

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF JANUARY 31-FEBRUARY 1, 2013**

(Prepared on December 17, 2012)

**ITEM NUMBER:** 14

**SUBJECT:** Rescission of Waste Discharge Requirements for Brookdale Inn & Spa, Santa Cruz (Order No. 01-035)

**STAFF CONTACT:** Cecile DeMartini, 805/542-4782

**KEY INFORMATION**

Discharger: Brookdale Inn & Spa  
Location: 11570 Highway 9, Brookdale, Santa Cruz County  
Discharge Type: Domestic Wastewater  
Design: Traditional Septic System Treatment  
Disposal: Subsurface Leach Field  
Capacity: Variable, not to exceed 12,060 gallons per day.  
Recycling: None.  
Existing Orders: WDR Order No. 01-035  
**This Action:** Rescind Waste Discharge Requirements

**SUMMARY**

The Central Coast Water Board issued Waste Discharge Requirements Order No. 01-035 to the Brookdale Lodge for the discharge of domestic wastewater to a traditional septic system with leachfield disposal. Mr. Sanjiv Kakkar purchased the Brookdale Lodge in October 2007 and renamed the facility the Brookdale Inn & Spa (hereafter 'Discharger'). The Discharger partially installed an advanced treatment system to meet required nitrate reduction limits set in the San Lorenzo Watershed TMDL. The treatment system was never completed and never brought online. The Discharger does not respond to communication efforts made by Water Board staff and has not submitted self-monitoring reports for the past four years. Water Board staff understands the Discharger's facility is no longer operational and is in receivership. Water Board staff inspected the facility on July 11, 2012, and found the building boarded up with no tenants or visible guests. The existing Order does not reflect the 2007 change in ownership and does not address the advanced wastewater treatment system, and therefore, must be either modified or rescinded. As noted above, the Discharger does not respond to Water Board staff so rescinding the existing order is most appropriate.

**DISCUSSION**

The Water Board has not received any monitoring reports, letters, or telephone calls from the Discharger for the past five years. When Water Board staff inspected the facility on February 10, 2011, the hotel manager and staff were present. The manager was not aware of Order No. 01-035 or the status of the advanced wastewater treatment system. He deferred all inquiries to the owner, Mr. Sanjiv Kakkar, although the manager was not sure of the whereabouts of Mr. Kakkar. Water Board staff observed wastewater flowing from the existing septic tank towards

the leachfield during the February 2011 inspection. The advanced treatment system was not in operation. Water Board staff issued a Notice of Violation (NOV) to the Discharger on May 11, 2012, for missing monitoring reports. Water Board staff has not yet received a response to the NOV. Water Board staff followed up with a telephone call in late May 2012 and left a message on Mr. Kakkar's telephone. Water Board staff inspected the facility on July 11, 2012, and found the building boarded up with no tenants or visible guests.

The facility is located within the San Lorenzo River sub-basin. Clear Creek is located approximately 200 feet west of the existing leachfield. The San Lorenzo Wastewater Management Plan, adopted in 1995 by the Santa Cruz County Board of Supervisors, recommends the Water Board require nitrogen control measures in the issuance of new or revised waste discharge requirements with a goal of at least 50% nitrogen reduction prior to disposal. Order 01-035 requires 50% reduction of nitrogen in effluent, which can only be obtained with a functional advanced treatment system.

Water Board staff received an email from Mr. John Richardson stating that Santa Cruz County appointed him as the Receiver for the Discharger's facility. He is in the process of inspecting the property and addressing violations other than those from the Water Board. His project is to restore the facility. It is unclear who will be the responsible owner of the property once the Receiver has completed his tasks. Continuing the current Order is an administrative burden and serves no purpose other than to continue building a case of repeated violations by the Discharger.

#### **COMPLIANCE HISTORY / STATUS**

A chemical spill from the facility's restaurant kitchen on July 25, 2008 flowed into Clear Creek, which passes through the facility's dining area. The chemical spill killed approximately 50 steelhead trout within a short span of the creek. The fish kill was caused by the discharge of cleaning solution to a storm drain. The Discharger was ordered to pay \$17,000 to the California State Department of Fish and Game and other agencies. A settlement filed in Santa Cruz County Superior Court shows restitution as follows:

- Payment of \$6,000 to the Department of Fish and Game's Fish and Wildlife Pollution Account for reimbursement of investigative costs.
- Payment of \$2,000 to the National Oceanic and Atmospheric Administration's Fisheries Office of Law Enforcement for reimbursement of investigation costs.
- Payment of \$4,000 to Santa Cruz County Fish and Game Advisory
- Commission, and \$4,000 to the Department of Fish and Game's Preservation Fund for civil penalties.
- Payment of \$660 to the Superior Court of California to cover filing fees.

Water Board staff issued a NOV on August 14, 2008, to the Discharger for failure to complete the installation of the new wastewater treatment system and failure to submit technical reporting information establishing how the Discharger will comply with nitrogen reduction requirements.

A NOV was issued to the Discharger on May 11, 2012, for missing monitoring reports from 2008 through 2012, as noted earlier.

The Discharger has failed to respond to either NOV. The facility is currently in receivership. Rescinding the existing Order will essentially prohibit any discharge from the property until an updated Order is in place. Water Board staff will require the new Discharger to submit a complete Report of Waste Discharge which addresses issues in the August 2008 NOV. Any new or revised Order will require monitoring.

### **POTENTIAL PROBLEMS**

Clear Creek flows directly through and is completely accessible within the abandoned facility's dining hall. Clear Creek is also approximately 200 feet from the existing leachfield. Groundwater has been detected at 15-feet below ground surface based on historical data. There is the potential for impacts to groundwater and surface waters due to the absence of a responsible party and the existence of an inadequate wastewater treatment system. Continuing the current Order is an administrative burden and serves no purpose other than to continue building a case of repeated violations by the Discharger.

### **ENVIRONMENTAL SUMMARY**

Waste Discharge Requirements for existing facilities are exempt from provisions of the California Environmental Quality Act (Public Resource Code, Section 21100 et seq.) in accordance with Section 15301, Chapter 3, Title 14 of the California Administrative Code.

### **COMMENTS AND RESPONSES**

Water Board staff received an email from Mr. John Richardson (Santa Cruz County's appointed Receiver for the property) on December 5, 2012. Both the original email and the Water Board's response to comments are attached to this Staff Report.

### **RECOMMENDATION**

Rescind Waste Discharge Requirements Order No. 01-035.

### **ATTACHMENTS**

- John Richardson email dated December 5, 2012
- Water Board Response to Comments Letter dated December 10, 2012