

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2008-0019
ID No. 1A03065RSIS

WASTE DISCHARGE REQUIREMENTS

FOR

KLAMATH RANCH RESORT AND BLUE HERON RV PARK
ON-SITE WASTEWATER TREATMENT AND DISPOSAL FACILITIES

Siskiyou County

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

1. James Burney (hereinafter Discharger) owns and operates the Klamath Ranch Resort and Blue Heron RV Park (Resort). On September 7, 2007, the Discharger submitted a request for modification of Waste Discharge Requirements Order No. R1-2006-0085 (Order No. R1-2006-0085). Additional information to support the request was submitted on November 7, 2007, December 6, 2007, January 17, 2008, and January 24, 2008.
2. The Resort is located on the north side of the Klamath River, approximately 7 miles east of Interstate 5, at 6930 Copco Road, Hornbrook, within the SW $\frac{1}{4}$ of Section 17, NW $\frac{1}{4}$ of Section 20, T47N, R5W MDB&M of the Iron Gate Reservoir quadrangle, as shown in Attachment "A" to this Order, which is attached hereto and made part of this Order by reference.
3. The Resort currently consists of the existing 27-space Blue Heron RV Park, the Fish Hook Restaurant, and a three-bedroom home that serves as the Resort manager's residence. The Discharger proposes to expand the Resort to include a lodge and other new residential accommodations for up to a total of 22 bedrooms, an equestrian arena and stables, and picnicking areas.
4. Order No. R1-2006-0085 was adopted by the Regional Water Board on November 29, 2006 to regulate proposed wastewater discharges from a commercial building, a lodge, two duplex suites, six cabins, an equestrian arena and stables, picnicking areas, and walking and equestrian trails. Due to financial constraints and other circumstances beyond the Discharger's control, the Discharger did not construct these commercial facilities or the new wastewater treatment and disposal system described in Order No. R1-2006-0085. The request to modify Order No. R1-2006-0085 reflects the desire of the Discharger to begin the expansion of the Resort using a different

septic system design than was approved previously by the Regional Water Board.

5. This Order regulates the discharge of domestic and commercial wastewater generated at the existing Blue Heron RV Park and the anticipated new facilities at the Resort. This Order also regulates the discharges from the individual on-site wastewater treatment and disposal system for the Fish Hook Restaurant and the individual on-site wastewater treatment and disposal system for the Resort manager's residence, which were not previously regulated under waste discharge requirements.

Existing On-site Wastewater Treatment, and Disposal Systems

6. The existing on-site system for the Blue Heron RV Park is designed for a maximum waste flow of 2,800 gallons per day and consists of two 2,000-gallon septic tanks, a pump tank, and a pressurized subsurface disposal field. The disposal field for this system is located on a terrace adjacent to the Klamath River approximately 100 feet away from the river. The disposal field is a zoned system consisting of 1,867 lineal feet of leachline set in three foot wide trenches at 26-inch nominal depth.
7. Domestic and commercial wastewater from the facility manager's residence and the Fish Hook Restaurant is discharged to separate existing standard septic tank-leachfield systems. The waste disposal system for the manager's residence was installed in 2002 and consists of a 1,500-gallon septic tank followed by a pressure-distributed leachfield installed at a pipe depth of 20 inches. The anticipated waste flow for the manager's residence is 450 gallons per day, based on a standard flow estimate for a three-bedroom home. The waste disposal system for the Fish Hook Restaurant was installed in the late 1960s. Detailed information regarding the design of this system is not known; however, it is believed to consist of one 1,500-gallon septic tank and a standard gravity flow leachfield located adjacent to the wastewater source. The anticipated daily waste flow for the Fish Hook restaurant is less than 1,000 gallons per day, based on peak occupancy of the restaurant during the last three years.
8. The soil profile in the vicinity of the existing on-site system leachfield for the Blue Heron RV Park consists of an unsaturated sandy loam having an adjusted silt/clay fraction of 18-26 percent to a depth of 13 feet. Seasonal high groundwater conditions provide a minimum separation of seven feet from the bottom of the disposal field trenches. An impervious layer is present at 37-38 feet below the ground surface. Soil conditions in the vicinity of the existing on-site wastewater treatment and disposal systems for the manager's residence and the Fish Hook residence are similar to the soil conditions for the Blue Heron RV Park leachfield.

New On-site Wastewater Treatment, and Disposal Systems

9. The two new on-site wastewater treatment and disposal systems will be located in separate areas on the Discharger's property. The site investigation for the area designated as the North East Leachfield Area was completed in 2007. The disposal capacity of this leachfield was determined by the Discharger to be 2,000 gallons per day at an application rate of approximately 0.45 gallons per day per square foot of trench bottom area. The original site investigation for the North Central Leachfield Area was completed in 2003 as part of the required environmental review prior to adoption of Order No. R1-2006-0085 calculated a disposal capacity of 900 gallons per day. In follow-up testing conducted in 2007 by the Discharger, the disposal capacity of this leachfield was determined to be 1,200 gallons per day at an application rate of approximately 0.2 gallons per day per square foot of trench bottom area.
10. Soils in the North East Leachfield Area was reported by the Discharger to be predominantly gravel (particle diameter > 2.0 mm) and sand (particle diameter 2.0 to 0.05 mm) with a silt and clay fraction of up to 14 percent. The site is underlain by fractured bedrock. The Discharger measured the average percolation rate in the North East Leachfield Area at 45.5 minutes per inch, indicating adequate soil absorption capacity. The Discharger determined the groundwater to be 190 to 240 feet below the ground surface.
11. Soils in the North Central Leachfield Area are described as reddish-brown clay at the 1-foot to 2.5-foot soil horizon, silty clay at the 2.5-foot to 5.5-foot horizon, and tight-packed gravelly silty clay at depths to 8 feet. The Discharger measured the average percolation rate in the North Central Leachfield Area at 111 minutes per inch, indicating marginal, soil absorption capacity, but a rate considered acceptable by the Policy on the Control of Water Quality with Respect to On-site Waste Treatment and Disposal Practices contained in the Water Quality Control Plan for the North Coast Region (Basin Plan). The Discharger determined groundwater to be approximately 180 feet below the ground surface.

Basin Plan, Beneficial Uses and Regulatory Considerations

12. The Basin Plan contains implementation plans and policies for protecting waters of the North Coast Region, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. Pursuant to Water Code section 13263(a), waste discharge requirements must implement the Basin Plan.
13. Surface water drainage from the Resort is to the Klamath River. The existing and potential beneficial uses of the Hornbrook Hydrologic Subarea include:

- a. municipal and domestic supply (MUN)
 - b. agricultural supply (AGR)
 - c. industrial service supply (IND)
 - d. industrial process supply (PRO)
 - e. groundwater recharge (GWR)
 - f. freshwater replenishment (FRSH)
 - g. navigation (NAV)
 - h. hydropower generation (POW)
 - i. water contact recreation (REC-1)
 - j. non-contact water recreation (REC-2)
 - k. commercial and sport fishing (COMM)
 - l. warm freshwater habitat (WARM)
 - m. cold freshwater habitat (COLD)
 - n. wildlife habitat (WILD)
 - o. rare, threatened, or endangered species (RARE)
 - p. migration of aquatic organisms (MIGR)
 - q. spawning, reproduction, and/or development (SPWN)
 - r. aquaculture (AQUA)
 - s. subsistence fishing (FISH)
14. Beneficial uses of areal groundwaters include:
- a. municipal and domestic water supply (MUN)
 - b. agricultural supply (AGR)
 - c. industrial service supply (IND)
 - d. industrial process supply (PRO)
 - e. aquaculture (AQUA)
 - f. Native American culture (CUL)
15. The Basin Plan identifies numerical water quality objectives for waters designated as municipal supply. Waters designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, title 22, sections 64435 (Tables 2 and 3) and 64444.5 (Table 5), and listed in Table 3-2 of the Basin Plan.
16. The Basin Plan contains narrative water quality objectives for groundwater for tastes and odors, bacteria, radioactivity and chemical constituents. The tastes and odors objective requires that groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The bacteria objective requires that the median of the most probable number (MPN) of coliform organisms over any 7-day period be less than 1.1 MPN per 100 milliliters, less than 1 colony per 100 milliliters, or absent. The radioactivity and chemical constituent objectives requires that groundwater not contain concentrations of radionuclides and chemical constituents in excess of the limits listed in Table

3-2 of the Basin Plan. The Basin Plan also includes numerical objectives for certain chemical constituents contained in Table 3-1 of the Basin Plan.

17. As required by Water Code section 13263, these waste discharge requirements are crafted to implement the Basin Plan, and in so doing, the Regional Water Board has taken into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other (including previous) waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.
18. The discharge authorized herein and the treatment and storage facilities associated with the discharge are exempt from the requirements of title 27, California Code of Regulations, section 20005 et seq. The exemption, pursuant to section 20090(b) of title 27, is based on the following:
 - a. The Regional Board is issuing waste discharge requirements,
 - b. The discharge complies with the Basin Plan, and
 - c. The wastewater does not need to be managed according.
19. Water Code section 13267 allows the regional board to require discharger to furnish, under penalty of perjury, technical or monitoring program reports. The attached Monitoring and Reporting Program is issued pursuant to Water Code section 13267, and is necessary to assure compliance with these waste discharge requirements. The burden, including costs, of these reports bears a reasonable relationship to the need for the report and the benefits to be obtained from the reports.
20. A mitigated negative declaration (Attachment "B" to this Order) was prepared and certified by the Siskiyou County Planning Department on October 5, 2005, to satisfy the requirements of the California Environmental Quality Act (Pub. Resources Code section 21000 et. seq.). The negative declaration evaluated the impacts of the discharge of treated wastewater to surface water and groundwater quality. Acting as a responsible agency, the Regional Water Board has considered the negative declaration as required under title 14, California Code of Regulations, section 15096. Mitigation Measure No. 1 was added to reduce to a less than significant level any water quality impacts from potential erosion resulting from any road and building construction and possible infrastructure improvements. This measure is incorporated as a condition of approval in this Order.

On September 7, 2007, the Discharger provided a site map, design plans, results of soil profile observations, soil textural analysis, percolation tests, and a groundwater mounding analysis consistent with the Policy on the Control of Water Quality with Respect to On-site Waste Treatment and Disposal containing in the Basin Plan to support the project proposal. Acting as a

responsible agency, the Regional Water Board has considered this information as required under title 14, California Code of Regulations, section 15096, and determined that the discharge of waste to the North Central and North East Leachfield Areas will have a less than significant impact.

The Regional Water Board will file a notice of determination in accordance with title 14, California Code of Regulations, section 15075 within five days from the issuance of this Order.

21. State Water Resources Control Board (State Board) Resolution No. 68-16 (hereafter Resolution 68-16 or the "Antidegradation Policy") requires the Regional Water Board in regulating the discharge of waste to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Board's policies (e.g., quality that exceeds water quality objectives). This Order is consistent with Resolution No. 68-16.
22. Section 303(d) of the federal Clean Water Act requires states to submit to the United States Environmental Protection Agency (US EPA) an updated list that identifies waterbodies that do not meet water quality standards and are not supporting their beneficial uses. Each state must submit an updated list, called the 303(d) List of Impaired Waterbodies (List), to the US EPA by April of each even numbered year. In addition to identifying the waterbodies that are not supporting beneficial uses, the List also identifies the pollutant or stressor causing impairment, and establishes a schedule for developing a control plan to address the impairment. The US EPA requires the Regional Water Board to develop total maximum daily loads (TMDLs) for each 303(d) listed pollutant and waterbody combination. A designated reach in the mainstem of the Middle Klamath River (Iron Gate Dam to the Scott River) is currently listed for nutrients, organic enrichment/low dissolved oxygen, and temperature. This Order contains a provision that allows modifications to the Order based on changes to the Basin Plan, including TMDLs.

Public Notification Requirements

23. The attached Monitoring and Reporting Program No. R1-2008-00## and Attachment A are part of this Order. The Executive Officer of the Regional Water Board is delegated the authority to modify the Monitoring and Reporting Program, as he determines appropriate to protect water quality.
24. The Regional Water Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.

25. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

THEREFORE, IT IS HEREBY ORDERED that MRP No. R1-2006-0085 is rescinded and the Discharger, in order to meet provisions of Division 7 of the Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Discharger or not within the reasonable contemplation of the Regional Water Board is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Water Code section 13050, subdivision (m), is prohibited.
3. The discharge of waste to land that is not under the control of the discharger is prohibited, except as authorized under Section D of this Order.
4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facilities is prohibited.
5. The discharge of waste to surface waters, including the Klamath River or its tributaries is prohibited.
6. The discharge of waste to the ground surface is prohibited.
7. The discharge into the on-site wastewater treatment and disposal systems of hazardous wastes¹ including any flammable, explosive, or corrosive wastes is prohibited.
8. The flow of waste to the Blue Heron RV Park waste disposal system shall not exceed 2,800 gallons per day. The flow of waste to the on-site waste disposal systems serving the new facilities described in Finding 9 shall not exceed 2,000 gallons per day for the North East Leachfield Area and 1,200 gallons per day for the North Central Leachfield Area.

B. DISCHARGE SPECIFICATIONS

1. Disposal of effluent shall be confined to the subsurface disposal areas as defined in this Order.

¹ "Hazardous waste" is defined under California Code of Regulations, Article 1, title 22, section 66261.3 et seq.

2. No waste constituent shall be released or discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Basin Plan's water quality objectives for groundwaters.
3. Objectionable odor originating at the facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
4. Public contact with wastewater shall be precluded or controlled through such means as fences and signs, or acceptable alternatives.
5. The Discharger shall operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge.

C. GROUNDWATER LIMITATIONS

1. The collection, storage, and use of wastewater or recycled water shall not cause or contribute to a statistically significant degradation of groundwater quality.
2. The collection, storage, and use of wastewater shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
3. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of chemicals in groundwater to exceed limits set forth in CCR Title 22, Chapter 15, Articles 4 and 5.
4. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of radionuclides in groundwater to exceed limits set forth in CCR Title 22, Chapter 15, Articles 4 and 5.
5. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of chemicals in groundwater designated agricultural supply (AGR) in amounts that adversely affect such beneficial use.
6. In groundwater used for domestic or municipal supply, the collection, storage, and use of recycled water shall not cause the median of the most probable number of coliform organisms over any 7-day period to be greater than 1.1 MPN/100 ml or greater than 1 colony/100 ml.
7. The collection, storage, and use of wastewater or recycled water shall not cause concentrations of nitrate to exceed 10 milligrams nitrogen per liter of groundwater.

D. GENERAL SOLIDS DISPOSAL SPECIFICATIONS

1. Sludge and solid waste shall be removed from filters, screens, sumps, and septic tanks as needed to ensure optimal plant operation.
2. Collected screenings, septage and other solid waste removed from liquid wastes shall be disposed at a legal point of disposal, and in accordance with title 27, Division 2, of the California Code of Regulations. Removal for further treatment, disposal, or reuse at disposal sites (i.e., landfills, WWTFs, composting sites, soil amendment sites) operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy this specification.

E. GENERAL PROVISIONS

1. Availability

A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.

2. Enforcement

The Discharger shall implement the project as described in this Order. Violation of any requirements contained in this Order subject the discharger to enforcement action, including civil liability, under the Water Code.

3. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

4. Mitigation Measures

Prior to the start of project grading and construction, the Discharger shall prepare an Erosion Control Plan and a Grading Plan. This plan shall be prepared in accordance with the requirements of the State Water Resources Control Board's Best Management Practices (BMPs), or equally effective measures, and shall be approved by the Regional Water Board prior to construction. The plan shall include, but not be limited to, the following measures: timing of grading and clearing operations (targeted for the dry season); inclusion of erosion control measures that utilize sediment traps, barriers, covers, or other methods approved by the Regional Water Board; and include plans for deposition and storage of excavated material and revegetation efforts after the completion of grading.

If the Regional Water Board determines that the project requires coverage under the Construction General Storm Water Permit (State Water Board Water Quality Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity), the Discharger shall submit a Notice of Intent for coverage under the General Permit and shall prepare a Storm Water Pollution Prevention Plan prior to construction activities.

If the project results in dredge or fill within the waters of the United States or waters of the State, including wetlands and headwater streams, the project will require a water quality certification or waste discharge requirements from the Regional Water Board and may require a federal permit pursuant to section 404 of the Clean Water Act. The water quality certification or waste discharge requirements may specify conditions not contained in this Order that must be satisfied during design and construction of the project.

5. Sanitary Sewer Overflows

- a. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.
- b. SSOs shall be reported orally² and in writing to the Regional Water Board staff in accordance with the following:
 - i. *All SSOs reaching surface water and all SSOs in excess of 1,000 gallons* shall be reported immediately by telephone³. A written description of the event shall be submitted within two weeks after the date of verbal notification.
 - ii. *All SSOs that result in a sewage spill less than 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours if a SSO results. A written description of the event shall be submitted with the monthly monitoring report.
 - iii. Information to be provided orally includes:
 - a. Name and contact information of caller

² Oral reporting means direct contact with a Regional Water Board staff person. The oral report may be given in person or by telephone. After business hours, oral contact must be made by calling the State Office of Emergency Services or the Regional Water Board spill officer.

³ The Discharger shall also immediately report all SSOs in excess of 1,000 gallons to the Office of Emergency Services at (800) 852-7550, in accordance with Water Code section 13271.

- b. Date, time and location of SSO occurrence
- c. Estimates of spill volume, rate of flow, and spill duration
- d. Surface water bodies impacted, if any
- e. Cause of spill
- f. Cleanup actions taken or repairs made
- g. Responding agencies

v. Information to be provided in writing includes:

- a. Information provided in verbal notification.
- b. Other agencies notified by phone.
- c. Detailed description of cleanup actions and repairs taken.
- d. Description of actions that will be taken to minimize or prevent future spills.

6. Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order.

7. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

8. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the Dischargers' annual fee account

9. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the

Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

10. Monitoring

The Discharger shall comply with the Monitoring and Reporting Program and any modifications to this document as specified by the Executive Officer. Such document is attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Public Health and shall conform to State Department of Public Health guidelines.

11. Signatory Requirements

- a. All ROWD applications submitted to the Regional Water Board shall be signed by a principal Executive Officer, ranking elected official, or responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Order and other information requested by the Regional Water Board may be signed by a duly authorized representative provided:
 - i. the authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

- iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative.
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"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."

12. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

- a. to enter premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

13. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes, such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

14. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

Certification

I, Catherine Kuhlman, 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, North Coast Region, on April 24, 2008.

Catherine Kuhlman
Interim Executive Officer

08_0019_WDR_KlamathRanchResort_CER