

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2010-0027

REQUIRING TECHNICAL INFORMATION
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

City of Santa Rosa
Subregional Water Reclamation System
WDID NO. 1B830990SON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Waste Discharge Requirements Order No. R1-2006-0045 (hereinafter WDRs) issued to the City of Santa Rosa (hereinafter Discharger) on September 20, 2006, authorizes the Discharger to supply and distribute recycled water as a Master Water Recycler under certain conditions, which are attached to this Order in Attachment A.
2. As a Master Water Recycler, the Discharger provides reclaimed wastewater to Sonoma State University (SSU) and the City of Rohnert Park, among other entities, while retaining the ultimate responsibility of the reclaimed wastewater distribution system management and enforcement as described in the WDRs and Attachment A.
3. On September 28, 2009, the Regional Water Board received a citizen complaint with photographic evidence of reclaimed wastewater and potable water over-irrigation at various sites in the City of Rohnert Park in August, 2009.
4. During September 2009, SSU over irrigated land at the Tuscany Village housing area with reclaimed wastewater. On September 14, 2009, Regional Water Board Staff inspected the Tuscany Village housing area and confirmed an ongoing discharge of reclaimed wastewater. An estimated 10,080 gallons of reclaimed wastewater reached Copeland Creek from September 2, 2009 through September 15, 2009.
5. On February 22, 2009, the Regional Water Board issued a Notice of Violation of WDRs to the Discharger in regards to the unpermitted discharges described in Findings 3 and 4 above.
6. The following sections of the Porter-Cologne Water Quality Control Act authorize the Regional Water Board Executive Officer to make the following

requirements for persons suspected of discharging waste that could affect the quality of waters within this region:

- Section 13260 (a) – *“All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.”*
 - Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
 - Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”*
 - Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
7. All of the technical reports required by this Order are necessary to address the above referenced violations potential ongoing water quality threat posed by the misuse of recycled water and to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. The report required by this Order will allow Staff to determine compliance with the City’s Master Reclamation Permit. More detailed information is available in the Regional Water Board’s public file on this matter.
8. In light of the unpermitted discharges described in Findings 3 and 4 above, 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 therefrom.

9. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with Section 15321, Chapter 3, title 14, California Code of Regulations.
10. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs.
11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b) the Discharger shall:

Submit a technical report to the Regional Water Board concerning the above-described violations. The technical report shall be received by the Regional Water Board on or before April 1, 2010, and shall include, but not be limited to, the following information:

1. A copy of all administrative procedures, engineering standards, rules, ordinances, inspection criteria, spill reporting guidelines and/or regulations governing the use of recycled water in Rohnert Park and SSU, including user agreements that the City of Santa Rosa has developed, established, and is enforcing to carry out the requirements of Title 22 and the Master Reclamation Permit. This is intended to demonstrate compliance with Water Reclamation Provision C.1.
2. A description of how the City of Santa Rosa is holding SSU responsible for the discharge of recycled water described in the attached Notice of Violation.

- This is intended to demonstrate compliance with Water Reclamation Provision C.4.
3. A list of all Rohnert Park and SSU recycled water use areas inspected by the City in 2009, the results of the inspections, and the inspection frequency expected for each recycled water use area in 2010.
 4. Any evidence that the City has of discharges of recycled water into the storm water system or to surface waters since July 2007, and a description of how the City is tracking discharges.
 5. City response procedures for complaints of discharges of reclaimed water to the storm water system or surface waters.

All information provided in response to this Order must include the following signed certification statement:

I certify under penalty of law 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, the information submitted is, 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.

Ordered by _____

Catherine Kuhlman
Executive Officer

February 22, 2010