

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
MEETING OF MARCH 9-10, 2011
Barstow**

ITEM: 13

SUBJECT: **CONSIDERATION OF ISSUANCE OF A CEASE AND DESIST ORDER TO THE ADELANTO PUBLIC UTILITY AUTHORITY, SAN BERNARDINO COUNTY**

CHRONOLOGY: September 11, 2002 – Waste Discharge Requirements adopted
August 29, 2007 – Cease and Desist Order adopted
June 10, 2009 – Waste Discharge Requirements adopted
November 1, 2010 – Cleanup and Abatement Order issued

ISSUES: Has the Prosecution Team met its burden to support the findings (see Enclosure 2) that the Water Board must make to adopt a cease and desist order? If so, is the time schedule appropriate?

If the Water Board believes that it can make the findings to support the issuance of a cease and desist order, it must then determine if the Prosecution Team has met its burden to support the findings that the Water Board must make to include a prohibition of additional connections into a cease and desist order?

If the Water Board believes that it can make the findings to support a prohibition on additional connections as part of a cease and desist order, it must then determine the scope of application of the prohibition, including when it should take effect.

DISCUSSION: The Water Board Prosecution Team alleges that the Adelanto Public Utility Authority (Authority) is violating and threatening to violate both its waste discharge requirements and cleanup and abatement order. Additionally, the Prosecution Team believes these alleged violations warrant additional formal enforcement action. The Authority claims that since it started diverting a portion of its influent and a portion its treated effluent to the Victor Valley Wastewater Reclamation Authority (VWRA), it has been able to correct all of the alleged violations with the exception of the freeboard violation and is actively taking actions that will address this freeboard violation and prevent the threatened violations from becoming actual violations.

The alleged violations relate to two separate issues: (a) treatment capacity; and, (b) disposal capacity. The Prosecution Team is concerned that, while the Authority has addressed its current

treatment capacity problem (and to some extent its disposal capacity problem) by contracting with the VVWRA, this contract ends in February 2012. The Prosecution Team points to the failure of the Authority to bring its new treatment system (Micro-Media) on line even though construction was completed some time ago and the lack of any firm plan and schedule to correct this situation. The Authority responds by citing the diversion of influent flows to VVWRA and the resultant performance of its existing treatment facility (not the Micro-Media facility).

The Authority is only authorized by the waste discharge requirements to discharge to specific percolation ponds. The Prosecution Team cites disposal to unauthorized areas, freeboard violations, and the diversion of influent to VVWRA as evidence of its concern about the ability of the Authority to comply with the waste discharge requirements. The Authority responds by pointing to the recent data which indicates compliance with most freeboard limits, its on-going diversion of both influent and treated effluent to VVWRA and its proposed actions to use treated effluent for irrigation of crops on adjacent land and the construction of additional percolation ponds. It also indicates that severe weather and a decrease in percolation rates from coagulant being disposed of in some ponds as contributing to some of its disposal problems.

The Prosecution Team, in proposing a restriction on additional connections puts forth the claim that the Authority "does not have a plan to immediately correct its ongoing effluent, inflow and freeboard limitation violations." As a basis for its position that the Authority may not be able to implement appropriate actions in a timely manner, it points to the Authority's record of delayed compliance with numerous Water Board orders and the Water Board having to take additional informal and formal enforcement. It takes the position that additional discharges will increase the potential for violations and the threat of additional violations due to the lack of plans for both treatment and disposal of wastewater. The Authority responds by reiterating its plans to achieve and maintain compliance with both the treatment and disposal requirements. It further states that a restriction on additional connections is "not legally warranted" and will have a severe economic impact on the City in that it would affect both construction and permanent jobs that would be created if a number of planned projects are not allowed to proceed.

RECOMMENDATION:

The Advisory Team will make a recommendation on the proposed order (Enclosure 1) at the close of the hearing.

Enclosure:

1. Proposed Cease and Desist Order
2. Applicable sections: CA Water Code and CA Code of Regulations

ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

**CEASE AND DESIST ORDER NO. R6V-2011-(PROPOSED)(January 11, 2011)
WDID NO. 6B369805001**

**REQUIRING ADELANTO PUBLIC UTILITY AUTHORITY TO CEASE AND DESIST
FROM DISCHARGING OR THREATENING TO DISCHARGE WASTE IN VIOLATION
OF WASTE DISCHARGE REQUIREMENTS SPECIFIED BY WATER
BOARD ORDER NOS. R6V-2002-050 AND R6V-2009-0036
AND IN VIOLATION OF
CEASE AND DESIST ORDER NO. R6V-2007-24
AND CLEANUP AND ABATEMENT ORDER NO. R6V-2010-0054
FOR
ADELANTO DOMESTIC WASTEWATER TREATMENT FACILITY
AND
ADELANTO WASTEWATER TREATMENT PLANT**

San Bernardino County

This Cease and Desist Order for Adelanto Public Utility Authority institutes a ban for any new connections into the Adelanto Community Sewer System, Adelanto Domestic Wastewater Treatment Facility and Adelanto Wastewater Treatment Plant. This connection ban is supported by more than a six-year history of violations of effluent limitations, influent flow limitations, and percolation pond freeboard limitations.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) hereby finds:

1. Discharger

The Adelanto Public Utility Authority owns and operates wastewater collection, treatment, and disposal facilities within the City of Adelanto. The Adelanto Public Utility Authority is also identified as the "Discharger" in Waste Discharge Requirements (WDR) prescribed by Water Board Order Nos. R6V-2002-050 and R6V-2009-0036, Water Board Cease and Desist Order No. R6V-2007-24, and Water Board Cleanup and Abatement Order No. R6V-2010-0054. For the purpose of this Water Board Cease and Desist Order (Order), the Adelanto Public Utility Authority is referred to as the "Discharger."

2. Facility

- a. The Discharger collects, treats and disposes of an average of 2.2 million gallons per day (mgd) of wastewater generated within the City of Adelanto. The wastewater consists of both domestic wastewater and industrial wastewater, some of which receives pretreatment. The

Discharger has two wastewater treatment facilities authorized to discharge to four percolation ponds.

- b. The older of the two treatment systems is the Adelanto Domestic Wastewater Treatment Facility, also known as the Biolac system. The Biolac system is an activated sludge system that includes a septicage receiving station, headworks, lined activated sludge basins, secondary clarifiers, multi-media filtration system, and sludge dewatering system. This treatment system is authorized to receive and treat up to 1.5 million gallons per 24-hour period and a maximum instantaneous flow rate of 2.5 mgd. This facility is regulated by revised waste discharge requirements prescribed by Water Board Order No. R6V-2002-050.
- c. The newer of the two treatment facilities is the Adelanto Wastewater Treatment Plant, also known as the Micro-Media system. The Micro-Media system includes primary clean screens, flow equalization pond, "micro-media" sand filter biological treatment system, and solids dewatering system. The Micro-Media system is authorized to receive and treat up to 4.0 million gallons per 24-hour period and a maximum instantaneous flow rate of 6.0 mgd. This facility is regulated by waste discharge requirements prescribed by Water Board Order No. R6V-2009-0036. The Micro-Media system has never been put into operation because the Discharger has not been able to successfully maintain the microorganism (animox bacteria) populations that are the Micro-Media system's critical treatment element.
- d. Both the Biolac and Micro-Media treatment systems are designed to discharge un-disinfected secondary-treated wastewater effluent to four percolation ponds located within an 18-acre site owned by the Discharger. Pond No. 4 is divided into Pond No. 4N and Pond No. 4S, but is considered as a single pond. All four percolation ponds are designed to infiltrate un-disinfected secondary-treated wastewater effluent. Groundwater in the uppermost aquifer is generally located at a depth of 90 to 170 feet below ground surface (bgs). There is an aquitard (clayey soil layer) located 170 to 230 feet bgs separating the uppermost aquifer from the regional aquifer.
- e. For the purposes of this Order, the Biolac system, the Micro-Media system, and the four percolation ponds are referred to as the "Facility." The Facility is located on an 18-acre site at the northeast corner of the intersection of Jonathan Street and Auburn Avenue, in the City of Adelanto, San Bernardino County, California, as shown on Attachment A of this Order. The Discharger has contracted with United Water to operate the Facility.
- f. Prior to July 28, 2010, the Discharger was routing all wastewater flows through the Biolac system; the Micro-Media system remained inoperable.

Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to Victor Valley Wastewater Reclamation Authority's (VWWRA) wastewater treatment facility with the remaining secondary-treated wastewater flows discharged to the Discharger's percolation ponds. Beginning July 28, 2010, the Discharger temporarily ceased diverting secondary-treated wastewater flows to VWWRA and began diverting 800,000 gallons per day (gpd) of untreated influent wastewater flows to VWWRA.

- g. At a November 18, 2010 meeting with Water Board staff, the Discharger described its plans to convert the Micro-Media system into a more traditional pure-oxygen activated sludge facility. The Discharger verbally provided the following schedule for bringing the converted Micro-Media system on line.

Date	Action
January 31, 2011	Complete design for flow equalization unit.
March 31, 2011	Complete bid process for flow equalization unit and select a contractor.
Spring, summer, and fall 2011	Construct flow equalization unit and other project elements necessary to convert the Micro-Media system into a pure-oxygen activated sludge wastewater treatment system.
November 30, 2011	Converted Micro-Media system is operational and on line.

Initially, the Discharger will use both the Biolac and converted Micro-Media systems to treat wastewater. Eventually, all wastewater flows will be treated using the converted Micro-media system. The Biolac system will subsequently become a reserve treatment system.

3. Waste Discharge Requirements Permit History

- a. **WDR Order No. 6-98-56A1:** The Water Board initially established waste discharge requirements for the Biolac system and Percolation Pond Nos. 1, 2, and 3, covering a 4.9-acre area, under Water Board Waste Discharge Requirements (WDR) Order No. 6-98-56 on September 3, 1998. Water Board WDR Order No. 6-98-56A1 was adopted on November 5, 1998 to allow the Facility to receive and treat septage.
- b. **WDR Order No. R6V-2002-050:** Water Board WDR Order No. R6V-2002-050 was adopted on September 11, 2002 and remains in effect presently.

Water Board WDR Order No. R6V-2002-050 rescinds Water Board WDR Order No.6-98-56, as amended, and provides the Discharger more flexibility in operating the Septage Receiving Station by increasing the septage flow limit for a 24-hour period from 0.020 to 0.028 million gallons. Finding No. 10 of Order No. R6V-2002-050 states that the percolation ponds' disposal capacity had been reached at a 24-hour influent flow of approximately 1.2 mgd. The same finding also states that the facility's treatment capacity (1.5 million gallons per 24-hour period) may be reached within the next four years, if wastewater flows continued to increase as they had since the facility became operational in September 1998.

Water Board WDR Order No. R6V-2002-050, in part, contains the following Discharge Specifications:

I.A.1. "The total volume of flow to the Adelanto Treatment Facility, during a 24-hour period, shall not exceed 1.5 million gallons.

I.A.5. "All wastewater discharged to the authorized disposal sites shall not contain concentrations of parameter in excess of the following limits:

<u>Parameter</u>	<u>Units</u>	<u>30-Day Mean¹</u>	<u>Daily Maximum²</u>
BOD ³	mg/L	15	30

¹ Compliance is determined by comparing the limit to the arithmetic mean of laboratory results for any 6-hour composite samples collected during a period of 30 days.

² Compliance is determined by comparing the limit to the laboratory result for any 6-hour composite sample.

³ Biological Oxygen Demand (five-day, 20°C) of an unfiltered sample."

I.D.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."

I.D.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."

I.D.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

- c. **WDR Order No. R6V-2009-0036:** The Water Board adopted Water Board WDR Order No. R6V-2009-0036 on June 10, 2010, and remains in effect presently. It established new waste discharge requirements for the Micro-Media system. The WDR Order authorizes treated wastewater effluent

discharges to Percolation Pond No. 4 (north and south)¹, and authorizes constructing and discharging to a fifth percolation pond. Water Board WDR Order No. R6V-2009-0036, in part, contains the following Discharge Specifications:

- i. I.C.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."
- ii. I.C.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."
- iii. I.C.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

4. Formal Enforcement History

- a. **2007 Cease and Desist Order:** The Water Board adopted Cease and Desist Order No. R6V-2007-24 on August 29, 2007, in response to continual influent flow limitation violations, BOD effluent limitation violations, and discharges of waste to an unauthorized disposal site. Cease and Desist Order No. R6V-2007-24 established compliance dates for submitting and implementing an Interim Action Plan to reduce BOD concentrations, submitting a Long Term Action Plan to prepare the Facility to provide adequate wastewater treatment, storage, and disposal capacity, and to comply with Water Board WDR Order No. R6V-2002-050 by December 31, 2008. The Discharger has failed to comply with both its Interim Action Plan and its Long Term Action Plan. Attachment B, Table No. 1, lists ongoing effluent, flow, and freeboard limitation violations that have persisted beyond the compliance dates in the 2007 Cease and Desist Order. Attachment B, Table No. 1 is hereby incorporated into this Order by reference.²
- b. **2010 Investigative Order:** The Water Board adopted Investigative Order No. R6V-2010-0035 on August 2, 2010 in response to continuing violations of the influent flow and BOD effluent limitations and continuing violation of the final compliance date (December 31, 2008) specified by Cease and Desist Order No. R6V-2007-024. The Investigative Order, in part, requires the Discharger to submit to the Water Board a Flow and Effluent Compliance Plan and Implementation Schedule by September 15,

¹ Pond No. 4 was constructed and placed into operation in 2005 without prior Water Board authorization. The Discharger's construction and operation of Pond No. 4 was not authorized by the Water Board until Water Board WDR Order No. R6V-2009-0036 was adopted on June 10, 2010, four years later.

² Table No. 1 in Attachment B does not include all violations of the WDR orders.

2010. The Discharger has since received a Notice of Violation for submitting a deficient Flow and Effluent Compliance Plan and Implementation Schedule.

- c. **2010 Cleanup and Abatement Order:** The Water Board adopted Cleanup and Abatement Order No. R6V-2010-0054 on November 1, 2010 to address violations increasing in severity and frequency of percolation pond freeboard requirements specified Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036. The Discharger has since received two Notices of Violation for submitting both a deficient Spill Contingency Management Plan and final report. The Discharger has not submitted amended reports as required by the Notices of Violation.

5. Summary of Violations

- a. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating BOD effluent limitations specified by Water Board WDR Order No. R6V-2002-050 from February 2004 through August 30, 2010, as shown in Attachment B, Table No. 1. The Discharger's self monitoring reports state these violations were caused by influent flows consistently exceeding the Biolac system's design capacity.
- b. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating influent flow limitations specified by Water Board WDR Order No. R6V-2002-050 from April 2004 through August 5, 2010, as shown in Attachment B, Table No. 1.
- c. Based upon data provided in the Discharger's self monitoring reports and weekly status reports, the Discharger most recently started violating freeboard requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 on September 29, 2010. The Discharger's December 10, 2010 weekly status report states that freeboard levels had returned to two feet or greater for all four percolation ponds. The Discharger again violated freeboard requirements on or before December 23, 2010, when Percolation Pond No. 4S discharged to adjacent land areas. The Discharger has continued violating freeboard requirements through January 10, 2011³.
- d. In addition to the violations of effluent, flow, and freeboard limitations, the Discharger has been violating additional discharge requirements and authorized disposal site requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 beginning no later than November 2, 2010 and continuing through January 10, 2011⁴. Based upon Water Board staff's phone conversations and the Discharger's

³ Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

⁴ Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

weekly status reports, the Discharger has been continuously violating these requirements as a result of constructing approximately 13 trenches through Percolation Pond No. 4's berm, as part of the Discharger's efforts to prevent an uncontrolled and unauthorized release from the percolation ponds. The trenches originally extended approximately 20 feet outward through the pond's berm into land areas adjacent to the pond, creating additional pond capacity and possibly increasing pond percolation rates. These trenches are not identified as authorized disposal sites by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.

- e. On December 23, 2010 at approximately 2:00 a.m., the Discharger began an uncontrolled and unauthorized wastewater discharge from Percolation Pond No. 4S to adjacent open desert lands located south of the percolation pond. Water Board staff inspected the discharge area later in the day and observed that the wastewater discharged from Percolation Pond No. 4S had migrated to an adjacent land area under different ownership, and covered an area approximately 200 feet by 200 feet to an approximate average depth of eight inches (approximately 200,000 gallons). Water Board staff observed the Discharger further extending the trenches to increase Percolation Pond No. 4S capacity. This discharge and the additional trench extensions were not authorized by Water Board WDR Order Nos. R6V-2002-0050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.

6. Threatened Discharges from the Facility

- a. The Discharger has a contract with VVWRA that allows the Discharger to divert up to 800,000 gpd of wastewater to VVWRA's facility for a 15-month period. On August 4, 2010, VVWRA indicated the Discharger could increase the diversion to 1.3 mgd of wastewater (800,000 gpd of untreated influent, and 500,000 gpd of secondary treated effluent) when a diversion pump temporarily failed. This agreement for additional discharge to VVWRA was reiterated after the Discharger reported violations of its pond freeboard requirements on September 29, 2010.

Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to VVWRA's wastewater treatment facility. On July 28, 2010, the Discharger began diverting a portion (800,000 gpd) of its wastewater influent to VVWRA's wastewater treatment facility and temporarily halted the diversion of the secondary-treated effluent. The Discharger began violating freeboard requirements on September 29, 2010, and yet, did not substantially increase wastewater flow diversions until Water Board staff identified and strongly

recommended such action. On November 10, 2010, the Discharger increased wastewater flow diversions up to 1.081 mgd, and on November 26, 2010, the Discharger obtained and installed adequate pumps to increase wastewater flow diversions up to approximately 1.3 mgd, the maximum diversion amount identified in the Discharger's agreement with VVWRA.

The diversion system implemented on July 28, 2010 allowed the Discharger to eliminate violations of the influent flow limitation beginning August 6, 2010, which in turn also allowed the Discharger to comply with the BOD effluent limitations contained in the WDR Orders beginning in the month of September 2010. However, this recent compliance with influent flow and effluent BOD limitations is currently temporary. The Discharger will again violate the influent flow and BOD effluent limitations at the end of October 2011 when its contract/agreement with VVWRA ends, unless the Discharger expands its treatment capacity by bringing the converted Micro-Media system on line. This situation constitutes an ongoing threatened violation of waste discharge requirements related to influent flow and effluent BOD.

- b. Based upon data provided in the Discharger's December 10, 2010 weekly status report, the Discharger stated it was meeting freeboard requirements specified by the WDR Orders. This situation is likely the result of the Discharger's constructed trenches through Pond No. 4's berm, beginning percolation pond dredging operations, and increased diversions to VVWRA up to approximately 1.3 mgd. This situation is also temporary under current conditions, and dependent in part upon an unauthorized discharge to land areas adjacent to Percolation Pond No. 4 and ongoing, but temporary, diversions of wastewater flows to VVWRA. The Discharger has not provided information indicating whether the infiltration rates in the percolation ponds will increase as a result of dredging operations or for how long,⁵ or whether the four percolation ponds will be able to effectively percolate the flow currently diverted to VVWRA. This situation constitutes an ongoing threatened violation of waste discharge requirements related to freeboard requirements.

7. Water Board Authority

- a. California Water Code section 13301 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

⁵ Percolation Pond Nos. 1, 2, and 3 are scheduled to be dredged over a nine to twelve-week period.

[regional] 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 [regional] board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentrations of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order."

- b. Title 23, section 2244 of the California Code of Regulations authorizes prohibitions or appropriate restrictions on additional discharges to community sewer systems (also known as a connection ban) in cease and desist orders if the additional discharge volume, type, or concentration entering the sewer system would cause an increase in or increase the likelihood of WDR violations. The prohibitions or restrictions are for when WDR violations are not immediately corrected, are not used as a punitive measure, and the Water Board sends written notification to all appropriate local agencies. The prohibitions or restrictions should include, but not be limited to, new residential, commercial, industrial, and/or governmental connections as deemed appropriate by the Water Board. Pursuant to Title 23, section 2244.3 of the California Code of Regulations, additional discharge prohibitions shall not be removed until the WDR violations have ceased and consistent compliance with requirements in the WDR Orders is reached.
- c. Title 23, section 2244.1(a) of the California Code of Regulations authorizes the Water Board to include in its prohibitions or restrictions on additional discharges to community sewer systems those structures with building permits (or equivalent final approval of construction or occupancy) already issued when special circumstances justify including these structures. The prohibition or restrictions on additional discharges shall apply to building permits (or equivalent final approval of construction or occupancy) dating back to the date when this Order was noticed for hearing (January 14, 2011).

The special circumstances in this matter that justify applying a connection ban to structures with building permits (or equivalent final approval of construction or occupancy) already issued are:

- i. The violations, discharges, and threatened discharges listed in Findings Nos. 5 and 6 of this Order.
- ii. The Discharger is allowing constant unauthorized discharges from Percolation Pond No. 4S to trenches, and at least one unauthorized

discharge off the Discharger's property at the present flow rate with no adequate Spill Contingency Management Plan. As long as the unauthorized trenches are in use, *the present flow rate causes a **constant unauthorized discharge; any additional flow from any sewer hookup not already in use will increase the Discharger's unauthorized discharge** to the trenches and likely cause a new unauthorized discharge off its property.*

- iii. The Discharger's failure to comply with prior Water Board Orders intended to address the Facility's chronically inadequate capacity has resulted in catastrophic Facility failure and continues to create conditions where similar future catastrophic failures are likely to occur with increasing severity without imposing the strict prohibitions contained in this Order.
- d. The Discharger has been discharging and continues to threaten to discharge waste in violation of both WDR Orders and subsequent informal and formal enforcement actions. The Discharger does not have a plan to immediately correct its ongoing effluent, inflow, and freeboard limitation violations, and the Water Board is not using the prohibition on additional discharges as a punitive measure. An increase in inflow from additional dischargers to the sewer system would cause additional effluent, inflow, and freeboard limitation violations and unauthorized discharges. A connection ban for additional discharges would assist in preventing additional violations by limiting the amount of wastewater the Discharger receives. Therefore, the Water Board is authorized to issue a Cease and Desist Order for the above-referenced violations and threatened violations and to institute a connection ban for additional discharges into the Discharger's sewer system pursuant to Water Code section 13301, and sections 2244 and 2244.3 of the California Code of Regulations.

8. Additional Discharges Defined

- a. For the purpose of this Order, additional discharges are defined as wastewater flows that are not already flowing to the Facility at the time of notice of hearing for this Order (January 14, 2011). Additional discharges include wastewater flows from all existing, proposed, or modified structures including, but not limited to, new residential, commercial, industrial, or governmental structures:
 - i. that have not received any building permit, final approval, will-serve letter, or any other type of approval for construction;
 - ii. that have received a building permit, final approval, will-serve letter, or any other type of approval for construction but have not commenced

and/or completed construction;

- iii. where construction has been completed but the structures are not occupied at the time the notice of hearing for this Order (January 14, 2011); or
- iv. where construction has been completed and the structures become vacant after the time the notice of hearing for this Order (January 14, 2011).

9. Water Code Section 13267 Justification

Water Code section 13267 authorizes the Water Board to require from the Dischargers technical or monitoring program reports submitted under penalty of perjury. Section 13267 requires that the Water Board explain why reports are required, and to identify the evidence that supports requirement the reports. See Attachment C of this Order, Water Code Section 13267 Fact Sheet.

The technical reports required by this Order are necessary to measure and ensure the Discharger's compliance with this Cease and Desist Order, in efforts to ensure protection of waters of the state, and to protect public health and the environment. Attachment B, Table No. 1 lists the numerous violations of effluent limitations, influent flow limitations, and minimum freeboard levels that evidence supporting requiring the reports. The burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to be obtained from them.

10. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321(a)(2), title 14, California Code of Regulations.

11. Notification of Interested Parties

The Water Board sent written notification to the Discharger, the City of Adelanto, the County of San Bernardino, and other affected and interested parties of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.

12. Requesting Administrative Review by the State Water Board.

Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at: <http://www.waterboards.ca.gov/publicnotices/petitions/waterquality> or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13301 and 13267, the Discharger shall cease and desist from discharging wastes or threatening to discharge wastes in violation of provisions specified in Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and shall comply with the other provisions of this Order:

I. ORDERS

- A. **Effective immediately** and continuing until the Discharger can demonstrate its ability to consistently maintain compliance with the waste discharge requirements described in WDR Order Nos. R6V-2002-050 and R6V-2009-0036, the Discharger shall not permit nor allow additional discharges (as defined in Finding No. 8 of this Order) to its Facility or its community sewer system (also known as a connection ban). The Discharger's ability to consistently maintain compliance with the above-referenced waste discharge requirements will be demonstrated by the Discharger maintaining compliance with the waste discharge requirements for six consecutive months.
- B. Comply forthwith with all requirements, including reporting requirements, specified by WDR Order Nos. R6V-2002-050 and R6V-2009-0036, Cease and Desist Order No. R6V-2007-0024, Investigative Order No. R6V-2010-0035, and Cleanup and Abatement Order No. R6V-2010-0054.

Pursuant to title 23, section 2245 of the California Code of Regulations, the Discharger is expected to construct emergency facilities or modify the existing plant operation to achieve rapid compliance. Such emergency facilities include chemical treatment, ponding with or without aeration, and any other steps that can be immediately implemented.

The Discharger must plan and complete construction of emergency facilities forthwith. If the Discharger constructs Pond 5, as described in Water Board WDR Order No. R6V-2009-0036, as an emergency facility, then Pond 5 must be completed no later than **May 1, 2011**.

- C. Beginning **April 7, 2011**, and quarterly thereafter (**July 7, October 7, January 7, and April 7**) the Discharger shall provide written verification to the Water Board, under penalty of perjury, that no additional discharges (as defined in Finding No. 8 of this Order) to the Facility or its community sewer system have been permitted or allowed. Verification must include a list of all discharge sources to the Facility that are planned, proposed, active, and/or inactive.
- D. By **April 15, 2011**, the Discharger shall provide a Percolation Pond Restoration Plan that, at a minimum, provides the following:
- i. Design plans with a description and illustration of the measures the Discharger proposes to implement to restore the integrity of Percolation Pond No. 4 from having its berm breached and trenches installed. The design plans must identify materials, and design specifications regarding pond berm stability including, but not limited to, compaction specifications, materials gradation specifications, and soil moisture content during compaction activities. The design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.
 - ii. A project schedule, including, but not limited to, completion dates for design, contracts, permits, and for completing the measures identified in this Order's Requirement No. I.D.i, above.
- E. No later than **October 15, 2011**, the Discharger shall complete its restoring Percolation Pond No. 4 as described in its Percolation Pond Restoration Plan.
- F. By **April 30, 2011**, the Discharger shall provide a Wastewater Disposal Facilities Work Plan that, at a minimum, provides the following:
- i. Final design plans for wastewater disposal facilities that can adequately dispose of all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall include all design parameters and specifications. The final design plans shall include all supporting technical information (e.g., flow projections and supporting documentation; disposal site(s) assessments/characterizations/data; calculations and/or modeling results, including all assumptions) used to demonstrate that the

wastewater disposal facilities will have adequate capacity for all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall also identify final disposal locations and stabilization measures for all currently stockpiled excavated soil from Pond No. 4, and any additional soils excavated during construction of additional wastewater disposal facilities. The final design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.

- ii. A project schedule, including, but not limited to, completion dates for contracts, CEQA process (e.g., draft CEQA document, public comment period, final CEQA document approval, Notice of Determination submission, end of appeal period), permits, and construction period.
- G. By **October 15, 2011**, the Discharger shall complete implementation of the Wastewater Disposal Facilities Work Plan to provide adequate disposal capacity for all wastewater flows, including those diverted to VVWRA, and maintain compliance with freeboard requirements.

II. REPORTING REQUIREMENTS

A. **Signatory Requirements.** All reports required under this Cease and Desist Order shall be signed and certified by a duly authorized representative of the Discharger and submitted to the Water Board. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

B. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, the document and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- C. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted via electronic e-mail and/or hard copy to:

California Regional Water Quality Control Board-Lahontan Region
2501 South Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Attn: Eric Taxer
Email: etaxer@waterboards.ca.gov

California Regional Water Quality Control Board-Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392
Attn: John Morales
Email: jmorales@waterboards.ca.gov

III. **NOTIFICATION**

Enforcement Notification. Failure to comply with the terms or conditions of this Cease and Desist Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to California Water Code section 13350 for up to \$5,000 a day for each violation or \$10 per gallon discharged; and/or section 13268 for up to \$1,000 a day for each violation; and/or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability. The Water Board reserves its right to take any further enforcement action authorized by law.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on March 10, 2011.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments:

- A. Location Map
- B. Table No. 1 Adelanto Wastewater Treatment Facility Violations
- C. Water Code Section 13267 Fact Sheet

ATTACHMENT A

10607086
97/26/07

ADELANTO RD

EL MIRAGE RD

EL MIRAGE RD

DELICIOUS ST

JONATHAN ST

PEARMAIN ST

WASTEWATER
TREATMENT PLANT

LA PAZ AVE

LA PAZ AVE

APN 0459-062-24
9.18 ACRES

APN 0459-062-25
9.19 ACRES

APN 0459-062-23
9.18 ACRES

AUBURN AVE

AUBURN AVE

GREENING ST

BARCELONA AVE

BARCELONA AVE

VINTAGE RD

VINTAGE RD

ORANGE CHANNEL

JONATHAN ST

PEARMAIN ST



SCALE: 1"=600'

LOT DESCRIPTION
SOUTHWEST 1/4 OF THE NORTHEAST 1/4,
OF SECTION 21, T6N R5W, S.B.B.&M.

FIGURE 1

ATTACHMENT A

CITY OF ADELANTO
WASTEWATER TREATMENT PLANT
LOCATION MAP

ATTACHMENT B

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation two days during the month.	Daily	2
February-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
May-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
May-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation six days during the month.	Daily	6
June-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
June-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
July-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 12 days during the month.	Daily	12
August-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
August-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 21 days during the month.	Daily	21
September-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
September-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
October-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
November-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
January-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
February-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
March-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	31
March-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 10 days.	Daily	10
April-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
April-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
April-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
April-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
May-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
May-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
June-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
June-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 11 days during the month.	Daily	11

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
September-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
November-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
January-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
April-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
May-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
June-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
July-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
October-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
October-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
December-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.		1
January-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
January-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
March-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
April-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
May-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
May-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for six days.	Daily	6
June-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for four days.	Daily	4
July-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2
	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
August-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
September-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation.	N/A	1
November-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
November-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
November-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
December-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
March-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
April-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
June-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1
Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
November-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
November-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
December-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
January-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
February-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
March-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
August-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
August-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
September-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
October-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
October-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
December-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
December-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
April-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
April-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
May-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
June-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

¹This table does not identify all facility violations.

It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
August-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.	Daily	1
October-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for nine days.	Daily	9

¹This table does not identify all facility violations.It only identifies violations of influent flow limitations,
BOD effluent limitations, and minimum freeboard levels.

Table No. 1

Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)¹

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
November-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 30 days.	Daily	30
December-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 7 days. (*)	Daily	7
Total Violations				2418
(*) This violation count includes the 12/23/2010 freeboard violation that occurred when Percolation Pond No. 4S discharged to open desert lands located south of the percolation pond.				

¹This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

ATTACHMENT C

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional 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 the 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.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.

ENCLOSURE 2

CALIFORNIA WATER CODE

§ 13301. Cease and desist order

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. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing.

CALIFORNIA CODE OF REGULATIONS

TITLE 23

DIVISION 3

CHAPTER 9.1

§ 2243. Time Schedules.

(a) A time schedule should always be included in a cease and desist order unless there is a lack of information upon which to base a schedule in which case the discharger should be instructed to comply forthwith. "Forthwith" means as soon as is reasonably possible.

(b) Time schedules should be periodically reviewed and updated to assure compliance at the earliest possible date.

§ 2244. Prohibitions or Restrictions on Additional Discharges to Community Sewer Systems.

(a) The purpose of prohibitions or restrictions on additional discharges is to prevent an increase in violation or likelihood of violation of waste discharge requirements during a period of violation or threatened violation of requirements and thereby prevent an increase in unreasonable impairment of water quality or an increase in nuisance.

(b) Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements.

(c) Additional discharges should not be restricted or prohibited when violation of requirements can be immediately corrected.

(d) Prohibitions or restrictions are not to be used as a punitive measure for past failure to comply.

(e) Prohibitions or restrictions, when adopted, should include but not be limited to new residential, commercial, industrial, and/or governmental connections as deemed appropriate.

(f) Upon adoption of any cease and desist order which contains a prohibition or restriction on additional discharges, the regional board shall send written notification to all appropriate local agencies.

§ 2244.1. Exclusions from Prohibitions and Restrictions on Additional Discharges to Community Sewer Systems.

(a) Orders prohibiting or restricting additional discharges should expressly exclude structures with building permits already issued at the time the notice of the cease and desist hearing to consider the proposed prohibition or restriction was given unless special circumstances justify inclusion of such structures.

Where the governmental entity with jurisdiction normally does not issue a document called a "building permit" but uses another term to refer to the document which constitutes its final approval of construction, an order prohibiting or restricting additional discharges should expressly exclude such structure if this document has been issued. In the event a structure does not normally require a building permit (e.g., where a government building is exempted from the permit process) an order prohibiting or restricting additional discharges should expressly exclude such structures if construction has commenced.

(b) The following should also be excluded from prohibitions and restrictions:

(1) Discharges from existing dwellings not connected to the sewer system which have methods of waste disposal which are causing more severe water quality problems than those caused by the community sewer system.

(2) Discharges which, by reason of special circumstances, if not allowed to connect to the community sewer system would result in extreme public hardship or a public health hazard. This is not intended to mean that economic loss to a community as a whole or to any public agency or private person within the community is by itself cause for not prohibiting additional connections because such loss is the rule rather than the exception and cannot outweigh the need to prevent an increase in water quality impairment which is the basic reason for the prohibition.

§ 2244.2. Means of Obtaining Exclusions Provided for by Section 2244.1(b).

- (a) Persons wishing to obtain an exclusion from a prohibition or restriction as provided for in Section 2244.1(b) shall make such request, in writing, to the regional board.
- (b) A request for exclusion under Section 2244.1(b) may be made by any person or public agency.
- (c) The board or the executive officer shall act promptly upon all requests for an exclusion and in any event within sixty (60) days of its receipt.
- (d) Exclusions may be determined by the executive officer under an appropriate delegation order adopted by the regional board pursuant to Water Code Section 13223.

§ 2244.3. Removal of Prohibitions and Restrictions on Additional Discharges to Community Sewer Systems.

- (a) Prohibitions or restrictions on additional discharges shall not be removed until the violations of requirements which were the basis for imposing the prohibitions or restrictions have ceased and consistent compliance with those requirements has been achieved.
- (b) As an exception to (a), prohibitions or restrictions on additional discharges may be removed, at the discretion of the Board, if the Board finds (1) that consistent compliance with requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, and (2) that the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, and (3) that the corrective measures necessary to achieve compliance with requirements will be completed and placed into operation by the discharger in the shortest practicable time, and (4) that all practicable interim repairs and improvements to the treatment process of the discharges which can be made have been made, and (5) that during the interim period of time until compliance with requirements can be fully achieved the treatment process of the discharges will be so managed, operated, maintained and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restrictions, and that such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.
- (c) Prohibitions or restrictions, if removed under subsection (b) hereof, shall be reimposed if the Board finds that the discharger is in violation of any of the conditions of subsection (b) hereof prior to the time that consistent compliance with requirements has been achieved.

(d) Removal of the prohibition or restriction may be total or by volume, type, or concentration of waste as improvements to the treatment and disposal facilities are placed in operation.

§ 2245. Immediate Corrective Measures.

(a) Each discharger should be expected to construct emergency facilities or modify existing plant operation to achieve rapid compliance.

(b) Emergency facilities which should be constructed immediately include chemical treatment, additional disinfection, ponding with or without aeration, receiving water mixing, aeration, and any other steps which can be immediately implemented.

(c) Extra cost of such facilities is not a reasonable excuse for failure to construct them.

(d) If necessary emergency facilities are not immediately provided, the board should consider further action against the discharger.