CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER R7-2019-0017
REQUIRING

MT. SAN JACINTO WINTER PARK AUTHORITY PALM SPRINGS AERIAL TRAMWAY VALLEY STATION WASTEWATER TREATMENT AND DISPOSAL SYSTEM RIVERSIDE COUNTY TO CEASE AND DESIST FROM DISCHARGING WASTE CONTRARY TO REQUIREMENTS

The Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) finds that:

1. Mt. San Jacinto Winter Park Authority, also known as the Palm Springs Aerial Tramway (Discharger), owns and operates a septic tank-based wastewater treatment and disposal system (Valley Station WWTF) used to treat restaurant and restroom wastewater generated by the Aerial Tramway Valley Station, located at One Tramway Road, Palm Springs, California

2. The Valley Station WWTF is within the Coachella Hydrologic Subunit. The Valley Station receives water from an upgradient onsite well. The well provides all water used at the Valley Station.

3. The Regional Board's Water Quality Control Plan, last amended in 2017, designates beneficial uses for groundwater in the Coachella Hydrologic Subunit as Municipal and Domestic Supply (MUN)[1] , Industrial Service Supply (IND)[2], and Agricultural supply (AGR)[3].

4. On March 21, 2009, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R7-2009-0026 to regulate discharges of treated wastewater from the Valley Station WWTF. The WDRs specify effluent limitations, prohibitions, specifications and provisions necessary to protect the beneficial uses of groundwater in the Coachella Hydrologic Subunit and to prevent nuisance conditions.

Wastewater Treatment Facility and Site Conditions

5. The Valley Station WWTF consists of a 4,000 gallon grease interceptor, two 7,500 gallon septic tanks, an AdvanTex secondary treatment system with a 1,400 gallon recirculation tank and two AX100 pods for secondary treatment, as well as a 1,500 gallon denitrification/dosing tank with carbon supplementation. Effluent from the Valley Station WWTF is sent to the leach field via pressure distribution. The Valley Station WWTF is currently permitted to discharge a 30-day average of 1,750 gallons per day. The leach field serving the Valley Station WWTF is located under an asphalt parking lot, and is approximately 50 feet west of Chino Creek.

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[1] Municipal and Domestic Supply (MUN): Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.

[2] Industrial Service Supply (IND): Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.

[3] Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.

Relevant Provisions of WDRs Order No. R7-2009-0026

6. WDRs Order No. R7-2009-0026 states, in relevant part, that:

"[B.1] The 30-day monthly average daily discharge flow from the Valley Station WWTF shall not exceed 1,750 gpd. The flow limit shall be applied to the flow leaving the WWTF.

"[B.7] Effluent from the WWTF shall not exceed the following effluent limits:

Constituents	Units	Monthly Average	Weekly Average	Daily Maximum
Total Suspended Solis	mg/L	30	45	65
Nitrogen (as Total Nitrogen)	mg/L	10	15	20
Total Dissolved Solids (TDS)	mg/L	tbd[1]	--	--

1. Appropriate TDS limits to be determined (tbd) after studies of source control and management practices have been completed.

7. "[E.1] The Discharger shall comply with Monitoring and Reporting Program (MRP) No. R7-2009-0026, and future revisions thereto, as specified by the Regional Board's Executive Officer.

8. "[E.8] The Discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of Porter-Cologne Water Quality Control Act (Cal. Water Code Section §13000 et seq.), and is grounds for enforcement action.

9. "[E.13] The Discharger shall at all times properly operate and maintain all systems and components of collection, treatment and control, installed or used by the Discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance includes effective performance, adequate process controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this Board Order. All systems in service or reserved shall be inspected and maintained on a regular basis. Records of inspection results and maintenance performed shall be kept and made available to the Executive Officer upon demand."

10. Monitoring and reporting Program No. R7-2009-0026, under "Water Supply to the Facility" states that:

"The Discharger shall monitor influent to the WWTF according to the following schedule:

Constituents	Units	Sampling Frequency
TDS	mg/L	Monthly
pH	pH units	Monthly
Standard Minerals[1]	mg/L	Annually

[1] Standard Minerals shall include, at a minimum, the following elements/compounds: Barium, Calcium, Magnesium, Nitrogen, Potassium, Sulfate, Total Alkalinity (including alkalinity series), and Hardness

11. Monitoring and reporting Program No. R7-2009-0026, under "Secondary Effluent Monitoring for Valley Station WWTF" states that:

"A sampling station shall be established at the point of discharge from the WWTF and the effluent shall be sampled as follows:

Constituents	Units	Type of Sample	Sampling Frequency	Reporting Frequency
Flow	gpd[2]	Calculation[3]	Weekly	Monthly
pH	pH units	Grab	Monthly	Monthly
20°C BOD_5	mg/L	Grab	Monthly	Monthly
Suspended Solids	mg/L	Grab	Monthly	Monthly
Total Nitrogen	mg/L	Grab	Monthly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
VOCs	□g/L	Grab	Annually	Annually

[1] When analysis show noncompliance with the limitations prescribed by Discharge Specification No. B.7, the Discharger shall increase the sampling frequency, for the constituents that are in noncompliance, to one (1) sample per week, and continue sampling at that minimum frequency until either (a) the sampling shows compliance for two consecutive months or (b) it is notified by the Executive Officer that it can resume the normal sampling schedule.
[2] Gallons per day
[3] Average daily flow calculated from weekly meter readings.

Alleged Violations of WDRs Order No. R7-2009-0026

12. Self-monitoring reports submitted by the Discharger show that since March 22, 2009, the Discharger had a significant number of alleged violations of effluent limits and reporting requirements. Appendices A through F, attached hereto and made part of this Order, detail these alleged violations.
13. In addition, Regional Board staff conducted an inspection of the Valley Station on March 16, 2016. The Inspection Report indicated the following violations:

    a. Secondary treatment unit spray nozzles were clogged.
    b. The Plant Operator indicated that the OWTS was unable to maintain an anoxic zone

preventing the nitrification and denitrification process.

c. Chronic violations of effluent limits for Total Nitrogen.

d. Missing, late, and incomplete monitoring reports.

14. As a follow up to the initial inspection, State Water Board staff from the Office of Enforcement also conducted an inspection of the Valley Station on March 13, 2018 and indicated the following violations in their Inspection Report.

a. Chronic violations of discharge specifications (excessive flows, effluent violations) and non-discharge violations.

b. Inadequate maintenance of Advantex wastewater systems because manufacturer specifications for maintenance schedules were not being followed.

c. Backup generator for Advantex treatment system failed to start during simulated power outage test.

d. Failure to utilize carbon dosing tank as the required treatment process described in the permit.

e. Failure to inspect leach field under parking lot.

f. Significant buildup of solids and corrosion of concrete in Valley Station sceptic tanks.

g. Failure to inspect or clean sewer influent pipe to Advantex treatment system.

h. Significant buildup of solids in Valley Station Advantex cartridge medium.

i. Significant buildup of solids in the grease interceptor.

j. Non-uniform sprayers in Advantex treatment system.

Legal, Technical, and Other Considerations

15. The Discharger has been in violation of the effluent limits specified by WDRs Order No. R7-2009-0026. The Discharger has made and continues to make alterations to the system to try and maintain compliance and reduce or correct the magnitude and frequency of the violations, detailed in Appendix F. While the alterations have not eliminated non-compliant discharges, the number of exceedances has been reduced over time.

16. Section 13301 of the Water Code states, in relevant part, that:

"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…Cease and desist orders may be issued directly by a board, after notice and hearing."

17. Section 13267 of the Water Code states, in part, that:

"(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or

requirement or authorized by this division, may investigate the quality of any waters of the state within this region."

"(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any ... citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, ... or who proposes to discharge wastes within 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 assure compliance with this Cease and Desist Order and WDRs Order R7-2009-0026. The Discharger owns the facility that discharges the waste subject to this Order and Order R7-2009-0026.

19. Section 13320(a) of the Water Code states:

"Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act. The state board may, on its own motion, at any time, review the regional board's action or failure to act."

Public Participation and Compliance with CEQA

20. The Regional Board has notified the Discharger and all known interested agencies and persons of its intent to issue this Order and has provided it with an opportunity to submit comments.

21. The Regional Board, in a public meeting, heard and considered all comments pertaining to this Order.

22. This enforcement action is exempt from the provisions of CEQA, pursuant to section 15321 (Enforcement Actions by Regulatory Agencies), article 19, chapter 3, division 6, title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that, pursuant to Water Code sections 13301 and 13267, the Discharger shall:

1. Cease and desist discharging wastes in violation of WDRs Order No. R7-2009-0026 by implementing corrective actions in accordance with the tasks and time schedules specified in Item 2, below.

2. Investigate non-compliance, its potential adverse impacts on water quality, and

modify/upgrade the WWTF to bring its discharge into compliance with WDRs Order No. R7-2009-0026:

a. **By July 13, 2019**, the Discharger shall submit a technical report in the form of a work plan to the Executive Officer (EO) of the Regional Board for review and approval to identify WWTF deficiencies, including but not limited to construction and O&M deficiencies, which are causing and/or contributing to violations and threatened violations of Discharge Specification No. B.7 of WDRs Order No. R7-2009-0026. The work plan shall contain a description of the key tasks, milestones, and deadlines to complete this investigation by September 30, 2019;

b. **By September 30, 2019,** the Discharger shall submit a technical report in the form of a work plan for review and approval by the Executive Officer to correct the deficiencies and bring the discharge from the WWTF in full compliance with WDRs Order No. R7-2009-0026. The technical report will also include an analysis of daily discharge volume data and projections to inform potential revisions to the flow limits in future WDRs. This work plan shall contain a description of the key tasks, milestones, and deadlines to complete the required WWTF operational changes and/or upgrades based on the results of the investigation conducted pursuant to Item 2.a, above; and shall be based on bringing the discharge from the WWTF in full compliance with WDRs Order No. R7-2009-0026 by September 30, 2020.

c. **By October 15, 2020**, the Discharger shall submit a technical report in the form of a revised Operation and Maintenance Manual (OMM) for its WWTF that reflects the operational changes and upgrades implemented pursuant to Item 2.b, above. The OMM shall include a flow diagram for all critical unit treatment and disposal components and:

   i. A written work order system that tracks all corrective maintenance;
   ii. An equipment history file for each major piece of equipment such as pumps, motors, generators, etc.;
   iii. A written schedule of preventive maintenance broken down into weekly, monthly and annual inspections;
   iv. A written schedule of the prescribed monitoring and reporting requirements of WDRs Order No. R7-2009-0026;
   v. A written summary or check sheet documenting at least the date and type of preventive maintenance work actually performed;
   vi. A calibration schedule and records for all instruments and flow measuring devices;
   vii. Written emergency response guidelines;
   viii. A logbook for the operators and maintenance workers in which to document both the routine tasks and any unusual observations;
   ix. A system to track the time and cost for major repairs;
   x. A list of backlogged work orders; and
   xi. Periodic specialized tests or analyses performed on the critical or expensive pieces of WWTF equipment/components; and

d. **By July 31, 2019**, the Discharger shall submit a technical report in the form of a work plan for review and approval by the Executive Officer for the design, installation, development, and operation of a groundwater monitoring well network to assess the groundwater quality impacts from its disposal operations. The work plan shall:

i. Ensure that the network consist of a minimum one upgradient and two downgradient wells, with the upgradient well located far enough away from the discharge area to not be within the area of influence of the discharged water;
ii. Specify the proposed drilling and well development methods for and construction features of the groundwater monitoring wells, including soil sampling methods and intervals, laboratory testing procedures (if any), and documentation methods;
iii. Specify and describe the rationale for the proposed location of the monitoring wells, and include a map to scale (1 inch = 200 feet or better) showing their location;
iv. Include a diagram showing the key construction features of the groundwater monitoring wells, including screened interval, sanitary seals, etc;
v. Describe the contents of the report to be prepared to document well installation activities;
vi. Propose a monitoring and reporting schedule for constituents of concern, including pathogen-indicator bacteria, nitrates, TDS and 'general minerals' (including pH, calcium, magnesium, sodium, potassium, bicarbonate/carbonate, sulfate and chloride), and describe the contents of monitoring reports;
vii. Include methods to monitor the depth to groundwater and evaluate the groundwater gradient during each monitoring episode;
viii. Ensure the monitoring network is designed to assess the threat to water quality of upper most groundwater in the area of the discharge; and
ix. Include a description of the key tasks and milestones to ensure the groundwater monitoring network is operational by **December 31, 2019**.

e. **By October 15, 2019,** the Discharger shall submit to the Regional Board the first quarterly report of quarterly progress reports regarding its status of compliance with Items 2.a through 2.d, as applicable, above. The reports shall describe overall progress and key milestones achieved/implemented. Subsequent quarterly reports shall be due on the 15th day of January 2020, April 2020, July 2020, and October 2020, unless the 15th falls on a weekend or a holiday, in which case the quarterly report will be due on the next business day.

3. Submit all technical reports certified by the licensed professionals. In accordance with 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 California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans, 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 of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.

4. The Discharger's obligation to implement the corrective actions in accordance with the time schedule specified in Item 2 above shall be excused or deferred if compliance, or a delay in compliance, is caused by an event or circumstance beyond the reasonable control of Discharger, and which event or circumstance could not have been reasonably foreseen and prevented by the exercise of due diligence by Discharger. This shall include, but not

be limited to, any inability or failure to obtain required regulatory permits or approvals, compliance with the California Environmental Quality Act, court orders, or other laws, regulations or procedures governing discretionary actions by Discharger. Where implementation of an action required by this Order within the deadlines prescribed becomes unachievable, despite timely good faith effort, Discharger shall notify the executive officer in writing within thirty (30) days of the date that the District obtains knowledge of the events or circumstance precluding compliance.

If in the opinion of the Executive Officer, the Discharger violates this Order, allows the magnitude or frequency of violations to increase, or fails to timely implement corrective measures as specified herein, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

I, Paula Rasmussen, 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, Colorado River Basin Region, on June 13, 2019.

PAULA RASMUSSEN
Executive Officer