



Central Valley Regional Water Quality Control Board

31 May 2022

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NOTICE OF APPLICABILITY

GENERAL WASTE DISCHARGE REQUIREMENTS FOR
SMALL DOMESTIC WASTEWATER TREATMENT SYSTEMS
ORDER WQ 2014-0153-DWQ-R5352
FOR
FX10 INTERNATIONAL INC. AND US BUREAU OF RECLAMATION
MARKLEY COVE RESORT
NAPA COUNTY

Fx10 International Inc. dba Markley Cove Resort, Inc submitted a Report of Waste Discharge (RWD) dated 9 March 2020 for the Markley Cove Resort (Resort) in Napa County. Additional information was submitted on 29 March 2022 and 16 May 2022. Waste discharges at the Resort which is located on land administered by the United States Department of the interior, Bureau of Reclamation (USBR) have been regulated under Waste Discharge Requirements (WDRs) Order 98-084. Based on information provided, the treatment system and discharge are consistent with the requirements of the State Water Resources Control Board's *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems*, Order WQ 2014-0153-DWQ (General Order).

This Notice of Applicability (NOA) provides notice that the General Order is applicable to the site as described below. The discharge is assigned enrollee number WQ 2014-0153-DWQ-R5352. Please include this number on all correspondence related to this discharge. A copy of the General Order WQ 2014-0153-DWQ is enclosed and also available on the [Water Boards Adopted Orders webpage](#)

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

(http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0153_dwq.pdf).

You should familiarize yourself with the entire General Order and its attachments, which describe mandatory discharge and monitoring requirements. The General Order contains operational and reporting requirements by wastewater system type. Sampling, monitoring, and reporting requirements applicable to your treatment and disposal methods must be completed in accordance with the appropriate treatment system sections of the General Order and the attached Monitoring and Reporting Program (MRP) No. 2014-0153-DWQ-R5352. Fx10 International Inc. and USBR (hereafter "Discharger") is responsible for all the applicable requirements that exist in the General Order and this NOA.

REGULATORY BACKGROUND

Order 98-084, adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board), on 17 April 1998, prescribes a monthly average dry weather discharge flow of 11,500 gallons per day (gpd) to percolation/evaporation ponds. The WDRs states the Resort consists of a general store, bar, boat storage area, 26 houseboats, and 59 permanent mobile home units. Order 98-084 will be rescinded at an upcoming Central Valley Water Board meeting. Effective upon rescission of Order 98-084, the discharge described in this NOA shall be regulated pursuant to the General Order.

FACILITY AND DISCHARGE DESCRIPTION

Fx10 International Inc. dba Markley Cove Resort, Inc owns and operates the Markley Cove Resort Wastewater Treatment Facility (WWTF), which is located on land administered by USBR. The Resort comprises of approximately 120 acres located at 7521 State Route 128 in Napa County as shown on Attachment A, which is attached hereto and is made part of this NOA by reference. Fx10 International Inc. is authorized per contract by USBR to operate a general store/office, 15 cabins, and 42 houseboats.

The WWTF receives domestic wastewater generated from the Resort and does not accept recreational vehicle (RV) waste. The WWTF was constructed in the 1990's and consists of a gravity sewer collection system, three lift stations, one houseboat pump-out station, and two percolation/evaporation ponds. The ponds were bentonite lined in May 2006. A wind driven air compressor is used to aerate the ponds. Pond characteristics are summarized in the table below. Pond capacity is based on a 2-foot freeboard.

Table 1. Wastewater Pond Summary

Pond Name	Pond Depth, ft	Capacity, cubic feet
Pond 1	8	28,125
Pond 2	8	11,700

GROUNDWATER AND SITE CONDITIONS

There is no groundwater monitoring at the site. The site is along the Lake Berryessa shoreline and is comprised of hilly to flat terrain. The site generally drains towards Lake Berryessa. The Federal Emergency Management Agency (FEMA) floodplain designation is Flood Zone A and Flood Zone X.

SITE-SPECIFIC REQUIREMENTS

The Discharger shall comply with all applicable sections of the General Order including:

1. Prohibitions Section A.
2. Wastewater System Type Section B.1.a.

The Discharger shall comply with the following flow limit.

Table 2. Flow Limitation

Flow Measure	Flow Limitation
Monthly Maximum	11,500 gallons per day

3. Wastewater System Type Sections B.1.b through B.1.l.

For Section B.1.l., the Discharger shall comply with the following setback requirements listed in Table 3 of the General Order.

Table 3. Wastewater System Setbacks

Equipment or Activity	Domestic Well	Flowing Stream	Ephemeral Stream Drainage	Property Line	Lake or Reservoir
Septic Tank, Treatment System, or Collection System	150 ft	50 ft	50 ft	5 ft	200 ft
Ponds	150 ft	150 ft	150 ft	50 ft	200 ft

This is an existing facility, constructed prior to the issuance of the General Order. Wastewater system setbacks may not be in compliance with those in the table below. The WWTF is permitted under this General Order provided that nuisance conditions do not result from noncompliance. Expansion of a noncomplying wastewater treatment system shall trigger further evaluation of the setbacks, as described in Section B.1.l of the General Order.

4. Pond Systems Section B.5.

The WWTF utilizes a pond system; therefore Section B.5 of the General Order applies in its entirety.

Order 98-084 allowed a 1.0-foot freeboard to be maintained at all times. Review of the monthly monitoring reports between January 2015 through December 2020 show no freeboard violations. Any new or expansion of the pond system must meet Section B.5.b of the General Order regarding pond design.

5. Sludge/Solids/Biosolids Disposal Section B.8.

The WWTF utilizes a pond system that will accumulate solids; therefore Section B.8 of the General Order applies in its entirety.

6. Groundwater and Surface Water Limitations Section C.

7. Effluent Limitations Section D.

The pond system is not subject to technology performance effluent limits for biochemical oxygen demand (BOD) as specified in the General Order. Wastewater disposal is by means of evaporation and percolation. Treatment is performed through the soil column.

Staff evaluated the need for a total nitrogen effluent limit using the method contained in the General Order. Wastewater flows do not exceed 20,000 gpd, therefore a nitrogen effluent limit is not required.

8. Provisions Section E.

Section E.1.a., E.1.b, E.1.c., E.2., E.3., and E.4 of the General Order applies. Provision E.1 requires Dischargers enrolled under the General Order to prepare and implement the following reports within 90 days of the issuance of the NOA (**Day Month 2022**):

- Spill Prevention and Emergency Response Plan (Provision E.1.a)
- Sampling and Analysis Plan (Provision E.1.b)
- Sludge Management Plan (Provision E.1.c)

The General Order requires that the Sludge Management Plan be submitted to the Central Valley Water Board within **90 days** of the issuance of the NOA. A copy of the Spill Prevention and Emergency Response Plan and the Sampling and Analysis Plan shall be maintained at the treatment facility and shall be presented to the Regional Water Board staff upon request.

On 31 May 2018, the Central Valley Water Board adopted Basin Plan amendments incorporating new strategies for addressing ongoing salt and nitrate accumulation in the Central Valley as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative. Further details of these strategies are discussed in the enclosed memorandum. As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of this NOA to ensure the goals of the Salt and Nitrate Control Program are met.

MONITORING AND REPORTING PROGRAM

The Discharger shall comply with MRP No. 2014-0153-DWQ-R5352, which is attached hereto and made part of this NOA by reference. Effective upon the first day of the month following rescission of Order 98-084, the Discharger shall comply with MRP WQ 2014-0153-DWQ-R5352.

ENFORCEMENT

Please review this NOA carefully to ensure that it completely and accurately reflects the discharge. Discharge of wastes other than those described in this NOA is prohibited. Prior to allowing changes to the wastewater strength or generation rate, or to the method of waste disposal, you must contact the Central Valley Water Board to determine if submittal of an RWD is required.

The Discharger generates the waste subject to the terms and conditions of WQ 2014-0153-DWQ-R5352 and will maintain exclusive control over the discharge. As such, Fx10 International Inc. is primarily responsible for compliance with this NOA, MRP, and General Order, with all attachments. Failure to comply with the requirements in the General Order or this NOA could result in an enforcement action as authorized by provisions of the California Water Code.

DOCUMENT SUBMITTALS

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: centralvalleysacramento@waterboards.ca.gov.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Facility Name: Markley Cove Resort, Napa County
Program: Non-15 Compliance
Order: 2014-0153-DWQ-R5352
CIWQS Place ID: 239592

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board
ECM Mailroom
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Now that the Notice of Applicability has been issued, the Board's Compliance and Enforcement section will take over management of your case. Guy Childs is your new point of contact for any questions about the Waiver. If you find it necessary to make a change to your permitted operations, Guy will direct you to the appropriate Permitting staff. You may contact Guy at (916) 464-4648 or at guy.childs@waterboards.ca.gov.

for Patrick Pulupa
Executive Officer

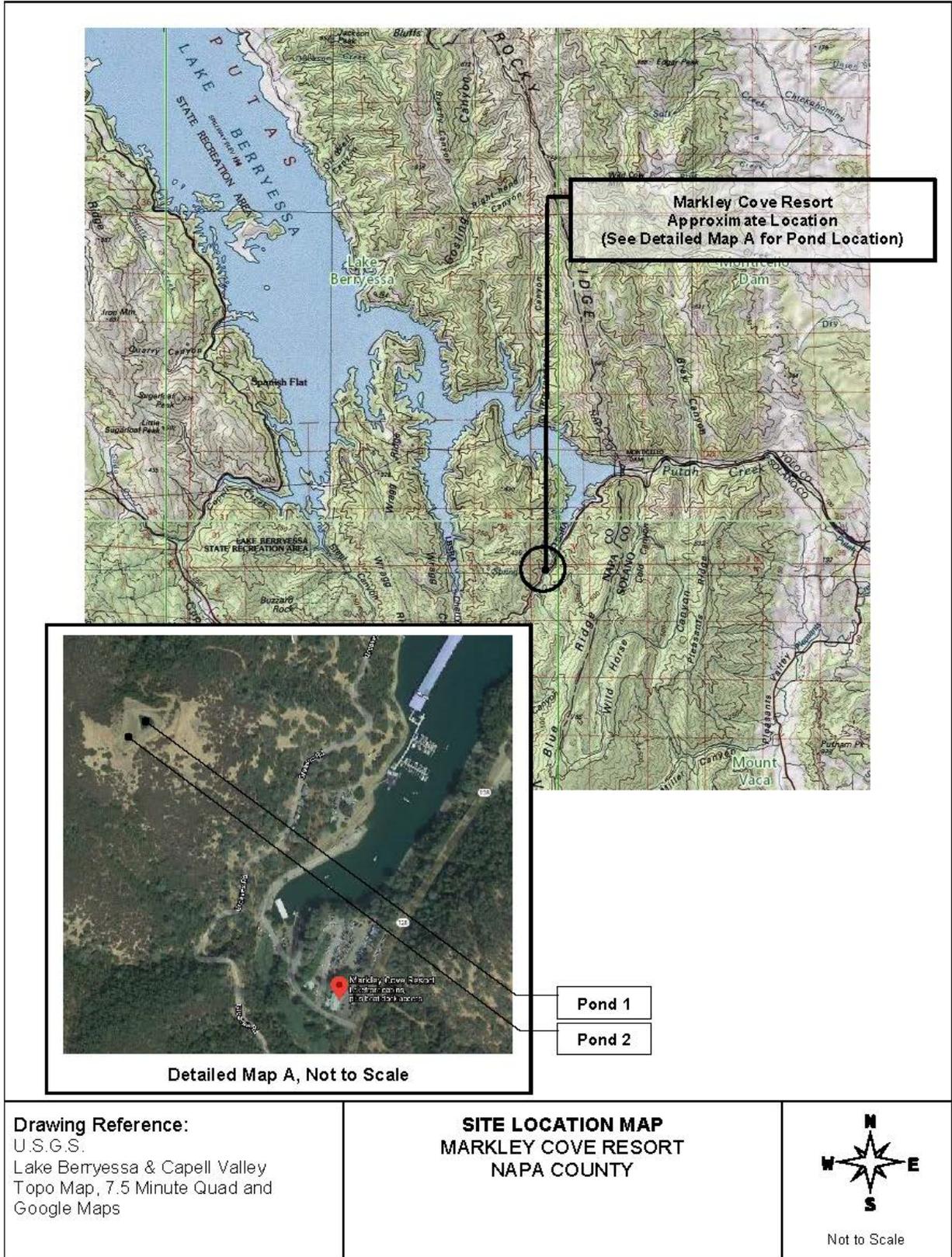
Attachments: Attachment A, Site Location Map
Monitoring and Reporting Program No. 2014-0153-DWQ-R5352

Enclosure: Water Quality Order WQ 2014-0153-DWQ (Discharger only)

Cc: Napa County Environmental Health, Napa

Cc via email: Laurel Warddrip, SWRCB, Division of Water Quality, Sacramento
Guy Childs, CVWQCB, Compliance and Enforcement, Rancho Cordova
Howard Hold, CVWQCB, Compliance and Enforcement Rancho Cordova
Debbie Webster, CVCWA, Sacramento

Attachment A



TO: Rob Busby
Supervising Geologist

FROM: Scott Armstrong
Senior Engineering Geologist
P.G. #6787, C.H.G. #620

Lani Andam
Water Resource Control Engineer

DATE: 20 May 2022

APPLICABILITY OF COVERAGE UNDER STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2014-0153-DWQ; GENERAL WASTE DISCHARGE REQUIREMENTS FOR SMALL DOMESTIC WASTEWATER TREATMENT SYSTEMS; FX10 INTERNATIONAL INC. AND US BUREAU OF RECLAMATION; NAPA COUNTY

Central Valley Water Board staff received a Report of Waste Discharge (RWD) consisting of a Form 200 and technical report dated 9 March 2020 for the Markley Cove Resort in Napa County. The RWD was prepared by RFE Engineering, Inc. on behalf of Fx10 International Inc. dba Markley Cove Resort, LLC. The RWD was signed and stamped by Robert Eynck, a California registered professional engineer (No. CO40666). Additional information was submitted on 29 March 2022 and 16 May 2022. The Discharger is requesting coverage under State Water Resources Control Board Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* (General Order). This memorandum provides a summary of Central Valley Water Board staff's review of the RWD and the applicability that the existing discharge is eligible for enrollment under the General Order.

BACKGROUND INFORMATION AND DISCHARGE DESCRIPTION

WDRs Order 98-084 regulates the Markley Cove Resort (Resort) Wastewater Treatment Facility (WWTF). Order 98-084 allows the discharge of domestic wastewater into two percolation/evaporation ponds with the following requirements:

- Monthly average dry weather discharge flow up to 11,500 gallons per day (gpd).
- A 1.0-foot freeboard maintained in the ponds at all times.

The Discharger submitted a RWD in response to a 24 April 2019 Water Board letter, titled Notice of Adoption of the New General Order and Request for Report of Waste Discharge. A water balance was not included in the RWD and the Discharger is not requesting a flow increase.

Following submittal of the RWD, the Resort was damaged by the 2020 LNU Lightening Complex Fires that occurred near and around Lake Berryessa. The general store, seven of the existing eight cabins, and multiple lift pumps were destroyed.

Since the 2020 fires, there have been no discharges of wastewater to the ponds and the ponds have been reported dry. A temporary general store was built. As of the date of this memorandum, wastewater is generated from the temporary general store and houseboats, which is supported by the houseboat pump-out station. Wastewater from the two sources is currently being pumped by a septic tank hauler for disposal offsite. The Discharger is currently rebuilding the Resort to replace the damaged pumps and lift station buildings to operate in accordance with their contract allowed by USBR and as stated in the NOA.

Wastewater character based on water quality data from December 2019 through July 2020 is summarized below. Data is reflective of monitoring data for Pond 1. Pond 2 was reported dry. As a result of the 2020 fires, the ponds were reported dry since August 2020 through present day. Constituents below are based on the monitoring requirements in accordance with Monitoring and Reporting Program No. 98-084. pH is shown as a range. Electrical Conductivity (EC) is shown as an average and the maximum concentration is in parenthesis. MCL denotes Secondary Maximum Contaminant Level.

Table 2 - Wastewater Quality

Constituent	Average (Maximum) Concentration	Water Quality Objective
pH, standard units	7.12 – 8.74	6.0 – 8.0, Secondary MCL (US EPA)
Electrical Conductivity, μ mhos/cm	1,144 (1,438)	900, Secondary MCL (CA DDW)

Review of the monitoring reports for the period between January 2017 through July 2020 shows the following:

1. The average discharge flows ranged between 680 and 5,710 gallons per day (gpd).
2. Pond monitoring data show no violations of the 1-foot freeboard in accordance with WDRs Order 98-084.
3. pH values were based on 76 data points and four of the reported values exceeded the secondary MCL of 8.0.

There are no plans to expand the WWTF. The Discharger does not anticipate flows to exceed 11,500 gpd. The WWTF is eligible for regulatory coverage under the General Order.

The pond system is not subject to technology performance effluent limits for BOD. Wastewater disposal is by means of evaporation and percolation. Treatment is performed through the soil column.

The General Order includes five-site specific conditions to be considered when evaluating a discharge and the need for nitrogen control. These five conditions include: flow, depth to groundwater, percolation rate, wastewater strength, and if nitrogen is of concern in the area. Wastewater discharge flow is less than 20,000 gpd, and therefore, a nitrogen effluent limit evaluation is not required for the WWTF.

MONITORING REQUIREMENTS

Monitoring requirements included in the following section from Attachment B of the General Order are appropriate for this discharge:

- Pond System Monitoring (influent and wastewater monitoring), and
- Solids Disposal Monitoring

To establish a realistic estimate of statewide recycled water use and potential for increased recycled water use statewide, the Recycled Water Policy requires dischargers to report the volume of treated wastewater and recycled water. Based on current influent flows, the Discharger is not required to submit volumetric annual reporting at this time.

SALT AND NITRATE CONTROL PROGRAMS

The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. The Basin Plan amendments were conditionally approved by the State Water Resources Control Board on 16 October 2019 (Resolution No. 2019-0057) and by the Office of Administrative Law on 15 January 2020 (OAL Matter No. 2019-1203-03).

For salinity, dischargers that are unable to comply with stringent requirements will instead need to meet performance-based requirements and participate in a basin-wide effort to develop a long-term salinity strategy for the Central Valley. The Discharger received a Notice to Comply (CV-SALTS ID#2252) with instructions and obligations for the Salt Control Program within one year of 17 January 2020, the effective date of the amendments. Upon receipt of the Notice to Comply, the discharger had no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Salinity Permitting Approach) or Option 2 (Alternative Salinity Permitting Approach). Another reminder letter to comply with the Salt Control Program was sent in

October 2021. To date, a Notice to Intent to comply has not been received by the Central Valley Water Board.

For nitrate, dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternative compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers may comply with the new nitrate program either individually or collectively with other dischargers. For the Nitrate Control Program, the facility falls in Groundwater Basin 5-020 (Berryessa Valley), a non-prioritized basin. Implementation within a non-prioritized basin/sub-basin will be issued within two to four years after the effective date of the Nitrogen Control Program.

As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of this Order to ensure the goals of the Salt and Nitrate Control Programs are met. This NOA may be amended or modified to incorporate newly applicable requirements. [More information on the Salt and Nitrate Control Program](https://www.cvsalinity.org/public-info) may be found on the internet (<https://www.cvsalinity.org/public-info>).