

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

DRAFT TIME SCHEDULE ORDER R5-2017-XXXX
REQUIRING

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT
WASTEWATER TREATMENT PLANT

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS R5-2013-0114

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board or Board) finds that:

1. Waste Discharge Requirements (WDRs) Order R5-2013-0114, adopted by the Central Valley Water Board on 26 July 2013, prescribes requirements for the domestic Wastewater Treatment Facility (WWTF) owned and operated by Lake Berryessa Resort Improvement District (hereafter referred to as “Discharger”). The Discharger is also regulated by Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order 2006-0003-DWQ (SSO General Order) for the sanitary sewer system associated with the WWTF.
2. The Discharger’s WWTF is located along the northwestern shoreline of Lake Berryessa near Putah Creek, at the end of Stagecoach Canyon Road. It occupies Assessor’s Parcel Numbers (APN) 015-080-013-000 and 015-080-009-000 in Napa County in Sections 25, T10N, R5W, MDB&M.
3. The WWTF experienced a lack of wastewater storage and disposal capacity in February and March 2017 which resulted in wastewater spills to surface waters. This Time Schedule Order (TSO) provides an enforceable time schedule for completing improvements to the WWTF to reduce wet-weather influent flow from the sanitary sewer system and increase storage and disposal at the WWTF. The improvements were proposed in the Discharger’s 1 July 2017 Inflow/Infiltration (I/I) Mitigation and Storage Expansion Workplan.

D
R
A
F
T

WASTEWATER SYSTEM

4. The WWTF treats and disposes of domestic wastewater from approximately 180 homes at the Lake Berryessa Estates Subdivision. At full buildout there will be a total of 339 available service connections. The WDRs allow for a discharge of up to 42,000 gallons per day average dry weather flow.
5. Wastewater flows via gravity to four lift stations within the subdivision where it is then pumped to a 91,000-gallon aboveground tank and a 20,000-gallon overflow tank at the WWTF. From the tanks, the wastewater is pumped to a distribution box and then gravity flows into three aerated treatment ponds (Ponds 1, 2 and 3) that

are connected in series. From Pond 3, the wastewater flows to Ponds 4, 5 and 6 which are interconnected. Wastewater is then pumped from Pond 4 into Pond 8, which flows into Pond 7. Wastewater from Pond 7 is then disinfected via chlorine injection prior to being discharged to one of four spray fields totaling 16 acres in size.

VIOLATIONS OF WASTE DISCHARGE REQUIREMENTS

6. Discharge Prohibition A.1 of the WDRs states: *“Discharge of wastes to surface waters or surface water drainage courses is prohibited.”*
7. Discharge Prohibition A.5 of the WDRs states: *“Discharge of waste at a location or in a manner different from that described in the Findings is prohibited.”*
8. Between January 2017 and March 2017, the Discharger reported four wastewater spills estimated at 4,056,000 gallons. These spills are in violation of Discharge Prohibitions A.1 and A.2 of the WDRs, and are summarized below:

Summary of Spills that Occurred During the 2016/2017 Wet Season

Date of Spill	Volume Discharged (Gallons)	Discharge to Surface Water Drainage Course?	Type of Waste	Summary of Spill
8 Jan 2017	51,000	Yes	Raw Sewage	Pipe disconnected from Main Sewer Collection Tank during storm event when a pipe support holding the backwash discharge pipe slid away. As a temporary repair, the pipe was re-attached to the wastewater tank and the pipe support was stabilized.
13 Jan 2017	5,000	Yes	Raw Sewage	Pump at Main Lift Station failed. The pump was replaced with a rental pump until a replacement pump could be installed.

Summary of Spills that Occurred During the 2016/2017 Wet Season

Date of Spill	Volume Discharged (Gallons)	Discharge to Surface Water Drainage Course?	Type of Waste	Summary of Spill
25 Jan 2017	1,500,000	Yes	Partially Treated	Break in the discharge pipe leading from Pond 3 to Pond 4. Caused by erosion beneath the pipe that occurred during the January 2017 storms. The pipe was temporarily repaired. The Discharger plans to replace the damaged section of pipe and stabilize the embankment.
20 Feb 2017 to 16 Mar 2017	2,500,000	Yes	Treated	Controlled discharge of treated wastewater to land application areas without capturing tail water. The discharge was necessary to prevent overtopping of the pond berms. Caused by lack of storage capacity in the wastewater ponds resulting from heavy precipitation.

D
R
A
F
T

9. In response to the spills, Board staff issued a Notice of Violation (NOV) on 12 April 2017 which required the Discharger to submit the following documents: (1) a copy of the Sewer System Management Plan prepared under the SSO General Order, (2) a plan and timeline to inspect all of the piping at the wastewater ponds, and (3) a revised Water Balance Report. The submittals were received as requested. The revised Water Balance Report indicated that the WWTF did not have the capacity to meet the storage and disposal requirements in the WDRs because of the following factors: (1) excessive inflow and infiltration into the sanitary sewer collection system, (2) infiltration of groundwater into the ponds, and (3) surface water runoff into the ponds. During a 22 June 2017 conference call with the Discharger's staff and consultants, Board staff concurred with the conclusions reached in the Water Balance Report and the Discharger's proposal to submit a workplan for improvements to the sanitary sewer system and WWTF. On 1 July 2017, the Discharger submitted the *Inflow/Infiltration (I/I) Mitigation and*

Storage Expansion Workplan that described short- and long-term improvements to reduce sewer collection system inflow and infiltration and to increase storage and disposal at the WWTF. The schedule provided in the workplan was as follows:

Summary of Proposed Improvements to the WWTF

Description		Proposed Compliance Dates
b.*	Install High Efficiency Evaporators	July 2017
	Increase Size of Submersible Pump in Pond 7	July 2017
	Notice to Proceed on Feasibility Study and Alternatives Analysis	21 August 2017
	Begin Feasibility Study and Geotechnical Field Work.	28 August 2017
	Survey or LiDAR Topographic Coverage of Ponds 5 through 8	September 2017
	Winter 2018 Inflow / Infiltration Monitoring and Collection System Surveillance	December 2017 to March 2018
	Draft Feasibility Study	March 2018
c.	Final Feasibility Study	April 2018
d.	Submit State and/or Federal Program Funding Applications	May 2018
e.	Engineering Design for WWTF Pond Modifications and Sewer Collection Improvements	June through December 2018
	File Environmental Permit Applications (if applicable)	January 2019
	Bid Contract Plans and Specifications	February through April 2019
f.	Contract Award/ Notice to Proceed	May 2019
	Construction of Pond Modifications and Sewer Collection Improvements (schedule dependent on recommendations – see notes below)	June 2019 through October 2021
	Substantial Completion	November 2021
g.	Submit As-Built Drawings	December 2021

* Items identified as required submittals in this Order. See provision 1 below.

Notes:

- (1) Timing for design and construction is contingent on several factors, including but not limited to obtaining permits, project funding, and weather conditions.
- (2) If pond lining is recommended, construction operations will be dependent on the volume of water in the ponds, and will most likely require a phased approach to allow sufficient volumes at the WWTF for treatment and storage.

D
R
A
F
T

10. On 25 July 2017, Board staff issued a letter to Discharger stating that the *// Mitigation and Storage Expansion Workplan* was acceptable and to begin implementation. The letter also requested the Discharger submit a status report on completing the installation of the high efficiency evaporators and increasing the size of the submersible pump in Pond 7 by 1 September 2017.

REGULATORY CONSIDERATIONS

11. Water Code section 13300 states:

Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

12. Water Code section 13267 (b) states:

(1) 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.

13. Water Code section 13268 states:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in accordance with subdivision (b).

(2) Any person who knowingly commits any violation described in paragraph (1) is subject to criminal penalties pursuant to subdivision (e).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for

D
R
A
F
T

D
R
A
F
T

a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

14. In accordance with Water Code section 13300, the Central Valley Water Board finds that there is a potential to discharge of waste that will violate requirements prescribed by the Central Valley Water Board, and that the Discharger may not be able to immediately comply with Discharge Prohibitions A.1 and A.5 of WDRs Order R5-2013-0114.
15. The technical reports required by this Order are necessary to assure compliance with this Order and WDRs Order R5-2013-0114, and to assure protection of the public health and safety. The Discharger owns and operates the facility that discharges the waste subject to these Orders.

IT IS HEREBY ORDERED THAT, pursuant to Water Code sections 13300 and 13267, Lake Berryessa Resort Improvement District, its agents successors, and assigns, shall:

1. Comply with WDRs Order R5-2013-0114, Discharge Prohibitions A.1 and A.5, in accordance with the following compliance schedule.

Task		Report Date
a.	Submit quarterly progress reports describing the work completed to date regarding each of the reporting requirements described below.	Beginning 1 November 2017, and by the first day of the second month following each calendar quarter (i.e., by 1 February, 1 May, 1 August, and 1 November each year)
b.	Submit a report certifying that (1) the high efficiency evaporators have been installed in the ponds, and (2) the size of the submersible pump in Pond 7 has been increased.	1 October 2017
c.	Submit a <i>Final Feasibility Study</i> that includes: (1) The results of the I/I monitoring and collection system surveillance conducted during the winter of 2017/2018, and (2) the results of the geotechnical field work and surveying of wastewater ponds 5 through 8.	30 April 2018
d.	Submit copies of applications for State or Federal funding to complete the work described in the <i>Final Feasibility Study</i> .	31 May 2018

D
R
A
F
T

Task		Report Date
e.	Submit a <i>Facilities Improvements Plan</i> that includes the engineering design for the WWTF pond modifications and the sewer collection system improvements.	31 December 2018
f.	Submit a copy of the <i>Notice of Award</i> to construct the pond modifications and sewer collection system improvements described in the <i>Facilities Improvements Plan</i> . If an Initial Study is necessary, and the lead agency determines that an Environmental Impact Report (EIR) is required, the compliance date for this item will be extended to 31 May 2020 .	31 May 2019
g.	Submit the <i>Facilities Improvements Completion Report</i> that describes work completed to fulfill the <i>Facilities Improvement Plan</i> . If an Initial Study is necessary, and the lead agency determines that an EIR is required, the compliance date for this item will be extended to 31 December 2022 .	31 December 2021

2. All technical reports and work plans required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. To demonstrate compliance with sections 415 and 3065 of Title 16 of the California Code of Regulations, all technical reports must contain a statement of the qualifications and responsible registered professional(s). As required by these laws, completed technical reports and work plans must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

3. 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.”

D
R
A
F
T

4. In the event that compliance with any deadline set forth in this Order becomes impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger or its agents, employees, contractors, consultants and any other person acting on the Discharger's behalf and which could not have been reasonably foreseen and prevented or minimized by the exercise of due diligence by the Discharger, the Discharger shall notify Board staff in writing within thirty (30) days of the date that the Discharger first knew of the event or circumstance that caused or would cause a violation of this Order. The notice shall describe the reasons for non-compliance, and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall take all reasonable measures to avoid and minimize such delays. The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by Board staff. Where Board staff concurs that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger that could not have reasonably foreseen and prevented by the exercise of reasonable diligence by the Discharger, a new final compliance deadline shall be established. Where Board staff does not concur that compliance was or is impossible, the matter will be scheduled for hearing before the Central Valley Water Board and no penalty imposed unless the Central Valley Water Board upholds Board staff's determination.

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, may issue a complaint for administrative civil liability, or may take other enforcement actions.

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

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

IT IS SO ORDERED.

By:

ANDREW ALTEVOGT, Assistant Executive Officer

Date:

gjc:29 Aug-17

D
R
A
F
T