

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. 99-052

WASTE DISCHARGE REQUIREMENTS FOR:

**AUBERGE DU SOLEIL
TERRE DU SOLEIL, LTD.
RUTHERFORD, NAPA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. Auberge du Soleil is a restaurant and lodging facility located at 180 Rutherford Hill Road, Rutherford, Napa County. Auberge du Soleil is owned by Terre du Soleil, Ltd. (hereinafter called the Discharger) where Mr. Robert L. Harmon is the General Partner and Mr. George A. Goeggel is the Managing Partner.
2. The facility is located about three miles east of the city of St. Helena, on a generally south-facing hillside between about 250 and 400 feet above sea level. The property parcel is 23.7 acres in size, and is identified as county assessor's parcel number 30-300-037.
3. Wastewater is treated and disposed of on site using septic tanks, aerated treatment ponds and discharge of pond effluent to a spray disposal area during the dry weather season from April 16 to October 31.
4. The wastewater pond system and discharges for the Auberge du Soleil facility have been regulated by the Board under Waste Discharge Requirements (WDRs), Order No. 89-048. The purpose of this current Order is to prescribe updated requirements and rescind the former requirements.
5. Auberge du Soleil originally consisted of 36 inn units and a 75 seat restaurant served by a septic tank and leachfield. That facility failed in 1984 and was replaced by the aeration ponds in 1985. In 1985 and 1986, Napa County, with Board staff concurrence, approved a 25 seat addition to the restaurant and a 12 unit expansion of the inn, with minor improvements to the wastewater system. These modifications included an additional septic tank between the new units and Pump Station #1, a 0.05 acre addition to the spray disposal area, and an increase in the disposal rate to 17,455 gallons per day (gpd)(2.25 inches/week), from 15,515 gpd (2.0 inches/week). In 1990, a 2 unit expansion was approved by Napa County.

6. The Auberge du Soleil facility presently consists of a 100-seat restaurant and a 50-unit lodging inn, with additional recreational facilities including a swimming pool and tennis courts. The facility includes 17 separate buildings with 62,000 square feet of floor area. The facility uses are regulated by Napa County under a County Use Permit.
7. *Septic Tanks.* There are about 20 to 25 septic tanks located downhill from the aeration ponds. The septic tank effluent is then pumped to the aeration ponds.
8. *Wastewater Flow.* The existing flows into the ponds are 19,200 gpd from November to March and 24,300 gpd from April to October.
9. *Ponds.* There are 3 aeration ponds built into the side of a hill at stepped elevations that allows gravity overflow from one pond to the next. The 2 upper ponds are used for treatment, while the third, the lowest pond, is used mainly for storage. All three ponds are lined with an impermeable synthetic rubber liner material (Hypalon ® by Dupont). Each pond is equipped with two floating mechanical aerators. These ponds can store up to a combined total of 3,794,000 gallons of wastewater.
10. *Disposal Practices.* During the wet weather season, wastewater is stored and treated in the aeration ponds. From approximately April 16 to October 31 of each year, effluent from the ponds is pumped to a 2 acre disposal site at a rate of approximately 17,455 gpd (2.25 inches/week).
11. *Disposal Area.* The spray disposal area is a moderately wooded area located to the north of the pond system. The slope of the area ranges from 15% to 40%. Surface runoff from the disposal area is diverted back to the treatment ponds via drainage ditches.
12. Board Staff has reviewed an upgrade to Auberge du Soleil's facilities (a spa that includes 4 additional bathrooms and 2 bath houses with sinks). These additions have changed the current wastewater flows. As a result, Board Staff has required improvements and modifications that are needed for Auberge du Soleil's wastewater treatment facilities to consistently maintain 2 feet of freeboard in all ponds.
13. The Discharger's consultant, Mahorney and Associates, prepared and submitted a technical report dated February 8, 1999 describing proposed wastewater system modifications. The report includes water balance calculations which illustrate that, with the proposed modifications, the wastewater system will be able to adequately handle all design wastewater flows and direct precipitation for a 10-year return period wet weather season. The ponds will be able to maintain two feet of freeboard during all normal rainfall conditions.

The modifications to the facility are as follows:

14. *Wastewater Flow.* The projected increase in flows associated with the spa facility is about 550 gpd. The current wastewater flow is to be increased from 19,200 gpd during the wet season and 24,300 gpd during the dry season to 20,000 gpd during the wet season and 25,000 gpd during the dry season.
15. *Ponds.* An additional 24 inch concrete wall around all 3 of the aeration ponds will be constructed. This will increase the maximum pond storage from 3,794,000 gallons to 4,510,000 gallons, including the 2 feet of required freeboard.
16. *Disposal Area and Practices.* The spray disposal field is being increased from 2 acres to 2.5 acres, and effluent will be pumped out at a rate of 38,789 gpd (4.0 inches/week) instead of 17,455 gpd (2.25 inches/week).
17. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin) on November 13, 1995. The Basin Plan contains water quality objectives for the Napa River and its tributaries.
18. The beneficial uses contained in the Basin Plan for the Napa River downstream from the vicinity of the Auberge du Soleil are:
 - A. Navigation
 - B. Water contact and non contact recreation
 - C. Warm and cold fresh water habitat
 - D. Wildlife habitat
 - E. Preservation of rare and endangered species
 - F. Fish migration and spawning
 - G. Municipal, agricultural, and domestic supply
19. The beneficial uses the of Napa Valley groundwater as set in the Basin Plan include:
 - A. Domestic water supply
 - B. Agricultural water supply
20. The issuance of waste discharge requirements for the discharge is exempt from the provisions of Chapter 3 (CEQA), Division 6, Title 14 of the California Administrative Code pursuant to Section 15301 (existing facilities) of that Chapter.

IT IS HEREBY ORDERED, Terre du Soleil, Ltd., Mr. Robert L. Harmon as a General Partner, with Mr. George A. Goeggel as Managing Partner, pursuant to the provisions of Division 7 of the California Water Code, and regulations adopted thereunder, shall comply with the following:

A. Prohibitions

1. Neither the treatment nor disposal of wastes shall create a nuisance as defined in the California Water Code in Sections 13050 (l) and (m).
2. There shall be no bypass or overflow of waste to waters of the State from the collection, treatment, and storage system.
3. The storage, treatment, and disposal of wastewater shall not degrade the quality of any groundwater used for domestic purposes or cause an increase in any quality parameter that would make groundwater unsuitable for irrigation use.
4. The waste shall not be allowed to escape from the Discharger's aeration ponds and spray disposal site into waters of the State via surface or subsurface flow, seepage, resurfacing after percolation, or airborne spray.
5. Discharging effluent from the ponds, except into the designated spray disposal area is prohibited.
6. Wastewater ponding which could provide a breeding area for mosquitoes is prohibited.

B. Discharge Specifications

GENERAL

1. Discharge to the spray disposal field shall be in accordance with the irrigation practices as described in the findings of this order (numbers 10 and 11).
2. The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with these waste discharge requirements.
3. Holding ponds and the spray disposal area shall be fenced to exclude public contact with wastewater and shall be clearly identified with posted notices or warning signs.

HOLDING PONDS

4. Waste discharged to the pond system shall not exceed an average of 25,000 gpd for any month, or an annual total of 8,370,000 gallons.
5. The ponds shall be adequately protected from erosion, washout, and flooding from a rainfall event having a predicted frequency of 100 years as defined in the California Code of Regulations in Section 20310, Article 4, Title 27.
6. To prevent the threat of overflows, a minimum amount of 2 feet of freeboard shall be maintained in the ponds at all times.
7. Waste at the surface of the ponds shall meet the following water quality limits at all times:

In any grab sample:

Dissolved Oxygen	2.0 mg/1 minimum
Dissolved Sulfide	0.1 mg/1 maximum
pH	6.0 minimum 9.0 maximum

SPRAY DISPOSAL AREA

8. No waste shall be applied to the spray disposal area during wet weather periods from November 1 through April 15 unless special circumstances warrant otherwise and prior approval is obtained from the Executive Officer.
9. No waste shall be applied to the spray disposal area when precipitation or wastewater ponding is occurring.
10. Waste shall not be applied within 100 feet of any stream, well, or housing facility.
11. Surface runoff from the spray disposal area during periods that it is in use shall be collected and diverted back to the holding ponds.

EFFLUENT LIMITS

12. The wastewater as discharged into the spray disposal area shall at all times be adequately treated, and shall meet the following water quality limits at all times.

Biological Oxygen Demand (BOD)	40 mg/1 daily average
Settleable Solids	0.5 ml/1-hr maximum
Dissolved Oxygen	2.0 mg/1 minimum
Dissolved Sulfide	0.1 mg/1 maximum

C. Provisions

1. The Discharger shall comply with all Sections of this Order immediately upon adoption.
2. By October 30, 1999, the Discharger shall submit a technical report, acceptable to the Executive Officer documenting completion of the improvements identified in findings 15 and 16.
3. The Discharger shall develop and implement an Operations and Maintenance (O & M) Program for the wastewater system, in accordance with the following:
 - a. The O & M Program shall address all aspects of the wastewater system necessary to maintain compliance with waste discharge requirements.
 - b. The Discharger shall develop an O & M Manual for the wastewater system which includes the following:
 - 1) Descriptions and scaled plan drawings of the overall wastewater system;
 - 2) Descriptions and specifications of all system components and equipment;
 - 3) Routine procedures for operation of the wastewater system including the septic tanks, pumps, ponds, and spray disposal practices; and

- 4) Procedures for maintenance of all system components.
- 5) Contingency operational procedures include, but not limited to, disposal practices during wet weather periods as may be approved under Discharge Specifications B.8.
 - c. The Discharger shall submit to the Board a technical report, acceptable to the Executive Officer, within 90 days of the date of adoption of this Order. This report shall include a complete copy of the O & M Manual, and identification of person(s) responsible for implementation of the O & M Program.
 - d. The Discharger shall periodically review and update as necessary the O & M Manual in order to ensure that this document remains applicable to the wastewater system and its proper operation.
 - e. By July 1 of each year, the Discharger shall submit a report to the Board containing any revisions or updates of the O & M Manual that have been made, or a letter stating that the Manual remains adequate and no revisions are necessary.
4. The Discharger shall comply with the attached Self-Monitoring Program.
5. When an approved sanitary sewer is within 400 feet of the ponds, the Discharger shall submit a technical report and time schedule to the satisfaction of the Executive Officer which describes how the ponds will be abandoned and the connection made to the sanitary sewer.
6. In the event that the Discharger is unable to comply with any of the conditions of this Order, due to:
 - a. Breakdown of waste treatment equipment,
 - b. Accidents caused by human error or negligence, or
 - c. Other causes, such as acts of nature,

the Discharger shall notify the Executive Officer by telephone as soon as the Discharger, or the Discharger's agents, have knowledge on the non-compliance. Verbal notification shall be confirmed by written notification within 2 weeks. Written notification shall include information regarding the cause of the non-compliance and the steps taken to bring the system back into compliance.

7. The Discharger shall permit the Board or its authorized representative, in accordance with California Water Code Section 13267 (c):

- a. Entry upon premises in which wastewater facilities are operated or maintained, or in which any required records are kept.
 - b. Access to copy records required to be kept under terms and conditions by this Order.
 - c. Inspection of any monitoring equipment or method required by this Order.
 - d. Sampling of any stored or discharged wastewater.
8. The Discharger shall file with the Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.
 9. The Board shall review this Order periodically and may revise the requirements when necessary.

I, Loretta Barsamian, 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, San Francisco Bay Region on July 21, 1999.



Loretta Barsamian
Executive Officer

Attachments: Self-Monitoring Program

California Regional Water Quality Control Board
San Francisco Bay Region

Self-Monitoring Program
For

Auberge du Soleil
Terre du Soleil, Ltd.
Rutherford
Napa County, California

Order No. 99-052
Consists of

Part A

PART A

I. General

Reporting responsibilities of waste dischargers are specified in Sections 13225 (a), 13267 (b), 13268, 13383, and 13387 (b) of the California Water Code and this Regional Boards Resolution No. 73-16.

The principal purposes of a monitoring program by a waste discharger, also referred to as a self-monitoring program, are:

- A. To document compliance with waste discharge requirements and prohibitions established by the Regional Board.
- B. To facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste.

II. Description of Sampling Stations and Schedule of Sampling, Analysis, and Observations

A. Pond Influent

Monthly, determine average daily flow, in gallons per day (gpd), of wastewater, entering the treatment pond system.

Annually, determine the total flow, in gallons per day (gpd), of wastewater entering the treatment pond system.

B. Aeration Ponds

At any point on the surface of each pond, representative of the wastewater:

1. Monthly, determine dissolved oxygen (D.O.) concentration, mg/l. If D.O. is less than 2 mg/l, sample for dissolved sulfide.
2. Monthly, determine pH.
3. Weekly, perform standard observations along perimeter of each pond:
 - a. Evidence of leaching liquid from pond perimeter dike and estimate size of affected area. (Show affected area on a sketch)

- b. Odor: presence or absence, characterization, source, and distance of travel.
- c. Estimated number of waterfowl and other water associated birds in the ponds and vicinity.
- d. Determine freeboard, in inches, for each pond: from the water surface to the lowest point in pond perimeter dike.

C. Pond Effluent

At any point in the pond effluent, before the point of discharge to the spray disposal site.

1. Monthly, determine Biochemical Oxygen Demand (BOD, 5-day, 20°C) concentration, mg/l.
2. Monthly, determine Dissolved Oxygen (D.O.) concentration, mg/l. If D.O. is less than 2 mg/l, sample for Dissolved Sulfides.
3. Monthly, determine Settleable Matter Concentration, ml/1-hr.
4. Daily, observe weather condition:
 - a. Wind - direction and estimated velocity.
 - b. Precipitation - total precipitation during the day.
5. Daily, determine total waste flow, in gallons per day, discharged to spray disposal site.

D. Spray Disposal Area

Weekly, perform standard observations along the perimeter of spray disposal area:

1. Evidence of surface runoff from disposal site into areas other than the drainage ditch. (Show affected area on a sketch)
2. Odor: presence or absence, characterization, source, and distance of travel.
3. Evidence of wastewater ponding.

III. Report to be filed with the Regional Board

A. Violation of Requirements

In the event the discharger is unable to comply with the conditions of the waste discharge requirements and prohibitions due to:

1. Maintenance work, power failures, or breakdown of waste treatment equipment.
2. Accidents caused by human error or negligence.
3. Other causes, such as acts of nature.

the discharger shall notify the Regional Board office by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within 2 weeks of the telephone notification. The written report shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to prevent the problem from recurring.

In addition, if the non-compliance caused by items (A), (B), or (C), above is with respect to any of the effluent limits, the waste discharger shall promptly accelerate his monitoring program to analyze the discharge at least once every day for those constituents which have been violated. Such daily analyses shall continue until such time as the Executive Officer determines to be appropriate. The results of such monitoring shall be included in the regular Self-Monitoring Reports.

- B. Bypass reporting shall be an integral part of regular self-monitoring program and a report on bypassing untreated waste of bypassing or any ponded water shall be made. These will include cause, time and date, duration and estimated volume of waste bypassed, method used in eliminating volume, and persons (including Napa County Health) notified for planned and/or unplanned bypasses. Notification to the Regional Board shall be made immediately by phone, followed by written correspondence within 15 days if a bypass occurs.

The discharger shall file a written technical report at least 15 days prior to advertising for a bid on any construction project which would cause or aggravate the discharge of waste in violation of requirements. The report shall describe the nature, costs, and scheduling of all actions necessary to preclude such discharge.

- C. Self-Monitoring Reports

Written reports shall be filed regularly for each calendar month and submitted by the 15th day of the following month. The reports shall be comprised of the following:

1. Letter of Transmittal

A letter transmitting self-monitoring reports should accompany each report. Such a letter shall include a discussion of violations found during the past months and actions taken or actions planned for correcting violations, such as plant operation modifications and/or plant facility expansion. If the discharger has previously submitted a detailed time schedule for correcting violations, then a reference to the correspondence for transmitting such a schedule will be satisfactory. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.

2. Data Results

All results observed or analyzed in section II. A, B, C, and D., should include copies of written results provided to the discharger from certified laboratories.

I, Loretta Barsamian, Executive Officer, do hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set fourth in this Regional Board's Resolution 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board No. 99-048
2. Is effective on the date shown below.
3. May be reviewed as any time subsequent to the effective date upon written notice from the Executive Officer or request from the discharger, and revisions may be ordered by the Regional Board.



Loretta Barsamian
Executive Officer

Effective Date: July 21, 1999