

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER

CEASE AND DESIST ORDER  
FOR

CITY OF ISLETON  
WASTEWATER TREATMENT FACILITY  
SACRAMENTO COUNTY

TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. Waste Discharge Requirements Order 90-186 (the "WDRs"), adopted by the Central Valley Water Board on 22 June 1990, prescribes requirements for the City of Isleton (hereafter referred to as "Discharger" or "City") Wastewater Treatment Facility ("WWTF").
2. The City has a population of approximately 840 inhabitants and is in the northeastern portion of Andrus Island, along the east bank of the Sacramento River, in Sacramento County.
3. The Discharger owns and operates the WWTF which is located on the east side of Andrus Island, adjacent to Georgiana Slough, in Section 36, T4N, R3E, MDB&M. The Discharger receives domestic and commercial wastewater from the community, and has a contractual agreement to accept wastewater from the Oxbow Marina Recreational Facility.
4. The Oxbow Marina Recreational Facility consists of a boat holding tank pump-out station, public restrooms, club house, office, and 95 mobile homes. Wastewater is pumped to the WWTF via a force main which runs along the toe of the Georgiana Slough levee. The force main enters the WWTF near the headworks, is metered and then discharged into the primary aeration pond. Operation and maintenance of the Oxbow Marina Recreational Facility collection system, lift station, and force main is the responsibility of the Oxbow Marina Recreational Facility.
5. The City's sewer collection system consists of approximately 16,550 linear feet of gravity sewer lines. The collection system conveys the wastewater to the Discharger's lift station, which pumps the wastewater to the treatment plant.
6. The City's WWTF consists of a seven-acre aeration stabilization lagoon system with effluent disposal to 24.2 acres of evaporation/percolation ponds. The primary aeration pond is equipped with four aerators. Wastewater is transferred from the aeration pond via gravity to the two stabilization ponds which are operated in series. Effluent from the stabilization ponds is then discharged via gravity to six evaporation/percolation ponds.

### Previous Enforcement

7. On 3 May 1996, the Central Valley Water Board adopted Cease and Desist Order 96-095 (the "CDO") for capacity problems and wastewater spills at the WWTF. The CDO required the Discharger to prepare technical reports and implement improvements to the collection system, wastewater treatment plant, lift station and force main trunk line to ensure compliance with WDRs 90-186. Full compliance with the CDO was required by 1 January 1998. However, the Discharger did not meet the schedule in the Order.
8. Because the Discharger did not comply with the CDO, the Executive Officer issued Time Schedule Order R5-2002-0901 (the "TSO") on 9 August 2002. The TSO required the Discharger to submit: (a) a Groundwater Characterization Workplan, (b) a Sewer Lift Station Safeguard Plan, (c) a Sludge Disposal Plan, (d) a Collection System Engineering Evaluation and Corrective Action Plan, (e) a Groundwater Well Installation Report, (f) a Construction Inspection Report, (g) a Revenue Plan, and (h) Quarterly Progress Reports. In addition, the TSO required the Discharger to comply with revised MRP 90-186.
9. In a 26 April 2007 letter, Board staff indicated that the City had almost complied with the TSO. However, to accommodate growth, the City would most likely need to expand its WWTF, and therefore a Capacity Analysis Conceptual Plan was requested.
10. On 19 October 2007, following a facility inspection and meeting with the Discharger to discuss the outstanding issues with the TSO, the Executive Officer issued an Order pursuant to Water Code section 13267 (the "13267 Order"). The 13267 Order required the Discharger to submit: (a) a detailed plan and schedule to repair the percolation pond berms, (b) a report certifying that all equipment necessary to conduct freeboard monitoring in compliance with the revised MRP had been installed, (c) a report certifying that the Oxbow Marina influent flow meter had been repaired and/or replaced and was calibrated, and (d) a Capacity Analysis Conceptual Plan for the WWTF to address expected growth over the next four years.
11. With the exception of the Capacity Analysis Conceptual Plan, the Discharger has addressed the items in the 13267 Order. The Discharger indicated that the Capacity Analysis Conceptual Plan was not submitted because of problems with the influent flow meter. Because the problems persist, this Order requires the Discharger to submit flow meter calibration reports on an annual basis.
12. In September and October 2008, approximately two million gallons of raw sewage spilled into Georgiana Slough. In April 2009, the City reported another raw sewage spill of unknown volume to Georgiana Slough. The spills resulted from a leak in the force main that leads to the WWTF.
13. On 27 January 2010, the Assistant Executive Officer issued Administrative Civil Liability Order R5-2010-0504 for the raw sewage spills, the failure to have an operational flow meter, and failure to submit the Capacity Analysis Report required by the 13267 Order.

The assessed liability for these violations was \$390,000. Of the \$390,000, the Order allowed the City to complete two compliance projects to satisfy \$375,000 of the liability, and pay the remaining \$15,000. The compliance projects were as follows: (a) a Capacity Analysis Report showing whether the wastewater treatment facility has adequate treatment, storage, and disposal capacity for both current influent flows and for projected 2015, and (b) a Sewer Force Main Completion Report showing that the sewer force main between the treatment plant headworks and the evaporation ponds was replaced and is operational. The City paid the \$15,000 and, following an extension granted by the Assistant Executive Officer, the City completed the compliance projects. The Board considers this matter to be settled.

### Capacity Issues

14. The WDRs require that the WWTF have adequate capacity to store effluent flows during a 100-year precipitation event. The WDRs have a dry weather flow limit of 430,000 gallons per day. The 30 December 2010 Capacity Analysis Report indicated that the City's WWTF had adequate storage and disposal capacity for the permitted flows, and for projected flows through 2015, under a 100-year annual precipitation event. However, in March 2011, the Discharger notified Central Valley Water Board staff about a lack of capacity in the ponds and concerns about spills of wastewater. The Discharger indicated that the wet winter/spring of 2011 and increased river elevations created high groundwater conditions resulting in a high amount of inflow/infiltration (I/I). The I/I resulted in a significant increase in wastewater flows to the ponds.
15. Discharge Specification B.6 of the facility's WDRs states: "*A 1.0 foot freeboard shall be maintained in all ponds at all times.*" Current WDRs issued by the Central Valley Water Board typically require two feet freeboard for pond systems, and also require that the ponds be able to hold all wastewater and influent flows generated during a 100-year annual precipitation event. The Discharger should anticipate the two foot freeboard and 100-year storage requirements in future permit updates.
16. In its 27 April 2011 Quarterly Compliance Report, the Discharger reported that during the week of 23 March 2011, the freeboard in some of the wastewater ponds was less than two feet in several areas. To prevent overtopping of the pond levees, the Discharger made emergency repairs to raise portions of the pond berms. In addition, the report stated that a septic hauler transported approximately 80,000 gallons of raw sewage to the Rio Vista WWTF.
17. Review of monthly self-monitoring reports show that the freeboard in Pond 6 was reported at less than one foot beginning the last week of March 2011 through the end of May 2011, a total of 63 days. In addition, the freeboard in Ponds 2 and 3 was reported at less than one foot over a period of four days in March. During April, the freeboard in Pond 2 was less than one foot on four occasions, and the freeboard in Pond 4 was less than one foot on one occasion. The freeboard in Pond 5 was not measured during these months because the pond staff gauge was damaged during a storm and was unreadable.

The staff gauge was repaired at the beginning of August 2011. The 2010-2011 water year was less than a 100-year annual precipitation event.

18. Field data from 2011 indicates the WWTF does not have the capacity to handle a 100 year precipitation event. On 31 May 2011, Central Valley Water Board staff requested that the Discharger submit a revised water balance to evaluate whether the WWTF can comply with Discharge Specification B.6 of the WDRs under a 100 year precipitation event. If the water balance showed that there was insufficient capacity, the Discharger was to submit a plan to either increase capacity or reduce inflow to the ponds. In addition, the Discharger was to provide a schedule for completion of the improvements.
19. On 20 July 2011, the Discharger submitted the revised water balance showing that the WWTF has inadequate storage and disposal capacity and cannot comply with Discharge Specification B.6 of the WDRs. A plan describing measures necessary to increase the storage and disposal capacity was submitted on 15 August 2011.

### **Proposed Capacity Improvements**

20. In its 15 August 2011 plan, the Discharger proposed the following short term improvements to increase the storage and disposal capacity of the ponds:
  - a. Increase the capacity of Pond 1 by adding material to certain parts of the levee to make a uniform elevation around the top of the pond.
  - b. Increase the height of the levees of Pond 2 by three feet, and levees of Pond 3 by two feet. Construct new outlet structures on Ponds 2 and 3.
  - c. Increase the height of the percolation pond levees by 3 to 3.5 feet.
  - d. Repair valves and control structures at Ponds 2 and 3, and at the six percolation ponds.
21. Because the 15 August 2011 plan does not provide specific details regarding the proposed improvements, and does not include a water balance showing that these improvements will be sufficient to maintain two feet of freeboard for a 100 year annual precipitation event, this Order requires the Discharger to submit a Revised Capacity Improvement Plan and then to document that the improvements were completed.
22. The 15 August 2011 plan stated that long term improvements to increase the storage and disposal capacity could include land application. The land application area would provide for emergency disposal if the pond levels were near their maximum levels prior to the end of the wet season. If the Revised Plan includes land application, then this Order requires the submittal of a *Report of Waste Discharge* prior to the design and construction of a land application area.
23. The 15 August 2011 plan stated that during the winter/spring of 2011, four areas of the collection system were identified in having excessive I/I, including the sanitary sewer crossing the school playground, the sanitary sewer from a trailer park, and the sewer

lines along “C and D” streets. This Order requires the Discharger to submit a *Collection System Improvement Report* showing that these areas of the collection system with excessive I/I have been repaired.

### **Regulatory Considerations**

24. Water Code section 13301 states:

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 that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order."

25. Water Code section 13267 (b) 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 ... 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.

26. The Discharger's acts and failure to act have caused or permitted waste to be discharged or deposited where it has or could discharge to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance.

27. The *Central Valley Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, Fourth Edition revised September 2009 (hereafter "Basin Plan") designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin. The designated beneficial uses of underlying groundwater, as stated in the Basin Plan, are domestic and municipal supply, agricultural supply, and industrial supply

28. Surface water drainage from the facility is to the Sacramento San Joaquin Delta. The beneficial uses of the Sacramento San Joaquin Delta, as stated in the Basin Plan, are municipal and domestic supply, irrigation, stock watering, industrial process and service supply, contact recreation, other non-contact recreation, warm and cold freshwater habitat, warm and cold migration, warm water spawning, and navigation.

29. The technical reports required by this Order are necessary to assure compliance with the WDRs and to assure protection of public health and safety. The Discharger owns and operates the facility that discharges the waste subject to this Order.
30. Issuance of this Order is an enforcement action by a regulatory agency, and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
31. On \_\_\_ February 2012, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Cease and Desist Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

**IT IS HEREBY ORDERED** that pursuant to Water Code sections 13301 and 13267, the City of Isleton, its agents successors, and assigns, shall implement the following measures necessary to ensure long-term compliance with WDRs 90-186, or any superseding permits or orders issued by the Central Valley Water Board.

This Cease and Desist Order rescinds and replaces Cease and Desist Order 96-095 except for the purpose of enforcing violations that have occurred between 3 May 1996 and 3 February 2012.

Any person signing a document submitted to comply with 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 and imprisonment."*

1. By **1 April of each year**, the Discharger shall submit an *Annual Flow Meter Calibration Report* certifying that all flow meters used for determining compliance with the WDRs and this Order have been independently calibrated by a third party.
2. By **1 April 2012**, the Discharger shall submit and implement as necessary an *Interim Spill Contingency Plan* containing interim measures necessary for preventing unauthorized discharges of wastewater to surface waters and surface water drainage courses. The Plan shall remain in effect until all improvements to the WWTF are completed. The plan at a minimum shall consider options including, but not limited to: operational adjustments to draw down the wastewater pond levels, sandbagging the pond berms, enhanced evaporation, water conservation measures, trucking effluent to another properly permitted facility, or any other short-term measures to prevent discharges to surface waters. The

plan must identify the selected alternatives, and for each alternative, specify all necessary materials, staffing, and equipment required for implementation.

3. By **1 May 2012**, the Discharger shall submit a *Revised Capacity Improvement Plan* that provides specific details to the proposed improvements described in Finding No. 20 and 22 of this Order, or any other necessary improvements to:
  - a. Increase in the overall storage and disposal capacity to accommodate design average dry weather flows, design long-term I/I flows, and direct precipitation during the 100-year, 365-day precipitation event; and,
  - b. Provide sufficient wastewater storage and disposal capacity for current connections and projected growth within the City of Isleton.

The *Revised Capacity Improvement Plan* shall include a water balance for both the current and projected flows through 2020. The water balance shall evaluate the storage ponds' ability to provide sufficient capacity to maintain two feet of freeboard on a month-by-month basis. The water balance shall include monthly evaporation, precipitation, and percolation rates, and shall identify contributions from major sources to monthly discharge volumes such as groundwater/subsurface inflows, storm water run-on, and inflow and infiltration from the collection system. Rainfall shall be based on the 100-year, 365-day precipitation event.

The *Revised Capacity Improvement Plan* shall include a proposed timeline for completion of the proposed improvements on the City's property which shall not extend beyond **1 October 2013**. If land discharge is a component, then the plan shall also identify the number of acres and location of the land to be obtained. The timeline for obtaining the land and installing a disposal area shall not extend beyond **1 October 2014**.

4. By **1 June 2012**, the Discharger shall submit a *Revenue Plan* that describes the costs associated with implementation of all tasks in this Order. The plan must show whether the Discharger has necessary funds to implement all tasks. Should the Revenue Plan show that there are inadequate funds, the Discharger must include an implementation schedule that shows how the Discharger will obtain the funds.
5. By **1 October 2012**, the Discharger shall make the repairs on the areas of the collection system described in Finding 23 and submit a *Collection System Improvement Report* describing the repairs.
6. If the *Revised Capacity Improvement Plan* includes a land application area, then by **1 October 2012**, the Discharger shall submit a *Report of Waste Discharge* to apply for revised Waste Discharge Requirements. The RWD shall include a completed Form 200 (Application for Report of Waste Discharge) and a technical report that addresses all items listed in Attachment A of this Order, "Additional Information Requirements for a Report of Waste Discharge."
7. By **1 October 2013**, the Discharger shall complete the proposed improvements on the City's land and submit a *Capacity Improvements Completion Report* that describes the

work was completed per the approved *Revised Capacity Improvement Plan*.

8. If the *Revised Capacity Improvement Plan* includes a land application area, then by **1 October 2014**, the Discharger shall submit a *Land Application Completion Report* documenting that the land application area is under the control of the City and is ready to receive wastewater.

In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

The Assistant Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that circumstances beyond the Discharger's control have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. The Discharger must obtain written approval from the Assistant Executive Officer for any departure from the time schedule shown above. Failure to obtain written approval for any departures may result in enforcement action.

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

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

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

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 \_\_\_\_\_ 2012.

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PAMELA C. CREEDON, Executive Officer

Attachment A: Additional Information Requirements for a Report of Waste Discharge

gjc/ser/wsw: 29 Nov-11