

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2007-

REQUIRING
COUNTY OF SHASTA
REDDING REGIONAL SEPTAGE DISPOSAL FACILITY
SHASTA COUNTY

TO CEASE AND DESIST
FROM VIOLATING WASTE DISCHARGE REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds that:

1. The County of Shasta (hereafter Discharger) operates the Redding Regional Septage Disposal Facility (hereafter Facility) located approximately 3.5 miles west of the City of Anderson. The Facility has been regulated under Waste Discharge Requirements (WDRs) Order No. 94-018 since 1994.
2. The Facility serves the unsewered areas of the county by treating and disposing of septage generated by septic tank systems. It consists of 10 unlined ponds with a surface area of approximately 11.5 acres and a total holding capacity of 16.2 million gallons. Incoming septage enters one of two primary ponds, where solids are allowed to settle out, and the liquid portion is decanted successively into each of the next ponds in series, where it is allowed to either evaporate or percolate into the subsurface.
3. According to a Shasta County report titled, *20-year Capacity Study and Proposed Expansion of the Redding Regional Septage Ponds* dated 29 March 2005, the ponds were near maximum capacity and, unless mitigative measures were taken, normal septage intake combined with the average annual rainfall could result in exceeding the capacity of the Facility within the next couple of years. To remain operable and contain precipitation from a 100-year wet season, the Discharger concluded that an additional 13.5 million gallons of pond capacity was needed.
4. Regional Water Board staff observed wastewater overtopping Ponds E-4 and E-5 on 13, 14, 15, 16, 17, and 30 March 2006, and 12 April 2006. Samples collected from Ponds E-4 and E-5 contained concentrations of chloride above water quality objectives. On 30 March 2006, Regional Water Board staff issued Shasta County Department of Public Works a Notice of Violation for discharging wastewater from Facility Ponds E-4 and E-5 and not maintaining the required two feet of freeboard, both violations of Waste Discharge Requirements (WDRs) Order No. 94-018.
5. On 15 March 2006, Shasta County began to utilize water trucks to remove liquid from Pond E-1 in an effort to stop wastewater from overtopping Ponds E-4 and E-5, which eventually stopped the spill and enabled adequate freeboard, however the Discharger continued to permit septage disposal at the Facility.

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6. In response to an 8 May 2006 enforcement order requiring technical information pursuant to Section 13267 of the California Water Code, the Discharger submitted a 29 June 2006 technical report proposing operating procedures to prevent further overtopping from septage ponds. The Discharger proposed to completely dry and clean Ponds E-4 and E-5, the last ponds in the series, and leave Pond E-1 with a maximum of 13 inches of liquid prior to the onset of the wet season. All other ponds in the E and W-series will remain available to full capacity. Rainwater that falls into the clean ponds can be discharged under conditions previously accepted by staff until the ponds need to be utilized to retain wastewater.

7. California Water Code Section 13301 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 preventative action.”

8. California Water Code Section 13267 states, in part, that:

“In Conducting and 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 qualities of the 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. 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.”

9. California Water Code Section 13268 states, in part, that:

“(a)(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). and,

(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.”

10. The technical reports required by this Order are necessary to assure compliance with the Waste Discharge Requirements and to assure protection of public health and safety. The Discharger owns and operates this facility, and is responsible for the discharge of waste at the facility.

11. California Water Code Section 13350 states, in part, that:

“(2) Any person who (1) violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of any waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)...

(e) The state board or a regional board may impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 either on a daily basis or on a per gallon basis, but not both.

 1. The civil liability on a daily basis may not exceed five thousand dollars (\$5,000) for each day the violation occurs...

(B) When there is no discharge, but an order issued by the regional board is violated, except as provided in subdivision (f), the civil liability shall not be less than one hundred dollars (\$100) for each day in which the violation occurs.”

12. The issuance of this Order is an enforcement action taken 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. This Order specifically addresses remedial actions necessary to cease and desist the effects of noncompliance with existing waste discharge requirements.

13. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Title 23, CCR Sections 2050-2068. 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 may be found on the Internet at <http://www.waterboards.ca.gov/centralvalley> or will be provided upon request.

IT IS HEREBY ORDERED that pursuant to California Water Code, Section 13301 and 13267, the County of Shasta, their agents, assigns and successors shall cease and desist from violating the requirements of WDR Order No. 94-018 or any subsequent Order and in accordance with the following time schedule, implement the following tasks to ensure

compliance with Provisions contained in WDR Order No. 94-018, and/or any superseding permits or orders adopted by the Regional Board.

1. Provide to the Regional Water Board, monthly analysis of the additional holding capacity of the ponds that will provide compliance with the freeboard requirement in Order No. 94-018, if the wastewater flow to the ponds exceeds 425,000 gallons during a 30-day period. The analysis shall consider the current volume of septage stored in the ponds and shall assume rainfall for the months subsequent to the report to be equivalent to the 100 year return frequency. The monthly analysis shall be submitted to the Regional Water Board office on the 15th day of the subsequent month. In no event shall the 30-day average discharge volume exceed 650,000 gallons until additional pond capacity is created.
2. Prior to discharging clean rainwater from Ponds E-4 and/or E-5, the Discharger shall analyze for total and fecal coliform, chloride, nitrate as nitrogen, total suspended solids, and chemical oxygen demand. The results shall be submitted to the Regional Water Board, for review and approval, a minimum of 24 hours prior to the discharge.
3. By **31 May 2007**, submit final plans, design specifications, and Construction Quality Assurance (CQA) specifications for the septage pond expansion project.
4. By **31 October 2007**, complete construction of the proposed septage pond expansion project.
5. By **1 December 2007**, submit a Final Construction and CQA Report.
6. The Discharger shall comply with all limitations, specifications, and provisions of current or ensuing Waste Discharge Requirements.

This time schedule supersedes the Time Schedule contained in Provision 7 of WDR Order No. 94-018. The Discharger shall comply with all other limitations, specifications, and provision of Order No. 94-018 and/or any superseding permits or orders adopted by the Regional Board. All technical reports required herein that involve planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the supervision of persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Any person signing a document submitted under this Order shall make the following certification:

"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 or imprisonment.”

IT IS FURTHER ORDERED THAT pursuant to California Water Code Section 13223, 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.

I, PAMELA C. CREEDON, 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, Central Valley Region on_____.

PAMELA C. CREEDON, Executive Officer

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RRSP Cease and Desist