

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0712

FOR
EL DORADO IRRIGATION DISTRICT
RANCHO PONDEROSA WASTEWATER TREATMENT FACILITY
EL DORADO COUNTY

This Order is issued to the El Dorado Irrigation District (EID) 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 Order.

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

1. The El Dorado Irrigation District (hereafter "Discharger") owns and operates the Rancho Ponderosa wastewater treatment facility (WWTF), which is comprised of a domestic wastewater collection system and two facultative ponds, with disposal by percolation and evaporation.
2. The Rancho Ponderosa WWTF is located approximately one mile northeast of Rescue in Section 14, T10N, R9E, MDB&M.
3. On 17 November 1986, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. 86-236, which prescribes requirements for the treatment and disposal of up to 35,000 gallons per day (gpd) of domestic wastewater.
4. On 16 February 2006, the Discharger notified staff that it had discovered seeps suspected to be treated wastewater effluent surfacing through four separate points on the outside of the wastewater pond containment berms, and entering Kelly Creek which is adjacent to the wastewater ponds. On the day that the seeps were discovered, the Discharger collected samples from the seeps and Kelly Creek to determine whether the seepage contained wastewater. Results indicate that wastewater was probably present in the seep locations.
5. Seepage of wastewater outside the pond berms and discharge of wastewater into wastewater into Kelly Creek is a violation of Prohibitions and Specification in WDRs Order No. 86-236. Discharge Prohibition A.2 of the WDRs states "*The bypass or overflow of untreated or partially treated waste is prohibited.*" Discharge Prohibition A.3 of the WDRs states "*Resurfacing of wastewater percolating from the ponds is prohibited.*" Discharge Specification B.3 of the WDRs states "*The discharge shall remain within the designated disposal area at all times.*"
6. On 17 and 18 February 2006, the Discharger implemented measures to stop or reduce the amount of wastewater that was entering the creek. Measures included placing sandbags around the seepage locations to cutoff or reduce flows into the creek and installing return pumps at each seepage location to pump water back to the wastewater ponds.
7. On 24 March 2006, staff conducted a site inspection to confirm that seepage was occurring, and to evaluate the measures the Discharger had implemented. During the inspection, staff noted that

seepage was still occurring. In addition, it appeared that while a majority of the seepage water was being returned to wastewater Pond No. 2, some seepage was still entering Kelly Creek.

8. On 24 March 2006, the Discharger submitted a letter describing the immediate and long-term actions it planned to take to stop the seepage from entering the creek. Immediate actions include, but are not limited to, installing additional sandbags along the northwest edge of Pond No. 2 to isolate the seepage area from high creek flows during heavy rain events, installing an additional return pump, placing bentonite clay patches and hand packing the clay into the areas of continued seepage, and installing a standpipe around the small return pump adjacent to the creek to isolate the seepage area from inundation during periods of high creek flows.
9. On 7 April 2006, the Discharger submitted a letter describing the immediate actions it has taken. The letter states that (1) the Discharger installed approximately 100 sandbags along the Pond No. 2 embankment dam to allow the seepage area to be isolated from the creek during high stream flow; (2) an additional pump was installed within the isolated area to ensure that all seepage water is returned to the ponds; (3) bentonite clay was placed into the identified seep locations to reduce or eliminate seepage; and (4) a PVC standpipe was installed with a return pump to isolate the small seepage area adjacent to the creek.
10. As part of the Discharger's 12 May 2006 comments to the Draft Cleanup and Abatement Order, the Discharger submitted a report that provided results of a geotechnical evaluation, and recommendations to stop seepage into Kelly Creek. The geotechnical report concluded that three of the four previously identified seeps have the physical and chemical signature of pond wastewater, and recommended various mitigation alternatives to stop the seepage. These include (1) well point dewatering, (2) construction of a subdrain and sump between Pond No.2 and Kelly Creek, (3) installing a cutoff slurry wall in conjunction with the subdrain and sump, and (4) installing a pond liner, cutoff slurry wall, and subdrain and sump. This Order requires the Discharger to submit a report describing the interim alternative(s) that will be selected to stop pond seepage. The alternative(s) must be implemented by 30 October 2006.
11. The Discharger's 24 March and 12 May 2006 letters indicate that the long-term action planned for the facility is to either connect to EID's main collection system, (tributary to EID's Deer Creek wastewater treatment plant) or design and construct a permanent onsite fix to the berms. The Discharger is currently working on the design report. The Discharger's letter indicates that this work will commence once all the necessary permits and rights of way are acquired, and the design, and contracting are completed. This Order requires the Discharger to submit a report describing the selected long-term action. The long-term action must be implemented by 31 October 2007.

REGULATORY CONSIDERATIONS

12. 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.
13. Surface water drainage is to Kelly Creek, a tributary to South Fork of the American River. The beneficial uses of South Fork of the American River are municipal and domestic supply;

hydropower generation; water contact recreation; noncontact water recreation; warm freshwater habitat; cold freshwater habitat; and wildlife habitat.

14. The beneficial uses of underlying groundwaters are municipal and domestic water supply, agricultural supply, and industrial service and process supply.
15. Section 13304(a) of the California Water Code provides that: “Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement 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 waters 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 the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. 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.”
16. As described in Finding No 5, the discharge of waste to surface waters is a violation of the Discharger’s WDRs. In addition, the discharge of sewage wastewater to the surface waters of the state threatens to cause pollution or nuisance. The Discharger, by failing to control the discharge, has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that it threatens to cause a threat to public health and/or create a condition of pollution or nuisance. Each of these actions subjects the Discharger to an order under section 13304 of the California Water Code.
17. 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.”
18. The technical reports required by this Order are necessary to ensure compliance with this C&A Order and WDRs Order No. 86-236, and to ensure the protection of the public health and safety and waters of the state. The Discharger owns and operates the facility that discharges waste subject to this Order.

19. The issuance of this Order is an enforcement action taken 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.
20. 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 Section 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 http://www.waterboards.ca.gov/water_laws/cawtrcde/wqpetition_instr.html and will also be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13304 and 13267 of the California Water Code, El Dorado Irrigation District shall cleanup and abate, forthwith, the wastewater treatment facility such that all the requirements prescribed in WDRs Order No. 86-236 are met.

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. **Beginning 1 June 2006 and continuing until seepage is stopped or the long-term solution is implemented**, the Discharger shall (1) conduct daily inspections of the pond berms (Pond Nos. 1 and 2) for evidence of seepage, (2) conduct daily freeboard monitoring of the wastewater treatment ponds, and (3) conduct daily flow monitoring for the amount of seepage water being returned to the wastewater treatment ponds. Results shall be reported in a monthly report, which is due by the 15th day of the following month.
2. By **30 June 2006**, the Discharger shall submit a report describing the short-term improvements that will be implemented to stop seepage of wastewater from entering Kelly Creek. The report shall include timelines indicating when the improvements will be completed prior to 30 October 2006.
3. By **31 July 2006**, the Discharger shall submit a report describing the long-term action the Discharger will implement to prevent any seepage of wastewater out of the pond berms.
4. By **30 October 2006**, the Discharger shall submit a report certifying that the short-term improvements outlined in the report required by item No. 2 of this Order have been completed. As of this date, there shall be no seepage of wastewater from the ponds into Kelly Creek.
5. By **31 October 2007**, the Discharger shall submit a report certifying that the long-term action has been implemented and that wastewater is no longer seeping, and no longer has the potential to seep out of the berms.

6. If the long-term action results in continued use of the Rancho Ponderosa ponds, then the Discharger shall submit (a) a Monitoring Well Installation Workplan by **31 December 2007**, (b) a Monitoring Well Installation Report by **1 May 2008**, and (c) a Report of Waste Discharge by **1 June 2009** to update the WDRs.
7. **Beginning 1 June 2006**, and by the 15th day of the following month, the Discharger shall submit monthly progress reports describing the work completed to date regarding each of the reporting requirements described above. This report may be combined with the report required in Item No. 1 above.

In addition to the above, the Discharger shall comply with existing WDRs Order No.86-236 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 Professional Geologist and signed by the registered professional.

If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be denied in writing or granted by revision of this Order or by a letter from the Executive Officer.

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 per day or up to \$10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including sections 13268, 13271, and 13350. The Regional Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

- Original Signed by -

PAMELA C. CREEDON, Executive Officer

26 May 2006
(Date)