

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2003-0040

CEASE AND DESIST ORDER
REQUIRING
LAKE COUNTY SANITATION DISTRICT
NORTHWEST REGIONAL WASTEWATER SYSTEM
LAKE COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as “Regional Board”) finds that:

1. Waste Discharge Requirements (WDRs) Order No. 5-01-111, adopted by the Regional Board on 11 May 2001, prescribes requirements for the Lake County Sanitation District (hereafter referred to as “Discharger”). The Discharger was previously regulated by WDRs Order No. 88-010 and Order No. 98-206.
2. The Discharger owns and operates the wastewater collection, treatment and disposal system that serves the communities along the northern and western shores of Clear Lake, including Nice, Paradise Valley, Kono Tayee, Lucerne, Upper Lake and North Lakeport. The treatment plant and irrigation disposal areas are in Sections 25, 26, 35 and 36, T15N, R10W, MDB&M (Assessor's Parcel No. 003-046-30).
3. WDRs Order No. 5-01-111 prescribes requirements for secondary treatment of 2.0 million gallons per day (mgd) of domestic wastewater with discharge to an 865-acre-foot effluent storage reservoir. From the reservoir, effluent may be recycled through spray irrigation, discharged to a constructed wetland, or discharged to an effluent pipeline for delivery to the Southeast Geysers Pipeline.
4. The District’s sewage collection system has historically experienced problems with inundation during periods of high groundwater or lake levels. The inflow/infiltration (I/I) into the collection system results in substantial increases in flow to the treatment plant and disposal system.
5. A portion of the domestic sewage from the City of Lakeport can also be routed to the pumping station for treatment at the Discharger’s facility. However, the City of Lakeport owns and operates its own wastewater treatment facility, and diversion of flows to the Discharger’s facility occurs only during high peak flows.

1994 CEASE AND DESIST ORDER

6. Discharge Prohibition A.1 of WDRs Order No. 88-010 states: “*The direct discharge of wastes to surface waters or surface water drainage courses is prohibited.*” A similar prohibition is contained in WDRs Order Nos. 98-206 and No. 5-01-111.

7. Cease and Desist Order (CDO) No. 94-064 was adopted by the Regional Board on 25 February 1994 due to the Discharger's release of wastes to surface waters in violation of WDRs Order No. 88-010 and the Basin Plan. The discharges included treated effluent from the storage reservoir as well as overflows from the collection system caused by excessive I/I and pump failures. The CDO includes a time schedule requiring that (a) the Discharger expand its treatment system and obtain adequate disposal facilities by 1 September 2001 and (b) cease discharges from the collection system by 1 October 1995. The CDO also prohibits additional discharges by limiting new connections to the District's sewage collection system.

VIOLATIONS OF THE WDRs AND 1994 CEASE AND DESIST ORDER

8. Discharge Prohibition A.1 of Order No. 5-01-111 states: "*Discharge of wastes, effluent, recycled water or injection water to surface waters or surface water drainage courses is prohibited.*"
9. On 10 January 2002, the Discharger became aware of a raw sewage spill from the conveyance system. Upon identification of the source of the problem, the pump station was intentionally shut down to allow crews to make repairs to the force main. The Discharger estimates that approximately 10,000 gallons of raw sewage leaked from the ruptured force main to the ground surface before the pumping station was shut down.
10. During the time that the pump station was shut down, the collection system became surcharged with sewage, which then overflowed at several locations, ponding in low-lying areas and flowing overland directly into Clear Lake. Several local residents also reported that sewage overflowed from their plumbing fixtures. The Discharger estimates that approximately 800,000 gallons of raw sewage spilled from the collection system while the pumping station was shut down. Based on local topography and drainage, most of the sewage flowed into the Lake.
11. On 11 January 2002, after the pumping station was brought back into service, the Discharger notified the Office of Emergency Services and the Regional Board of the spill. On 11 January 2002, Regional Board staff inspected the spill area, spoke to local residents, and found evidence of ponded sewage at several private residences and at drainage ditches leading to the Lake.
12. On 10 April 2002, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R5-2002-0506 for the discharge of wastewater from the District's collection system on 10 and 11 January 2002. The ACL Complaint was settled on 7 August 2002. The Discharger paid \$75,000 on 13 August 2002 and will pay another \$75,000 on 15 August 2003.
13. On 18 April and 17 September 2002, the Regional Board was notified of raw sewage spills from breaks in the District's force main system at Hill Road and Lakeshore Boulevard. The breaks occurred in the transmission line from Pump Station No. 1 to the treatment plant headworks, approximately one-half mile north of the rupture that occurred in January 2002.
14. On 28 August 2002, the District reported a raw sewage spill from another break in the force main system. The spill, estimated at 2,000 gallons was located at Lafferty Road and Lakeshore Boulevard. This was the same location that the rupture occurred in January 2002. On 29 August 2002, the Regional Board was notified of another spill from the same collection system. This spill

was approximately 600 gallons and was related to a failed line repair on 28 August 2002. In response to the releases, the Regional Board issued a Notice of Violation on 12 September 2002 requesting that in the future, all departments and agencies are notified of a spill and that remedial actions are taken as soon as possible.

15. The Discharger's collection system continues to be impacted by large volumes of I/I during winter months and when Clear Lake is at a higher elevation. The Discharger's December 2002 water balance shows that treatment plant inflows average 1.2 mgd in the months when the lake is low (August, September) but range from 2.5 to 5.8 mgd when the lake is at a higher elevation (during the months of January through June).

SYSTEM UPGRADES

16. The Discharger has recently made improvements to its wastewater collection system, including the replacement of Pump Stations No. 1 and No. 2, the installation of a new force main from Pump Station No. 2 to the Northwest Regional WWTP, and installation of a Supervisory Control and Data Acquisition system (SCADA) which covers all 22 pump stations in the collection system. The pipeline replaces the original force main that was associated with several failures during 2002.
17. The replacement of approximately 5,000 feet of the force main from Pump Station No. 1 to the Northwest Regional WWTP was complete and in service in November 2002. This pipeline was connected to a newly installed pipeline that runs from Pump Station No. 2 to the headworks at the Northwest Regional WWTP (Whalen Way Valve Vault). Although the pipeline from Whalen Way to the treatment plant was not replaced, the Discharger has stated that it will not be used except under emergency conditions until it has been rehabilitated and/or replaced. The newly installed combined pipeline has a capacity of approximately 6.4 mgd. Since 17 September 2002, the Discharger has experienced no spills in conjunction with the pipeline from Pump Station No. 1 to the Northwest Regional WWTP.
18. Recent improvements to the treatment system include complete replacement of the original oxidation ditch/clarifier process with a dual-powered multi-cellular aerated lagoon treatment system, the replacement of the existing chlorine gas disinfection system, and the addition of a chlorine contact pipeline paralleling the existing chlorine contact pipeline. The addition of the second contact pipeline has doubled chlorine contact times for the disinfection system.
19. The effluent reuse system has been expanded to include 21 miles of effluent piping and two effluent pumping stations. These pump stations are also monitored through the SCADA system. This effluent conveyance system ties the Northwest Regional WWTP to the existing Geysers Effluent Pipeline. The system has been operational since November 2002.
20. On 3 February 2003, the Discharger submitted a water balance that demonstrates adequate hydraulic capacity for wastewater storage and disposal using 100-year annual return rainfall amounts, average inflow and infiltration rates of 0.88 million gallon per day (mgd), and average influent flows of 2.0 mgd (i.e., permitted flows) for the Northwest Regional WWTP.

REGULATORY CONSIDERATIONS

21. 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 has discharged, and has the potential to discharge waste in violation of WDRs No. 5-01-111 as described in the above Findings.
22. Surface water drainage from the facility is to Clear Lake.
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 the waters of Clear Lake. These beneficial uses are municipal, industrial and agricultural supply; recreation; aesthetic enjoyment; navigation; ground water recharge; fresh water replenishment; hydroelectric power generation; and preservation and enhancement of fish, wildlife, and other aquatic resources.
24. Section 13301 of the California Water Code states in part: "When a Regional Board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action."
25. 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."
26. The technical reports required by this Order are necessary to assure compliance with WDR Order No. 5-01-111 and to assure protection of public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.
27. 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.
28. On 14 March 2003, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
29. 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 Cease and Desist Order No. 94-064 is rescinded and that, pursuant to Sections 13301 and 13267 of the California Water Code, Lake County Sanitation District, its agents successors, and assigns, shall in accordance with the following tasks and time schedule, implement the following measures necessary to ensure long-term compliance with WDRs No. 5-01-111, or superceding permits or orders issued by the Regional Board.

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. **Effective immediately**, the District shall comply with all aspects of the WDRs Order No. 5-01-011.
2. **Effective immediately**, the District shall comply with all aspects of the reporting requirements found in the “*Standard Provisions and Reporting Requirements for Waste Discharge Requirements*”, dated 1 March 1991. These requirements include notifying Regional Board staff by telephone as soon as the District knows or suspects that it will be unable to comply with any prohibition or limitation of the WDRs, and confirming this notification in writing within two weeks.
3. **Effective immediately**, the Discharger is prohibited from using the transmission pipeline from the tunnel on Whalen Way to the Northwest WWTP, except in emergency conditions. This prohibition may be removed by the Executive Officer upon approval of a report showing that rehabilitation or replacement measures have been performed on the pipeline.
4. Beginning **30 June 2003**, and every six months thereafter, the Discharger shall submit a Semi-Annual Progress Report describing the work to date regarding each compliance measure. If the deadlines contained in this Order will not be met, then the Discharger shall describe the reason for the delay, and the steps being taken by the Discharger to return to the established schedule. The Progress Report shall also describe the work completed to date on the I/I assessment; the I/I problems identified; the District’s plan, budget and schedule for implementing a program to establish cost effective measures for reduction of I/I sources to non-excessive amounts; a prioritization for the upgrades; and a description of the upgrades made during the previous six months.
5. **By 30 September 2003**, the Discharger shall submit, and immediately implement, a workplan to perform a complete assessment of the wastewater collection system infrastructure to determine its

overall integrity and define the nature and extent of I/I during dry and wet weather. The workplan shall include a schedule for assessment of the entire the collection system under a timeline not to exceed beyond **30 September 2013**.

6. **By 1 November 2003**, the Discharger shall submit a *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* (SSS Plan) that describes the actions designed to prevent, or minimize the potential for sanitary sewer overflows. The Discharger shall maintain the SSS Plan in an up-to-date condition and shall amend the SSS Plan whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sanitary sewer system or sewer facilities) that materially affects the potential for sanitary sewer overflows, or whenever there is a sanitary sewer overflow. The Discharger shall ensure that the up-to-date SSS Plan is readily available to sewer system personnel at all times and that sewer system personnel are familiar with it.

At a minimum, the Operation and Maintenance portion of the plan shall contain or describe the following:

1. Detailed maps of the sanitary sewer system, identifying sewer mains, manholes, and lift stations;
2. A detailed listing of elements to be inspected, a description of inspection procedures and inspection frequency, and sample inspection forms;
3. A schedule for routine inspection and testing of all pipelines, lift stations, valves, and other key system components. The inspection/testing program shall be designed to reveal problems that might lead to accidental spills and ensure that preventive maintenance is completed;
4. Provisions for repair or replacement of old, worn out, or defective equipment;
5. Provisions to minimize the need for manual operation of critical systems and provide spill alarms or other "fail safe" mechanisms; and
6. The ability to provide adequate capacity to convey base flows and peak flows for all parts of the collection system the Discharger owns or over which the Discharger has operational control.

At a minimum, the Overflow Prevention and Response Plan shall contain or describe the following:

1. Identification of areas of the collection system that historically have overflowed and an evaluation of the cause of the overflow;
2. Maintenance activities that can be implemented to address the cause of the overflow and means to prevent future overflows;

3. Procedures for responding to sanitary sewer overflows designed to minimize the volume of sewer overflow that enters surface waters, and minimize the adverse effects of sewer overflows on water quality and beneficial uses;
4. Steps to be taken when an overflow or spill occurs, and procedures that will be implemented to ensure that all overflows and spills are properly identified, responded to and reported; and
5. A public notification plan, in which any posting of areas contaminated with sewage is performed at the direction of the Lake County Environmental Health Department. All parties with a reasonable potential for exposure to an overflow event shall be notified.

In accordance with California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications if not completed by a registered professional, and a stamp of seal and signature if completed by a 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 (ACL) up to \$1,000 or up to \$10,000 per day of violation, depending on the violation, pursuant to the CWC, including sections 13268, 13271, 13350 and 13385. The Regional Board reserves its right to take any enforcement actions authorized by law.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 14 March 2003.

THOMAS R. PINKOS, Executive Officer