

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2005-0707

FOR

CALAVERAS COUNTY WATER DISTRICT
ALSTON FINANCIAL, INC. AND EMC, INC.
FOREST MEADOWS WASTEWATER TREATMENT AND RECLAMATION PLANT
CALAVERAS COUNTY

This Order is issued to Calaveras County Water District, Alston Financial, Inc., and EMC, Inc. (hereafter Discharger) based on provisions of California Water Code Section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) to issue a Cleanup and Abatement (C&A) Order.

The Executive Officer of the Regional Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Calaveras County Water District (CCWD) owns and operates a domestic wastewater treatment plant (WWTP) that serves the wastewater needs for the community of Forest Meadows. The system includes collection, treatment, and storage facilities. Wastewater is disposed of via irrigation on the Forest Meadows Golf Course.
2. Alston Financial, Inc. and EMC, Inc. own the Forest Meadows Golf Course.
3. The Forest Meadows WWTP is on Forest Meadows Road off of Highway 4 in Section 34, T4N, R14E, MDB&M.
4. Waste Discharge Requirements (WDRs) Order No. 5-00-066, adopted by the Regional Board on 17 March 2000, prescribes requirements for the collection, treatment, and storage of wastewater, and the subsequent reclamation on the Forest Meadows Golf Course.
5. WDRs Order No. 5-00-066 permits the treatment of up to 190,000 gallons of wastewater per day (gpd) for dry weather flows and 280,000 gpd for peak wet weather flows. Two wastewater treatment basins (a complete mix basin and a sludge settling basin) are used for primary treatment. Effluent from the sludge settling basin is filtered through two continuous backwash, deep bed sand filters; effluent from the sand filters is then disinfected by an ultraviolet light control chamber. After disinfection, reclaimed wastewater is pumped to a 108 acre foot storage impoundment (reservoir) located on the golf course property. Effluent contained in the wastewater storage reservoir is disposed of via spray irrigation on the Forest Meadows Golf Course.

PREVIOUS CLEANUP AND ABATEMENT ORDER

6. On 29 August 2002, the Regional Board Executive Officer issued Cleanup and Abatement Order No. R5-2002-0722 to the Discharger. The C&A Order sets forth a timeline for the Discharger to make upgrades to the WWTP in order to comply with Division 4, Chapter 3, Title 22, California Code of Regulations (hereafter Title 22) requirements for the use of reclaimed wastewater, and to comply with WDRs Order No. 5-00-066.

7. The C&A Order required the Discharger to prepare and submit a Facility Engineering Wastewater Master Plan (hereafter Master Plan) that evaluates projected future flows into the WWTP, determines limiting treatment, storage, and disposal factors at the current WWTP, identifies WWTP improvements and timelines for those improvements, and evaluates beneficial reuse of recycled water and future disposal options.
8. The C&A Order also required the Discharger to submit a Revenue Plan that describes the costs associated with making improvements to the WWTP to comply with Title 22 requirements and demonstrates whether the Discharger has the necessary funds to implement the improvements. If the Revenue Plan identified that there were inadequate funds, the Discharger was to include a implementation schedule to raise the funds.

COMPLIANCE WITH CLEANUP AND ABATEMENT ORDER NO. R5-2002-0722

9. The Discharger has submitted several of the reports required by the C&A Order. Reports submitted include: all of the monthly status reports; a report explaining how the effluent storage reservoir will be managed to continuously meet the WDRs freeboard requirement; and a contingency plan describing how inadequately treated wastewater will be stored and/or alternatively disposed of to meet Title 22 requirements. In addition, on 29 January 2003, the Discharger submitted a Draft Final Master Plan as prescribed by C&A Order No. R5-2002-0722.
10. As a result of preparation of the 29 January 2003 Master Plan, the Discharger determined that the wastewater system did not have sufficient storage and disposal capacity for future full buildout conditions within the Forest Meadows wastewater service area. Therefore, the Discharger indicated that it would have to evaluate other alternatives to store and dispose of wastewater.
11. On 23 September 2004, the Discharger submitted a letter, and corresponding Final Master Plan, indicating that the CCWD Board of Directors adopted the Final Master Plan at its 8 September 2004 board meeting. The letter states that the Master Plan includes a phased expansion program based on the total build out of the Forest Meadows service area, and includes two components that change the method in which the CCWD will operate its wastewater system. CCWD proposes to dispose of its treated effluent with a combination of land disposal, via the golf course, and seasonal discharge to surface waters. In addition, the letter states CCWD plans to (1) provide redundant equipment and short-term storage to comply with the reliability requirements of the recycled water system, per Title 22 requirements; and (2) increase effluent storage capacity by constructing a stormwater diversion system around the storage reservoir, and lowering the elevation of the irrigation pump intake. This Order provides a time schedule for the Discharger to implement these improvements.

FAILURE TO COMPLY WITH CLEANUP AND ABATEMENT ORDER NO. R5-2002-0722 AND WDRS

12. The C&A Order required the Discharger to submit a Title 22 Engineering Report by 1 December 2003. In a letter dated 29 November 2003, and in subsequent monthly compliance status reports, the Discharger indicated that a Title 22 Engineering Report would not be prepared

until the CCWD Board of Directors adopted the Final Master Plan. On 21 January 2005, the Discharger submitted the Title 22 Engineering report to the Department of Health Services (DHS) and the Regional Board for review. This Order requires the Discharger to respond and/or make changes to the Title 22 Engineering report based on DHS' review of the Title 22 Engineering Report.

13. The C&A Order required the Discharger to submit a Revenue Plan by 30 March 2003 which describes the cost associated with construction of a 20-day emergency storage pond to comply with Title 22, and whether the Discharger has sufficient funds to implement the improvements. In addition, the C&A Order required the Discharger to submit final design documents for construction of the 20-day emergency storage pond by 1 December 2003. In letters dated 26 November 2003 and 22 September 2004, the Discharger stated that it had decided to upgrade the WWTP to provide short-term retention and redundant equipment/facilities to comply with Title 22 regulations, in lieu of constructing a 20-day emergency storage pond.
14. Per the requirements of the C&A Order, the Discharger was to submit an updated Report of Waste Discharge (RWD) by 1 January 2004. In a letter dated 17 December 2003, and in subsequent monthly compliance status reports, the Discharger stated that the submittal of an updated RWD would be delayed until the CCWD Board of Directors had adopted the Master Plan. The Discharger anticipated submitting the updated RWD by February of 2004. As of this date, the updated RWD has not been submitted to the Regional Board. Because the Discharger has decided not to construct a 20-day emergency storage pond, and instead install redundant equipment to comply with Title 22, a RWD is no longer needed.
15. The C&A Order required the Discharger to submit a report by 1 November 2004 certifying that the 20-day emergency storage pond had been constructed and was ready to use in order to comply with the Title 22 requirements. Because the Discharger has changed its approach the Discharger has not submitted the required report. This new Order requires the Discharger to submit a report certifying that it has completed upgrades to comply with Title 22.

**NEW COMPLIANCE ISSUES SINCE ISSUANCE OF CLEANUP AND ABATEMENT
ORDER NO. R5-2002-0722**

16. On 19 September 2002, staff conducted an inspection of the Forest Meadows Golf Course and determined that golf course effluent disposal was occurring in violation of WDRs Order No. R5-2002-0722. Violation of the WDRs include:
 - a. Discharge Prohibition A.1 states "*Discharge of wastes to surface waters or surface water drainage courses is prohibited.*" During staff's inspection, staff noted evidence of tailwater, and/or irrigation overspray, into water hazard ponds and surface drainage courses at several locations throughout the golf course
 - b. Reclamation Requirements D.3 states "*Reclaimed wastewater conveyance lines shall be clearly marked as such.*" The irrigation pump station located adjacent to the effluent storage pond was not labeled.
 - c. Reclamation Requirements D.4 states "*Reclaimed water controllers, valves, etc. shall be affixed with reclaimed water warning signs, and these and quick couplers and sprinkler*

heads shall be of a type, or secured in a manner, that permits operation by authorized personnel only.” Sprinkler heads, quick connect couplers, and valve boxes were not properly labeled and marked.

On 10 October 2002, staff issued a Notice of Violation (NOV) for these violations. The NOV required the Discharger to submit a report by 15 November 2002 describing the corrective measures to address the violations, and proposed timelines for coming into compliance with WDRs.

17. On 8 November 2002, Forest Meadows Golf Course stated that it would make improvements to comply with the WDRs, including: modifying sprinklers to prevent irrigation runoff and overspray into surface water and/or drainages; marking all conveyance lines and the irrigation pump station with reclaimed water signs; and painting all water controllers, valves, sprinkler heads, and quick coupler fittings purple. The Discharger indicated that all the improvements would be completed by October 2003.
18. On 16 October 2003, staff conducted an inspection of the Forest Meadows Golf Course. Staff determined that the Discharger had labeled the wastewater conveyance lines and pump station with reclaimed water signs, but had not made the other improvements.
19. On 13 December 2004, staff contacted (via telephone) the golf course maintenance staff to determine what improvements had been made since staff's 16 October 2003 inspections. Golf course maintenance staff stated that some, but not all improvements had been made to comply with the WDRs. Improvement made include: capping of all sand trap under-drains to prevent discharges of irrigation water; changing of sprinkler heads from full heads to half heads along surface drainage courses on Fairway Nos. 3, 8, and 17; disconnecting the water supply to drinking fountains located on the golf course; and labeling/marking of some, but not all, of the water controllers, valve boxes, quick couplers, sprinklers, etc. to alert the public of the use of reclaimed water. This new Order requires the Discharger to submit a report showing that all improvements to comply with Title 22 and the WDRs have been completed.
20. A new C&A Order is necessary to provide the timelines for the Discharger to upgrade the WWTP to comply with both Title 22 reclamation requirements and the WDRs. The Discharger must still comply with the remainder of its WDRs (as described below) while it designs, and constructs the proposed improvements.

REGULATORY CONSIDERATIONS

21. Based on information presented in the Master Plan and other various correspondences from the Discharger, the Discharger has decided to (1) upgrade the WWTP to provide short term retention and redundant equipment/facilities to comply with Title 22 regulations, in lieu of constructing a 20-day emergency storage pond, (2) make improvements to the effluent storage pond to increase effluent storage capacity, and (3) pursue obtaining a seasonal surface water NPDES permit to meet future buildout flows. In addition, since issuance of C&A Order No. R5-2002-0722 in August 2002, new non-compliance issues have arisen, including discharges of wastewater to surface drainage courses from golf course irrigation practices.

22. The Discharger has discharged waste in violation of its WDRs in part because the WWTP is not in compliance with Title 22 requirements, as described above. Due to the lack of adequate emergency storage capacity, the lack of freeboard at the golf course storage pond, and discharges of wastewater into surface water and surface drainage courses, the Discharger has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that threatens to create a condition of pollution or nuisance.
23. The Regional Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin River Basins (Basin Plan) establishes the beneficial uses of waters of the state and water quality objectives to protect those uses.
24. Surface water drainage is to Angels Creek, a tributary to the New Melones Reservoir. The beneficial uses of surface waters tributary to New Melones Reservoir are municipal and domestic supply; agricultural supply for irrigation and stock watering; industrial power supply; contact and noncontact recreation; warm and cold freshwater habitat; and wildlife habitat.
25. Section 13304(a) of the California Water Code provides that: "Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the water of the state, and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."
26. Section 13267(b) of the California Water Code provides that: "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, 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 quality of 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. 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."
27. The technical reports required by this Order are necessary to ensure compliance with WDRs Order No. 5-00-066, Title 22 of the California Code of Regulations, and this C&A Order. The reports are also necessary to assure protection of public health and safety. The Discharger owns and operates the facility that discharges the waste subject to this Order.
28. The issuance of this Order is an enforcement action 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.

29. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Sections 2050 through 2068, Title 23, California Code of Regulations. 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 are available at www.swrcb.ca.gov/water_laws/index.html and will also be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13304, 13260, and 13267 of the California Water Code, C&A Order No. R5-2002-0722 is rescinded, and the Calaveras County Water District, Alston Financial, Inc., and EMC, Inc. shall cleanup and abate, forthwith, the wastewater treatment and reclamation plant such that all the requirements prescribed in WDRs Order No. 5-00-066 and Title 22 CCR are met. "Forthwith" means as soon as is reasonably possible.

1. **Beginning with the second quarter of 2005**, the Discharger shall submit Quarterly Compliance Status Reports. These reports shall describe all work completed during the calendar quarter to comply with this Cleanup and Abatement Order; and any new, modified, or renovated component of the treatment and disposal system. These reports shall be submitted by the **15th day of the month following the quarter for which the report is prepared (e.g., the quarterly reports are due by 15 April, 15 July, 15 October, and 15 January of each year)**.
2. If the DHS review finds that additional information is necessary to complete the January 2005 Title 22 Engineering Report, then within **45 days** of staff request, the Discharger shall submit the outstanding information.

Golf Course Issues

3. Within **90 days** of the DHS review of the Engineering Report, the Discharger must submit a Reclaimed Water Irrigation Improvement Workplan that describes improvements to the reclaimed water distribution, and use systems necessary to comply with the reclaimed water guidelines of Sections 60301 through 60355 of Title 22. The Workplan must provide a plan of action and timeline for addressing the golf course deficiencies noted in the Title 22 Engineering Report and/or deficiencies found by DHS or Regional Board staff upon review of the subject report.
4. By **30 June 2005**, the Discharger shall submit a Golf Course Irrigation Improvement Report, which identifies the improvements that have been made to the golf course irrigation system to comply with Discharge Prohibition A.1 (discharge of wastewater into surface drainage courses and surface waters) of the WDRs. At a minimum, the report shall (1) provide a map showing all surface drainages and water features within the reclaimed water use areas, all reclaimed water irrigation areas, all reclaimed water irrigation piping, control boxes, sprinkler heads, etc.; (2) locations of where improvements were made to prevent irrigation runoff and overspray from entering water hazard ponds, surface drainages, and creeks, and (3) describe what improvements (changing or moving of sprinkler heads, installing culverts, etc.) were made at each location needing improvements. In addition, the report shall certify that improvements have been made to comply with Reclamation Requirement D.3 and D.4 of the WDRs.

Wastewater Treatment and Storage Issues

5. By **15 June 2005**, the Discharger shall submit a Effluent Storage Pond Improvement Workplan, which provides preliminary design documents showing the improvements to be made to the effluent storage pond to increase effluent storage capacity to comply with the current WDRs.
6. By **15 October 2005**, the Discharger shall submit an Effluent Storage Pond Improvement Report, which certifies that the improvements provided in the Effluent Storage Pond Improvement Workplan have been completed.
7. By **31 December 2005**, the Discharger shall submit a Title 22 Upgrade Report certifying that wastewater treatment plant improvements have been made to provide short-term retention and redundant equipment/facilities to comply with Title 22 requirements.

In addition to the above, the Discharger shall comply with the existing WDRs Order and all applicable provisions of the California Water Code that are not specifically referred to in this Order. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist and signed/stamped by the registered professional.

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.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability of up to \$1,000 or up to \$10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including sections 13268, 13350, and 13385. The Regional Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

THOMAS R. PINKOS
Executive Officer

28 March 2005

(Date)