

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2005-0005

WASTE DISCHARGE REQUIREMENTS
FOR
IMPERIAL COUNTY DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT,
OWNER/OPERATOR
POE COLONIA (CADY SUBDIVISION)
COMMUNITY SUBSURFACE WASTEWATER DISPOSAL SYSTEM
Brawley – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. Imperial County Department of Community and Economic Development, 836 Main Street, El Centro, California 92243, (hereinafter referred to as the discharger), submitted to the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board) a complete Report of Waste Discharge (ROWD) on August 30, 2004, which was prepared by Springer and Associates, Inc.
2. The Imperial County Department of Community and Economic Development approved a Negative Declaration on July 6, 2004 and filed a Notice of Determination, dated August 11, 2004, with the county clerk, to comply with the California Environmental Quality Act (CEQA). The Notice of Determination indicated that, based on the findings of the Negative Declaration prepared for the project, the project will not have a significant impact on the environment. The Regional Board considered the Negative Declaration prepared by the lead agency.
3. The proposed wastewater treatment and disposal system is located approximately 3 miles west of Brawley north of Cady Road. This is an existing housing development with a proposed addition. The development is located in a portion of the north half of Section 36 of Township 13 South, Range 13 East, San Bernardino Base Meridian.
4. The ROWD describes the proposed project to include an existing development of 19 residential homes with a proposed 24-lot subdivision and 11 additional lots (totaling 53 homes) that would discharge into a proposed waste disposal system consisting of four septic tanks that would flow through a re-circulating tank into six textile filters before distribution into a large subsurface drip leach field located in the northwest corner of the development.
5. The discharger has indicated that the subsurface disposal leach field infiltration system is designed with the capability to change distribution lines when an area below a distribution line is saturated. This procedure will ensure even distribution of wastewater throughout the leach field and avoid over saturation of particular soil area.
6. In accordance with Section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the treated wastewater discharge from the septic system is determined to be category 3B.
7. The Water Quality Control Plan for the Colorado River Basin Region of California, as amended to date, designates the beneficial uses of ground and surface waters in this Region.
8. The beneficial uses of the ground water in the Imperial Hydrologic Unit are municipal and industrial supply. However, shallow ground water (at a depth of about 8 feet) in the proposed discharge area is saline with a TDS content of over 3,000 mg/L, and is not currently used for municipal drinking water use. Deep ground water in the area is very saline and is being investigated for geothermal development.

9. There are no wells in the vicinity of the discharge facility described in Finding No. 4, above. Water is supplied to this development by the City of Brawley. The water has a total dissolved solids concentration of about 730 mg/L.
10. An onsite wastewater treatment system of this capacity is subject to the federal Underground Injection Control regulations per the Safe Drinking Water Act. Any septic system with the capacity to serve 20 or more persons per day is classified as an injection well under these regulations. As such, the system upon construction is required to submit inventory information regarding the discharge and legal responsibility for the controlling of the discharge to the USEPA.
11. Wastewater is defined as any water which contains pollutants as defined in 40 CFR, Section 122.2. This includes domestic wastewater (toilet, sink, bath, etc.) from the facilities described in Finding No. 4 (above).
12. This Regional Board has notified the discharger and all known interested parties of the intent to prescribe waste discharge requirements for the proposed discharge.
13. This Regional Board in a public meeting has heard and considered all comments pertaining to the proposed discharge of waste from the septic system.

IT IS HEREBY ORDERED THAT, in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, the discharger shall comply with the following requirements for the discharge from the proposed wastewater treatment facilities:

A. PROHIBITIONS

1. Discharge of wastes and sewage sludge and solids to lands that have not been specifically described in the Report of Waste Discharge and for which valid waste discharge requirements are not in force are prohibited.
2. There shall be no surface flow of wastewater away from the designated disposal area, as described in Finding No. 4.
3. Discharges of treated or untreated solid or liquid waste to a navigable water or tributary of a navigable water are prohibited unless as authorized by an NPDES permit issued by this Regional Board.
4. The treatment, storage or disposal of waste shall not create a pollution, contamination or nuisance, as defined by Section 13050 of Division 7 of the California Water Code.
5. No wastewater other than domestic wastewater shall be discharged into the sewage disposal system described in Finding No. 4 (above).
6. The discharge of treated wastewater shall not cause a violation of the prohibitions contained in the Basin Plan.
7. There shall be no discharge of sewage solids at the disposal site. Any off-site disposal of sewage shall be to a legal point of disposal, with the approval of the legal disposal site operator.
8. There shall be no ponding of discharged septic tank effluent or surface flow away from the disposal area.
9. Total effluent flow to the subsurface disposal leach field infiltration system in excess of 26,500 gallons over any 24-hour period is prohibited.

10. Discharge of wastes classified as "hazardous" or "designated" as defined in the California Code of Regulations, Title 23, Chapter 15, Sections 2521(a) and 2522(a), to any part of the wastewater disposal system is prohibited.

B. Specifications

1. All wastewater treatment and disposal facilities shall be maintained to remain effective in treating wastewater.
2. No part of the subsurface disposal system shall be closer than 150 feet to any water supply well or closer than 100 feet to any stream, channel, or other water source.
3. Odors of sewage origin shall not be perceivable beyond the limits of the individual facility.
4. The septic tank system shall be maintained to remain effective in treating wastewater.
5. The subsurface wastewater disposal system shall be maintained so that at no time will sewage be permitted to surface or overflow at any location.
6. Septic tank cleanings shall be discharged only by a duly authorized service.
7. The discharge shall not cause degradation of ground water nor adversely affect any of the beneficial uses.
8. Wastewater which has a total dissolved solids (TDS) concentration greater than 400 mg/L over the TDS content of the water supply to the facility shall be discharged only to an appropriate waste management facility approved by the Regional Board's Executive Officer.

C. Provisions

1. Sufficient land area shall be reserved for possible future 100 percent replacement of the leach field, until such time as this facility is connected to a municipal sewerage system. Replacement leach lines shall be installed in accordance with Title 22, Chapter 16, Section 64630, the Water Works Standards of the California Water Code.
2. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater.
3. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
4. Facilities shall be available to keep the sewage disposal system in operation in the event of commercial power failure.
5. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
6. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, forward a copy of the transmittal letter to the Regional Board, and submit a new ROWD.

7. The discharger shall provide adequate storage facilities to contain wastewater during and after periods of rainfall when disposal by subsurface irrigation cannot be successfully practiced to prevent the discharge of treated or untreated wastewater to any surface water.
8. A copy of the facility operations and maintenance manual shall be maintained at the discharger's facility and shall be available to operation personnel and Regional Board staff at all times.
9. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
10. All regulated disposal systems shall be readily accessible for sampling and inspection.
11. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
12. The discharger shall comply with the attached Monitoring and Reporting Program No. R7-2005-0005, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in this Monitoring and Reporting Program.
13. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
14. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.

D. STANDARD PROVISIONS

1. The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and re-issuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
2. The discharger shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to do the following:
 - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Order,
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
 - d. Sample or monitor, at reasonable times for the purposes of assuring compliance with this Order or as otherwise auth
3. The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with California Water Code Section 13350 (d), (e), or (f).

4. The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability in accordance with CWC Section 13268.
5. The discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
6. The Regional Board's Executive Officer shall be notified immediately in the event of an overflow or any failure of the sewage disposal system resulting in surfacing of wastewater. It is also necessary to immediately notify the Director of Environmental Health Services, County of Imperial in accordance with California Health and Safety Code Section 5411.5. Such failure shall be promptly corrected in accordance with the requirements of this Board Order.
7. A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.
8. These waste discharge requirements are subject to review and revision by the Regional Board.
9. The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, or report. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board's Executive Officer.
10. All maintenance performed shall be reported with the monitoring reports as required.
11. The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of the records kept by this Order.
12. The discharger is the responsible party for the waste discharge requirements and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board.
13. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order.
 - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and re-issuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

14. The discharger shall remove and relocate any wastes discharged at this site which are in violation of these requirements.
15. The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:
 - a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the wastes.
 - b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
 - c. Change in the disposal area from that described in the findings of this Order.
 - d. Increase in flow beyond that specified in this Order.
 - e. Other circumstances that result in a material change in character, amount, or location of the waste discharge.
 - f. Any planned change in the regulated facility or activity that may result in noncompliance with this Order.
16. All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:
 - a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal Executive Officer of at least the level of Vice-President.
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal or other public agency - by either a principal Executive Officer or ranking elected official.
 - b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative if all of the following are true:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision,
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and
 - (3) The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

17. The discharger shall furnish, under penalty of perjury, technical monitoring reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
18. In the case that sample analyses indicate that the concentration of any nitrate or hazardous substance including VOCs exceeds the MCL established for drinking water, the discharger is required to resample the wastewater within 30 days of the date of the initial sampling results. If the re-sampling results also exceed the MCLs, the discharger is required to perform a subsurface investigation pursuant to Section 13267 of the California Water Code to determine any impacts to the ground water and/or soil. If a subsurface investigation is necessary, the discharger is required to submit a work plan to perform the investigation. The work plan shall be submitted to the Regional Board's Executive Officer for approval within 90 days of the submittal date of the re-sampling results. This provision applies only to areas where the ground water is designated for municipal use in the Basin Plan.

I, Robert Perdue, 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, Colorado River Basin Region, on January 19, 2005.

ROBERT PERDUE Executive Officer
