan map.

26. To ensure that a mechanism is in place to provide adequate funding needed for the treatment, storage and disposal capacity necessary to consistently comply with the permit conditions, it is appropriate for the Discharger to submit a Revenue Plan for existing and future expansion of the City of Lakeport's WWTF.

27. To ensure that adequate staffing is available to perform operation and maintenance of the wastewater treatment and disposal system to comply with the WDRs, it is appropriate that the Discharger submit a Staffing Analysis Report.

28. On 2 May 2006, the State Water Board adopted Statewide General Waste Discharge Requirements For Sanitary Sewer Systems General Order No. 2006-0003-DWQ (General Order). The General Order requires all public agencies that own or operate sanitary sewer systems greater than one mile in length to comply with the Order. The Discharger's collection system exceeds one mile in length, therefore the General Order is applicable. The Discharger applied for coverage under the General Order on 29 October 2006.

<u>Sewer Connection Restriction</u>

29. Regional Water Board staff's review of recently submitted California Environmental Quality Act (CEQA) documents indicates that future developments are being proposed in and around the City of Lakeport. This future development would result in the creation of new homes and businesses which would generate wastewater and thus require treatment and disposal by the City of Lakeport's Municipal Sewer District's Wastewater Treatment Facility. A summary of CEQA documents that have been received are as follows:

    a. On 7 September 2006, Regional Water Board staff provided comments to the Mitigated Negative Declaration for the City of Lakeport's Parallel Drive Annexation Project. The proposed project consists of a 157-acre park located along the western side of Parallel Drive, west of Highway 29, to be annexed to the City of Lakeport for planned growth of the community. The Mitigated Negative Declaration states that the proposed project would not directly result in the production of additional wastewater. However, future development could result in creation of new homes and businesses that would generate wastewater and thus require treatment and disposal by the City of Lakeport Municipal Sewer District. Regional Water Board staff directed that if the proposed project increases the monthly average dry weather discharge above the permitted flow, then a Report of Waste Discharge must be submitted.

b. On 9 January 2007, Regional Water Board staff received a copy of a proposed Mitigated Negative Declaration from Lake County Community Development for review and comment. The project consists of the installation of a wastewater collection and distribution system to serve the county airport at Lamson Field and the existing and proposed facilities on the airport property. The wastewater treatment and disposal for the project would be handled through the City of Lakeport's WWTF.

30. A 28 December 2006 Lake County Record Bee newspaper article indicates there are proposed plans to construct a golf course and housing development on approximately 700 acres of land owned by the City of Lakeport. The proposed development would consist of approximately 600 single-family homes, multi-family homes and possibly some timeshares. The article states that the project would fund wastewater treatment plant improvements. Staff has not received any CEQA documents or other correspondence pertaining to this proposed project.

31. The Discharger's water balance shows that currently available treatment, storage and disposal capacity is 0.57 mgd. The maximum monthly average dry weather influent flow during 2006 was 0.64 mgd. Because the Discharger's water balance shows that there is inadequate storage capacity under the permitted flow rate of 1.05 mgd and under the current flow rate of 0.64 mgd, this Order prohibits new connections to the WWTP until adequate capacity is obtained.

Regulatory Considerations

32. As a result of the events and activities described in this Order, the Regional Water Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Water Board also finds that the Discharger is discharging waste in violation of WDRs No. 98-207 as described in the above Findings.

33. The Regional Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) designates beneficial uses, includes water quality objectives to protect the beneficial uses, and includes implementation plans to implement the water quality objectives.

34. Surface water drainage from the facility is to Clear Lake. The beneficial uses of Clear Lake, as stated in the Basin Plan, are municipal and domestic supply; agricultural supply; industrial service supply; water contact recreation; noncontact water recreation; warm freshwater habitat, cold freshwater habitat; spawning, reproduction, and/or early development; and wildlife habitat.

35. The beneficial uses of underlying groundwater are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.

36. Section 13301 of the California Water Code states in part: "When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge

prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by discharges who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302."

37. Section 13267(b) of the California Water Code states: " In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

38. The Discharger owns and operates the facility subject to this Order. Monitoring reports and other technical reports required by this Order are necessary to assure compliance with WDRs Order No. 98-207 and revised MRP No. 98-207 to assure protection of public health and safety.

39. Title 23, California Code of Regulations, Section 2244(b) states: "Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements."

40. The Regional Water Board finds that there is an existing and threatened violation of waste discharge requirements in the operation of a community sewer system because the volume of influent exceeds the amount the facility is physically capable of storing and disposing in compliance with Order No. 98-207. The Regional Water Board also finds that additional volume of wastewater entering the facility will cause an increase in violation of waste discharge requirements and, therefore, this Order prohibits new connections to the WWTF.

41. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.

42. On _____, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order and Connection Restriction.

43. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the Regional Water Board action took place. Copies of the law and regulations applicable to filing petitions are available at www.waterboards.ca.gov/water_laws/index.html and also provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13301 and 13267 of the California Water Code, the City of Lakeport Municipal Sewer District, its agents, successors, and assigns, shall implement certain measures, and identify and implement facility improvements, in accordance with the scope and schedule set forth below to ensure long-term compliance with WDRs Order No. 98-207 or any revisions to those WDRs.

Each document submitted under this Order shall bear the following certification signed by the Discharger:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

1. With the exception of Discharge Specification No. B.1 of WDRs Order No. 98-207 (pertaining to the dry weather inflow to the wastewater treatment plant), the Discharger shall **immediately** comply with all aspects of WDRs Order No. 98-207.

2. Effective immediately, the average monthly dry weather inflow to the wastewater treatment plant shall not exceed 0.64 mgd (i.e., the flow generated in May 2006), and the annual inflow (measured from October through September) shall not exceed 912 acre-feet (approximately 298 million gallons).

3. By **1 June 2007**, the Discharger shall install a magnetic flow meter to accurately measure the influent wastewater flows into the wastewater treatment facility. By this date, the Discharger shall submit documentation certifying installation of the flow meter.

4. By **1 September 2007**, the Discharger shall submit a *Flow Meter Calibration Report* that demonstrates that all flow meters used for determining compliance with the WDRs and this Order have been independently calibrated by a third party. The report shall also (a) provide standard procedures for plant personnel to use when taking and recording flow measurements and (b) provide a schedule for on-going meter calibration.

5. By **1 October of each year**, the volume of wastewater in the effluent storage reservoir shall not exceed 100 acre-feet.

Short Term Storage and Disposal Capacity Improvements

6. By **1 June 2007**, the Discharger shall submit a *Short-Term Storage and Disposal Capacity Improvement Projects Revenue Plan* identifying the funding sources to implement the two improvement projects needed to address 1) diversion of all surface water around the recapture basin, and 2) the 90-acre expansion of the spray irrigation disposal fields. The plan shall include the following:

   a. A detailed description of the scope and schedule of all planning, design, and construction, including improvements to existing facilities and construction of new facilities as needed to address the surface water diversion and spray field expansion; and
   b. A preliminary capital cost estimate and a financing plan describing how the improvement project(s) will be funded.

7. By **1 July 2007**, the Discharger shall submit and immediately implement a *Spill Contingency Plan* containing the interim measures necessary for preventing unauthorized discharges to surface water and surface water drainage courses from the WWTF. The Spill Contingency Plan shall remain in effect until all improvements to the WWTF are completed. The Spill Contingency Plan must, at a minimum, consider additional water conservation measures to reduce wastewater flows, provisions for transporting wastewater offsite for disposal, and provisions for increasing the capacity of the storage reservoir. The cost and funding mechanism for each contingency measure must be identified. The Spill Contingency Plan must identify the selected alternatives, and for each alternative, specify all necessary materials, staffing, and equipment required for implementation.

8. By **1 August 2007**, the Discharger shall submit a *Staffing Analysis Report* for the wastewater treatment, storage and disposal system. The analysis shall include a review of current staffing levels, allocation of staff tasks, an analysis of whether current staff allocation is adequate, and if necessary, describe the shortfalls and make recommendations for future staffing needs. If the analysis indicates additional staff are necessary, then the report shall also include a *Staffing Contingency Plan* describing the steps the Discharger shall take in the short term and long term to assure that it has enough staff to perform the necessary operation and maintenance activities associated with the wastewater storage and disposal system. If the analysis indicates additional staff are necessary, then the *Staffing Contingency Plan* shall also contain a proposed timeline for acquiring the necessary staff.

9. By **1 November 2007**, the Discharger shall finish all short-term storage and disposal capacity improvements necessary to 1) divert all surface water around the recapture basin, and 2) complete the 90-acre expansion of the spray irrigation disposal fields. By this date, a report of project completion shall be submitted. The *Short-Term Storage and Disposal Capacity Improvements Report* shall include the following:

a. A detailed description of the of all completed construction activities to address the surface water diversion and spray field expansion; and

b. A calibrated water balance documenting the storage and disposal capacity improvements. The water balance shall include consideration of at least the following:

i. Wastewater flows from all sources such as subsurface inflows, storm water run-on, and any inflow and infiltration from the collection system;

ii. Local precipitation data (indicate what weather station was used to obtain the data, and indicate what the total annual precipitation is for average and 100 year annual storm events, and show how that value was distributed throughout the year, by months, based on historical rainfall patterns);

iii. Infiltration and inflow;

iv. Local evaporation data;

v. Measured evaporation data from any enhanced evaporation system;

vi. Projected percolation rates for the effluent storage reservoir; and

vii. Irrigation disposal rates that comply with the requirements of the WDRs.

Groundwater Evaluation

10. By **1 November 2007**, the Discharger shall submit a *Background Groundwater Quality Study and Degradation Assessment Report*. For each groundwater monitoring parameter/constituent identified in revised MRP No. 98-207, the report shall present a summary of all monitoring data and calculation of the concentration in background monitoring well(s). Determination of background quality shall be made using the methods described in Title 27, Section 20415(e)(10), and shall be based on data from at least 8 consecutive quarterly (or more frequent) groundwater monitoring events. For each monitoring parameter/constituent, the report shall compare the measured concentration in each compliance monitoring well with the proposed background concentration.

11. By **1 November 2007**, the Discharger shall submit a *BPTC Evaluation Workplan* that sets forth the scope and schedule for a systematic and comprehensive technical evaluation of the waste constituent(s) to determine which best practicable treatment and control (BPTC) practices are necessary to implement to ensure that groundwater degradation is minimized. The workplan shall contain an evaluation of each component of the wastewater treatment facility and shall propose a comprehensive evaluation of appropriate treatment and control measures for each waste constituent causing degradation.

12. By **1 November 2008**, the Discharger shall submit a *BPTC Evaluation Report* containing the results of the study described in Ordered Item No. 11. The report shall recommend

improvements to the WWTF that will result in compliance with the Groundwater Limitations of WDRs Order No. 98-207.

Sewer System Master Plan

13. By **1 July 2008**, the Discharger shall submit a *Sewer System Master Plan* that describes the facility improvements needed to:

    a. Increase overall storage and disposal capacity as necessary to comply with a 100-year total annual precipitation event;
    b. Provide enough wastewater storage and disposal capacity for current flows, as well as growth projected over the next 15 years;
    c. Prevent sanitary sewer overflows;
    d. Comply with pond freeboard requirements in the WDRs; and
    e. Address I/I (shall include items listed in Finding No. 25).

    The *Sewer System Master Plan* shall include a water balance for both the current inflow and projected flows through at least the year 2022, and shall clearly show the times of the year when wastewater must be stored versus when it may be applied to land. The water balance shall evaluate the wastewater storage reservoir's ability to provide sufficient capacity to maintain two feet of freeboard on a month-by-month basis. The water balance shall be based on all flows entering the wastewater system, 100-year annual precipitation returns, and compliance with the two-foot freeboard requirement in treatment ponds and storage reservoir. All assumptions and calculations used in preparing the water balance must be clearly identified. The water balance shall include consideration of at least the items listed in No. 9b (above). The *Sewer System Master Plan* shall include a proposed timeline for all improvements.

Revenue Plan

14. By **1 September 2008**, the Discharger shall submit a *Revenue Plan* for all work and improvements described in the Sewer System Master Plan. The Revenue Plan shall include the following:

    a. A detailed description of the scope and schedule of all planning, design, and construction, including improvements to existing facilities and construction of new facilities as needed to accommodate projected future influent flows over the next 15 years. A phased expansion plan may be proposed; and

    b. A preliminary capital cost estimate and a financing plan describing how the improvement project(s) will be funded.

Report of Waste Discharge

15. By **1 April 2009**, the Discharger shall submit a *Report of Waste Discharge* (RWD) to allow the WDRs to be revised to reflect the proposed upgrades in the Sewer System Master Plan. The RWD consists of the Form 200 *(Application for Report of Waste Discharge)* and a technical report that addresses all items listed in Attachment B to this Order, "*Additional Information Requirements for a Report of Waste Discharge."* The Report of Waste Discharge shall clearly reference the groundwater monitoring data

collected for the sprayfields and shall demonstrate that the proposed improvements are compliant with State Water Resources Control Board Resolution No. 68-16 (the Antidegradation Policy).

Progress Reports

16. **Beginning with the second quarter 2007**, the Discharger shall submit a *Quarterly Compliance Status Report*. These reports shall describe all work completed during the calendar quarter to comply with this Cease and Desist Order; and any new, modified, or renovated component of the collection, treatment, storage, and disposal system. The reports shall specifically address work completed to identify and reduce I/I. These reports shall be submitted by the **1st day of the second month after the quarter** (e.g., the first quarterly report is due by 1 May of each year).

Sewage Connection Restriction

17. Connections to the sewage collection system by households or businesses that did not have a building permit approved prior to the **18 January 2007** Public Hearing Notice are prohibited.

18. The following may be excluded from the sewage connection restriction upon a project-specific determination of eligibility by the Regional Water Board:
    a. Projects which normally do not require a building permit and for which construction commenced prior to the 18 January 2007 Public Hearing Notice;
    b. Projects which would eliminate discharges from existing dwellings which have failing systems whose threat to water quality or public health is greater than that of the existing collection system; and
    c. Projects that would alleviate an extreme public hardship or public health problem.

19. The sewage connection restriction will remain in effect until removed by the Regional Water Board. The Regional Water Board may remove the restriction upon finding that the violations of requirements which were the basis for imposing the restriction have ceased and consistent compliance with those requirements has been achieved.

20. The Regional Water Board may, prior to removing the sewage connection restriction, grant a limited exception to allow additional connections to the sewage collection system upon finding that the Discharger has met the following conditions:
    a. Consistent compliance with requirements can be achieved only by construction of a facility which will take a substantial period of time to complete;
    b. The Discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures;
    c. The corrective measures necessary to achieve compliance will be completed and placed into operation by the Discharger in the shortest practicable time;
    d. All practicable interim repairs and improvements which can be made have been made; and
    e. During the interim period of time until compliance with requirements can be fully achieved, the discharge will be managed, operated, maintained and repaired so as

to reduce to a minimum the violations which resulted in the imposition of the connection restriction, and that such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

21. The Regional Water Board shall, upon finding that the above conditions are no longer met by the Discharger, revoke the limited exception as discussed in Ordered Item No. 19 and re-impose the sewage connection restriction.

In addition to the above, the Discharger shall comply with all applicable provisions of the California Water Code that are not specifically referred to in this Order. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed/stamped by the registered professional.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of $1,000 to $10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including sections 13268, 13350 and 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

_____
PAMELA C. CREEDON, Executive Officer

Attachment A - Summary of Spills from October 1998 through 2006
Attachment B - Additional Information Requirements for a Report of Waste Discharge

GJC/MRL/WSW: 28 February 2007