

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0900

CALIFORNIA WATER CODE SECTION 13308
TIME SCHEDULE ORDER

REQUIRING

BYRON SANITARY DISTRICT
CONTRA COSTA COUNTY
TO COMPLY WITH A TIME SCHEDULE

This Order is issued to Byron Sanitary District (hereafter known as “Discharger”) and is based on provisions of California Water Code Section 13308 which authorize the Regional Water Quality Control Board, Central Valley Region (hereafter known as Regional Board) to issue a Time Schedule Order.

The Executive Officer of the Regional Board finds with respect to the Discharger’s acts, or failures to act, that:

1. Waste Discharge Requirements (WDRs) Order No. 5-00-058, adopted by the Regional Board on 17 March 2000, prescribes requirements for Byron Sanitary District.
2. The Discharger owns and operates a municipal wastewater treatment facility in the town of Byron. The facility is on Assessor’s Parcel Numbers 002-180-01, -02, and 002-032-02 at the east end of Camino Diablo Road in Sections 2 and 11, T1S, R3E, MDB&M.
3. Cleanup and Abatement (C&A) Order No. R5-2002-0733 was issued by the Executive Officer on 22 November 2002. The C&A Order requires that the Discharger submit technical reports and construct wastewater treatment system improvements to comply with the WDRs.

WASTEWATER SYSTEM

4. The WWTF serves approximately 180 residences, an elementary school, the Contra Costa Boys Ranch (140 residents), and 30 small commercial facilities.
5. The Discharger’s current treatment system consists of a 40,000-gallon Imhoff tank with approximately six acres of unlined effluent storage ponds and 14 acres of percolation disposal area. The WDRs allow flows of up to 80,000 gallons per day (gpd).

VIOLATIONS OF THE WDRS, 2000-2002

6. In 1999, the Discharger applied for revised WDRs to allow expansion of the percolation disposal area, and proposed to utilize part of a 20-acre agricultural parcel on the south side of the facility for that purpose. Prior to revising the WDRs, staff inspected the facility on 12 November 1999 and completed a review of the case file. Numerous violations of the previous WDRs (Order No. 80-188) were found. Although the effluent storage pond berms had been recently rehabilitated, there was evidence of seepage from the ponds into an adjacent drainage ditch and wetlands area. Dense wetlands vegetation was encroaching on the pond berms. The Imhoff tank reportedly had

not been pumped in over ten years and solids had accumulated to the point of significant system bypass. The facility fence was in poor repair and duck decoys were observed floating in the effluent storage ponds. A flow meter had only recently been installed, but limited data showed that the daily influent flows were far in excess of the plant's permitted capacity. Based on sporadic groundwater monitoring data, the shallow water table, and neighboring wetlands area, staff was also concerned about groundwater quality impacts.

7. Accordingly, the Provisions of Order No. 5-00-058 included a schedule for submittal of technical and monitoring reports to document the Discharger's progress in assessing potential water quality impacts and implementing facility and operational improvements as needed to prevent those impacts.
8. Between adoption of the current WDRs in March 2002 and adoption of the C&A Order in October 2002, there were several violations, including spills and threatened spills due to inadequate storage/disposal capacity and pond berm maintenance. Additionally, there were numerous violations due to the Discharger's failure to submit monitoring reports and inadequate monitoring reports. The entire history is found in the Findings of C&A Order No. R5-2002-0733 and are summarized below.
9. On 23 June 2000, Regional Board staff issued a Notice of Violation (NOV) to the Discharger for failure to submit the Environmental Mitigation Report for the new effluent disposal area and failure to submit monthly monitoring reports since adoption of the WDRs.
10. On 11 October 2000, the Executive Officer directed the Discharger to provide an Interim Budget Estimate and Financing Plan pursuant to Section 13267 of the California Water Code. This request was based on the Discharger's statements about lack of funds to perform routine maintenance, repairs, monitoring, and capital improvements. No response was received.
11. On 24 April 2001, the Executive Officer issued a second request for reports pursuant to Section 13267 of the California Water Code for failure to submit monthly monitoring reports, quarterly monitoring reports, the final Environmental Mitigation Report, the Interim Budget Estimate and Financing Plan, and certification of the Discharger's formal adoption of the plan. No response was received.
12. On 29 May 2001, the Executive Officer issued an Administrative Civil Liability (ACL) Complaint for failure to comply with the 24 April 2001 Section 13267 letter. The Discharger and the Executive Officer subsequently settled the ACL Complaint with the Discharger's payment of \$5,000 and submittal of the reports listed in the Settlement Agreement.
13. The assessment of groundwater and surface water quality impacts presented in the Wastewater Facilities Plan indicated that the WWTF has degraded groundwater and surface water quality with respect to nitrogenous compounds and coliform bacteria. Due to naturally occurring saline groundwater, there does not appear to be any degradation of groundwater or surface water caused by discharge of total dissolved solids in the wastewater. Based on this assessment, the report recommended improvements to the existing facility that included stabilizing the effluent storage pond levees, lining the effluent storage ponds, converting them to aerobic stabilization ponds, and constructing a disinfection system.

14. On 19 November 2001, Regional Board staff transmitted comments on the Interim Budget Estimate and Financing Plan and the Wastewater Facilities Plan. Staff expressed concern that the District's budget showed a deficit for 2002, and did not project expenses and income through 2004 as requested. The letter requested that the comments be addressed by 30 December 2001.
15. On 21 December 2001, the Discharger submitted a response to staff's comments on the Wastewater Facilities Plan and requested additional time to address all comments on the Interim Budget Estimate and Financing Plan. The letter stated that the requested information would be provided by 30 January 2002. The additional information was never received.
16. On 21 August 2002, staff met with the Discharger and its new consultant. The history of WDRs violations and current compliance status were discussed at length. The Discharger proposed to prepare a revised Wastewater Facilities Plan and proceed from there using the State Revolving Fund Loan Program as the funding source for the project. The Discharger agreed that a Cleanup and Abatement Order should be used to formalize the scope and schedule of tasks leading to completion of the facility improvements.

VIOLATIONS OF THE CLEANUP AND ABATEMENT ORDER

17. Due to failure to comply with the WDRs, C&A Order No. R5-2002-0733 was signed by the Executive Officer on 22 November 2002. The C&A Order required the Discharger to comply with WDRs No. 5-00-058, and to submit technical reports demonstrating the Discharger's efforts to plan, design, and implement facility improvements needed to protect water quality. Specifically, the following submittals were required:
 - a. A Wastewater Facilities Plan Project Report for the proposed wastewater system prepared in accordance with State Revolving Fund Policy by 15 January 2003.
 - b. A draft environmental document prepared pursuant to the California Environmental Quality Act (CEQA) by 15 May 2003.
 - c. Improvements design documents equivalent to 50 percent plans and specifications approved by the State Revolving Fund (SRF) Loan Program and a copy of the Preliminary SRF Loan Commitment for the project by 30 August 2003.
 - d. A complete Report of Waste Discharge (RWD) for the improved wastewater treatment facility by 30 September 2003.
 - e. A copy of the certified Negative Declaration or other applicable CEQA document by 30 September 2003.
 - f. A copy of the Final Revenue Program submitted to the SRF Loan Program by 30 December 2003.
 - g. A copy of the Authority to Award letter from the SRF Loan Program and the Notice to Proceed issued to the contractor selected for construction of the facilities improvements by 28 February 2004.

- h. A Wastewater System Construction Status Report by the 30th of the each month until construction is complete.
 - i. A letter certifying that construction is complete and startup testing of the system is imminent by 30 September 2004.
 - j. A letter certifying that startup testing and operator training are complete, and that the wastewater system is fully operational By 30 October 2004.
18. The Discharger has submitted some of the technical reports required by the C&A Order but has failed to implement recommendations contained in the reports to improve the wastewater treatment system. The following details events since issuance of the C&A Order.
19. C&A Order Task No. 1 requires that the Discharger submit a Wastewater Facilities Plan Project Report by 15 January 2003. On 15 January 2003, the Discharger submitted a report entitled "Wastewater Feasibility Study Supplement", which presented a revised assessment of facilities improvements options. The report indicated that the Discharger had opted to connect the Byron Sanitary District to the Discovery Bay Community Services District (DBCSD) facility, pending the approval of the DBCSD board of directors. The report stated that the Discharger would pursue construction of a new wastewater treatment facility at the existing site if the DBCSD board did not approve the connection and would comply with the schedule set forth in the C&A Order.
20. On 2 May 2003, the Discharger informed staff that negotiations with DBCSD were not yet completed, and requested extension of the CEQA document deadline until DBCSD made a final decision.
21. On 17 June 2003, the Discharger submitted a *Status Report*, which detailed Byron Sanitary District's efforts to pursue an agreement with DBCSD for wastewater treatment and disposal. The Discharger reported that DBCSD would not commit to the buy-in cost for BSD customers until DBCSD completed its negotiations with a developer, which were ongoing.
22. On 26 June 2003, staff issued a NOV for failure to submit the draft environmental document for the project, which was due on 15 May 2003. Staff noted that the Discharger delayed the planning and design process to hold additional public meetings to address concerns expressed by its customers, and had diligently pursued securing the DBCSD agreement. Therefore, staff agreed not to recommend enforcement of the deadlines in the Cleanup in Abatement Order as long as BSD actively pursued the project and diligently attempted to resolve any issues that arise. The NOV requested that the Discharger submit a monthly Cleanup and Abatement Status Report to document all efforts to secure funding and an agreement and an estimated schedule for submittal of the environmental document and the State Revolving Fund Loan Commitment.
23. On 14 August 2003, the Discharger requested that the Regional Board relieve Byron Sanitary District (BSD) of essentially all monitoring requirements, stating that the financial burden of monitoring and reporting was too high. On 8 September 2003, the Executive Officer issued Revised MRP No. 5-00-058, which incorporated revisions to reduce the frequency of certain monitoring and reduce the number of analytical tests required.

24. On 15 August 2003, the Discharger submitted the August Monthly C&A Order Status Report, which indicated that DBCSD would not provide wastewater treatment services to BSD's customers and that BSD had decided to continue operating a wastewater treatment facility at the current site. The Discharger requested additional time to perform a pilot test of solar-powered evaporator units to determine whether enhanced evaporation might be used to minimize the size and cost of lined treatment/disposal ponds.
25. On 8 September 2003, staff responded to the status report, stating that the Discharger must proceed in a timely manner to comply with the C&A. Staff noted that the proposed pilot test was acceptable, but that it would further delay compliance, which was neither necessary nor appropriate. The Discharger was asked to submit a C&A Order Status Report specifying proposed submittal dates for the revised Wastewater Facilities Plan, environmental document, and design documents by 15 October 2003.
26. On 3 November 2003, staff commented on the 15 October status report and proposed compliance plan. The proposed schedule included a six-month pilot test of solar-powered evaporator units and compliance with the last task of the C&A Order by November 2005, approximately one year behind schedule. While noting that staff cannot grant a formal extension to the C&A, staff again agreed to forego recommending enforcement with regard to the remaining tasks of the C&A Order if the Discharger complied with the following schedule:
 - a. Submit a report certifying that the evaporation units have been installed in the treatment ponds by 30 January 2004.
 - b. Submit the geotechnical engineer's report that presents specific design recommendation for pond berm rehabilitation and pond lining systems by 30 March 2004.
 - c. Submit the pilot test results and a revised Wastewater Facilities Plan by 30 August 2004.
27. On 18 February 2004, the Discharger submitted a letter certifying that the evaporation units were installed on 11 February 2004. The submittal was nineteen days late.
28. In a 16 April 2004 status report, the Discharger informed staff that it was in the process of retaining a consultant to complete the geotechnical engineer's report.
29. On 1 March 2004, the Discharger reported that one of the wastewater ponds was leaking into the neighboring wetlands area. According to the written spill report, which was received on 29 March 2004, the leak was repaired shortly after it was discovered.
30. On 9 May 2004, the Discharger reported another leak due to a rodent hole in the same pond. The written spill report, received on 17 May 2004, stated that the leak was quickly repaired.
31. On 4 August 2004, staff met with the Discharger to discuss C&A Compliance issues. The Discharger informed staff that the pilot test results were not promising, and that the Discharger would probably proceed with planning for a new package treatment plant at the existing site. The Discharger questioned the need for the geotechnical report and indicated that the District Board had not yet approved a contract for the work. Staff reminded the Discharger that the geotechnical

report was overdue and was required to complete the Wastewater Facilities Plan, which was due on 30 August 2004.

32. On 4 August 2004, the Discharger submitted a request for a grant under the State Water Resources Control Board's Small Community Grant Program.
33. The Discharger's August 2004 Monthly Monitoring Report stated that a geotechnical engineer had been retained and that a report would be submitted by the end of September 2004. A preliminary geotechnical engineer's report was submitted on 29 November 2004 (243 days past due). The Wastewater Facilities Plan has not been submitted, and is currently 128 days past due.
34. On 11 November 2004, the Discharger's consultant transmitted a request to further reduce the monitoring frequency for the wastewater treatment system to every other month. The consultant reported that the Discharger believes its annual monitoring costs are a financial burden. The consultant reported that annual monitoring costs are \$14,400 (\$2,924 for quarterly monitoring and reporting and \$336 for monthly monitoring for months when quarterly monitoring tasks are not performed).
35. In summary, the Discharger's facility needs major improvements to ensure compliance with the WDRs and to protect water quality. The Discharger will require financial assistance in the form of loans and/or grants to construct those improvements. The Discharger has attempted to proceed with planning, funding, and design of those improvements, and certain aspects of the project have been delayed through circumstances beyond the Discharger's control. However, since DBCSD informed the Discharger that it would not allow connection to its wastewater treatment facility, the Discharger has failed to proceed in a timely manner with an alternate plan of action to comply with the C&A Order and WDRs. It has been four years since the Discharger knew of the need for facility improvements, but no significant progress has been made. The facility continues to degrade groundwater quality and pose a threat to surface water quality. In addition, the Discharger's financial stability is uncertain and, by the Discharger's own admission, it lacks the will to increase user fees sufficiently to support adequate monitoring, operation and maintenance, and reasonable consulting fees for technical assistance in planning, funding, and design of the needed improvements.

OTHER ISSUES

36. Discharge Specification B.1 limits the average dry weather influent flow to 80,000 gallons per day. Because the Discharger could not provide accurate historical flow data for the facility when staff was preparing the updated WDRs in 2000, the flow limitation was selected to allow the Discharger to continue receiving waste from existing customers and to accommodate minimal growth. However, the flow limitation was based in part on Finding No. 13 of the WDRs, which states:

“Percolation rates in the evaporation/percolation ponds have decreased...due to bypass of solids from the Imhoff tank over an extended period. The Discharger proposes to drain the ponds, reconfigure them and renovate the levees”.

The Discharger has not completed any pond rehabilitation that would improve percolation rates, and the Imhoff tank continues to be loaded beyond its capacity to properly settle solids that promote pond clogging.

37. Since January 2003, reported monthly average influent flows at the facility have ranged from 45,000 gpd to 99,000 gpd. Beginning in January 2004, monthly average flows routinely exceeded the flow limitation. However, monthly monitoring reports for the months of April through July 2004 noted that the flow meter appeared to be malfunctioning and overstating flows, and that the meter would be repaired or replaced.
38. After recalibration and testing, the Discharger replaced the flow meter in August 2004. No flow data were reported for August 2004, and the reported flow for October 2004 was 69,000 gpd. Because of the questionable flow data for most of the 2004 dry weather season, it is unknown whether the Discharger is in compliance with the flow limitation set forth in the WDRs. However, wet weather monthly average flows had increased to above 80,000 gpd before the flow meter problems occurred, and there may be significant inflow and infiltration due to the high water table.
39. On 6 July 2004, staff responded to the Discharger's request to review a proposed new service connection. The connection was intended to serve a church with a school and public assembly facilities and would require that the property be annexed into the Discharger's district before the service connection can be made. Because it was unclear whether the Discharger was violating its flow limitations, staff requested that the Discharger monitor flows for at least two months after correction of the flow measurement problem before deciding whether there was sufficient capacity to allow the increased service to the church. Prior to installing the new flow meter, the Discharger issued a "will-serve" letter to the church. It is not known whether the LAFCO has approved the annexation.
40. On 5 August 2004, Contra Costa County Planning Commission staff informed Regional Board staff of plans to extend rapid transit serve to the Byron area. The project would involve adding a light rail system utilizing existing railroad tracks to connect commuters to the Pittsburg BART station, and would allow new commercial development near the stations (one of which would be served by the Discharger's facility). County staff asked Regional Board staff's opinion of the Discharger's ability to accommodate additional growth. Staff informed the County of the ongoing compliance issues and concerns about the facility, and suggested that no project be approved that would impact the Discharger's ability to comply with the WDRs.
41. Based on concerns about available wastewater storage and disposal capacity and the apparent growth pressure within the Discharger's service area, it is appropriate to impose penalties for exceeding the flow limitation imposed by the WDRs, as restructured under this Order.

REGULATORY CONSIDERATIONS

42. As a result of the events and activities described in this Order, the Regional Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Board also finds that the Discharger is discharging waste in violation of WDRs Order No. 5-00-058 (as

described in Findings 6 through 16), in violation of C&A Order No. R5-2002-0733 (as described in Findings 17 through 42), and threatens to violate the flow limitations of the WDRs.

43. The Regional Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin River Basins (Basin Plan) designates beneficial uses, includes water quality objectives to protect the beneficial uses, and includes plans to implement the water quality objectives.
44. Surface water drainage is to the Sacramento/San Joaquin River Delta. The beneficial uses of the Sacramento/San Joaquin River Delta are municipal and domestic supply; agricultural supply; industrial service supply; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction and/or early development; wildlife habitat; and navigation.
45. The beneficial uses of the groundwater beneath the site are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
46. Section 13267(b) of the California Water Code 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, 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."
47. The Discharger owns and operates the facility subject to this Order. Monitoring reports and other technical reports are necessary to determine compliance with the Waste Discharge Requirements and with this Order.
48. Section 13308(a) of the California Water Code (CWC) provides that: "If the regional board determines there is a threatened or continuing violation of any cleanup and abatement order, cease and desist order, or any order issued under Section 13267 or 13383, the regional board may issue an order establishing a time schedule and prescribing a civil penalty which shall become due if compliance is not achieved in accordance with that time schedule."
49. Section 13308(b) of the CWC provides that: "... The amount of the penalty may not exceed ten thousand dollars (\$10,000) for each day in which violation occurs."
50. This Time Schedule Order is issued in accordance with Section 13308 of the California Water Code and establishes a time schedule for compliance and civil penalties for violation(s) of the Time Schedule Order.
51. The penalties allowed under CWC Section 13308 are specified below for the tasks required to attain compliance with C&A Order No. R5-2002-0733 and WDRs No. 5-00-058. A lesser amount would not provide the incentive to make improvements to the wastewater system necessary to achieve compliance. The specified civil penalty amounts are not intended to punish or redress previous violations. Issuance of this Order does not preclude the Board from adopting a future

order assessing civil liability or penalties for the violations of C&A Order No. R5-2002-0733 and WDRs No. 5-00-058 that occurred prior to adoption of this Time Schedule Order, or that are not addressed in this Order.

52. In accordance with California Water Code section 13308(c), if the Executive Officer determines that the Discharger has failed to comply with the time schedule contained in this Order, the Executive Officer may issue a complaint pursuant to CWC Section 13323(a) alleging the violation(s) of the time schedule and setting forth the amount of civil penalty due under this Order. The Discharger may either pay the civil penalty or request a hearing before the Regional Board.
53. 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.
54. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the Regional Board action took place. Copies of the law and regulations applicable to filing petitions are available at www.swrcb.ca.gov/water_laws/index.html and also will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13308 and 13267 of the California Water Code, Byron Sanitary District, its agents, successors, and assigns, shall in accordance with the following tasks and time schedule, implement the following measures and the facility upgrades required to ensure long-term compliance with WDRs No. 5-00-058, or any revisions to those WDRs.

Any person signing a document submitted under 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. **At least 60 days prior to approving any new sewer connection**, the Discharger shall submit a water balance demonstrating that the facility has adequate treatment, storage, and disposal capacity to accommodate the flow, and that the increased flow will not cause any violations of WDRs Order No. 5-00-058. Service shall not be granted until the Executive Officer expressly approves the water balance. Failure to comply with this limitation shall result in a penalty of \$5,000 for each new equivalent dwelling unit (EDU) connection.
2. By **27 April 2005**, the Discharger shall submit a *Wastewater Facilities Plan Project Report* for the proposed wastewater system. The report shall be prepared in accordance with SRF/Small Community Grant Fund Policy and shall also be submitted to the SRF/Small Community Grant Fund Program for concurrent review. Failure to submit a complete report shall result in a penalty of \$5,000 per day in which the report is late or incomplete.

3. If requested by staff, the Discharger shall submit a report that addresses staff's comments on the *Wastewater Facilities Plan Project Report* **within 30 days** of the date of the request. Any such request will be made in writing and will reference this Order. Failure to submit the complete report shall result in a penalty of \$1,000 per day in which the report is late or incomplete.
4. By **27 April 2005**, the Discharger shall submit all documentation required to obtain a grant for planning and design of the improvements described in the approved *Wastewater Facilities Plan Project Report* to both the Regional Board and to the SRF/Small Community Grant Fund Program. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which a report is late or incomplete.
5. Within **30 days** of written notification of any inadequacies in the grant application, the Discharger shall submit all required additional information to both the Regional Board and to the SRF/Small Community Grant Fund Program. Failure to submit a complete report shall result in a penalty of \$1,000 per day in which a report is late or incomplete.
6. Within **60 days** of submittal of the revised planning and design grant application, the Discharger shall submit a copy of complete application(s) for an SRF loan and/or a construction grant under the Small Community Grant Fund Program. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which a report is late or incomplete.
7. Within **240 days** of submittal of the *Final Wastewater Facilities Plan Project Report*, the Discharger shall submit a *90 Percent Design Report* consisting of a narrative description of the design basis, design calculations, and design of the planned improvements; engineering drawings; and construction specifications. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which a report is late or incomplete.
8. Within **30 days** of staff's approval of the 90 Percent Design Report, the Discharger shall submit a complete *Report of Waste Discharge* (RWD) for the improved wastewater treatment facility. At a minimum, the RWD shall include all of the information listed in Attachment A, the Additional Information Requirements. In accordance with State Board Resolution No. 68-16, the RWD must demonstrate, through presentation and analysis of site-specific information, that operation of the proposed system:
 - a. Will not degrade the quality of groundwater beneath the site; or
 - b. May cause degradation, but:
 - i. The degradation will not exceed applicable water quality goals;
 - ii. Best Practicable Treatment and Control (BPTC) will be employed;
 - iii. The degradation is consistent with maximum benefit to the people of the State; and
 - iv. The degradation will not unreasonably affect the beneficial uses of the groundwater.

Failure to submit a complete report shall result in a penalty of \$2,500 per day in which the report is late or incomplete.

9. If requested by staff, the Discharger shall submit a *RWD Addendum* that addresses staff's comments on the RWD **within 30 days** of the date of the request. Any such request will be made in writing and will reference this Order. Failure to submit a complete report shall result in a penalty of \$1,000 per day in which the report is late or incomplete.
10. Within **60 days** of receipt of the Preliminary SRF Loan Commitment or construction Grant Approval for the project, the Discharger shall submit a copy of the *Final Revenue Program* submitted to the SRF Loan Program, if SRF funds will be utilized. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which the report is late or incomplete.
11. Within **60 days** of receipt of the Preliminary SRF Loan Commitment or construction Grant Approval for the project, the Discharger shall submit a copy of the *Authority to Award* letter from the SRF Loan Program (if applicable) and the *Notice to Proceed* issued to the contractor selected for construction of the facilities improvements. Failure to submit a complete report shall result in a penalty of \$1,000 per day in which the report is late or incomplete.
12. Within **15 days** of the date of the Notice to Proceed, the Discharger shall submit a copy of the certified *Negative Declaration* or other applicable CEQA document for the project. Failure to submit a complete report shall result in a penalty of \$1,000 per day in which the report is late or incomplete.
13. Within **30 days** of the date of the Notice to Proceed and by the **30th of the month** each month thereafter until construction is complete, the Discharger shall submit a *Wastewater System Construction Status Report*. Failure to submit complete reports shall result in a penalty of \$500 per day in which a report is late or incomplete.
14. Within **180 days** of the date of the Notice to Proceed, the Discharger shall submit a *letter certifying that construction is complete* and startup testing of the system is imminent. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which the report is late or incomplete.
15. Within **240 days** of the date of the Notice to Proceed, the Discharger shall submit a *letter certifying that startup testing and operator training are complete*, and that the wastewater system is fully operational. Failure to submit a complete report shall result in a penalty of \$2,500 per day in which the report is late or incomplete.
16. **Beginning with the month of January 2005**, the Discharger shall submit a *Monthly Compliance Status Report*. These reports shall describe all work completed during the month to comply with this 13308 Order, the C&A Order, and the WDRs. These reports shall be submitted by the **10th day of the following month (e.g., the January monthly report is due by 10 February)**. Failure to submit complete reports shall result in a penalty of \$500 per day in which a report is late or incomplete.

In addition to the above, the Discharger shall comply with 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 technical reports shall be prepared by, or

under the supervision of, a California Registered Engineer or Registered Geologist and shall be signed 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 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

7 January 2005

(Date)

Additional Documents: Attachment A
ALO: 1-Apr-05