

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2002-0722

FOR

FOREST MEADOWS WASTEWATER TREATMENT AND RECLAMATION PLANT
CALAVERAS COUNTY WATER DISTRICT
ALSTON FINANCIAL, INC. AND EMC, INC.
CALAVERAS COUNTY

This Order is issued to Calaveras County Water District, Alston Financial, Inc., and EMC, Inc. (hereafter Discharger) based on provisions of California Water Code Section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) to issue a Cleanup and Abatement (C&A) Order.

The Regional Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Calaveras County Water District (CCWD) owns and operates a domestic wastewater treatment plant (WWTP) that serves the wastewater needs for the community of Forest Meadows. The system includes collection, treatment, and storage facilities. Wastewater is disposed of via irrigation on the Forest Meadows Golf Course.
2. Alston Financial, Inc. and EMC, Inc. own the Forest Meadows Golf Course.
3. The Forest Meadows WWTP is on Forest Meadows Road off of Highway 4 in Section 34, T4N, R14E, MDB&M.
4. Waste Discharge Requirements (WDRs) Order No. 5-00-066, adopted by the Regional Board on 17 March 2000, prescribes requirements for the collection, treatment, and storage of wastewater and the subsequent reclamation on the Forest Meadows Golf Course.
5. WDRs Order No. 5-00-066 permits the treatment of up to 190,000 gallons of wastewater per day (gpd) for dry weather flows and 280,000 gpd for peak wet weather flows. Two wastewater treatment basins (a complete mix basin and a sludge settling basin) are used for primary treatment. Effluent from sludge settling basin is filtered through two continuous backwash, deep bed sand filters; effluent from the sand filters is then disinfected by an ultraviolet light control chamber. After disinfection, reclaimed wastewater is pumped to a 108 acre foot storage impoundment located on the golf course property.
6. Provision G.1 in WDRs Order No. 5-00-066 required the Discharger to submit a report by 25 April 2000 evaluating the available disposal capacity of the existing leachfield system, determining whether the capacity of the leachfield needed to be increased to meet compliance with Discharge Prohibition A.7 and Discharge Specification B.4 of the WDRs, and providing plans, if necessary, to increase the capacity.
7. Discharge Prohibition A.7 states "*Surfacing of wastewater in the leachfields is prohibited*" while Discharge Specification B.4. states "*The existing leachfield area will serve as a long-term Plant reliability feature. Wastewater disposal to the leachfields is permitted during periods of Plant*

repair, to prevent spillage from the Storage Facility, and when treated wastewater effluent does not meet Title 22 standards. Pursuant to Title 22 CCR, Section 60341(b), the leachfields shall be of sufficient capacity to provide for at least 20 days of emergency disposal capacity. The Plant may incorporate the use of the on-site emergency storage basin to meet the 20-day emergency disposal requirement”.

8. On 1 September 2000, the Discharger submitted the “*Forest Meadows Wastewater Treatment and Disposal Facility 20 Day Emergency Storage Evaluation Report*” as required by Provision G.1 of the WDRs. The report evaluated the capacity of the facility’s existing leachfield and emergency storage pond, and concluded that there is not sufficient storage and disposal capacity to contain 20 days of effluent flow. Therefore, the WWTP does not meet the requirements of the WDRs and Title 22. However, the Discharger’s cover letter indicated that the Discharger was obtaining quotes from engineering firms to design appropriate sized storage facilities, and the Discharger anticipated having the additional storage facilities constructed by October 2001.
9. On 20 March 2001, staff conducted an inspection of the WWTP. During the inspection, the Discharger showed staff where CCWD was planning to construct a new emergency storage pond. As of the date of the inspection, engineering studies were being conducted, however, the Discharger did not anticipate completing construction of the emergency storage pond by the previously promised date of October 2001. Staff’s subsequent 2 April 2001 inspection report requested that a Report of Waste Discharge (RWD) be submitted by 30 June 2001. As of the date of this Order, the Discharger has not yet submitted a RWD.
10. On 12 October 2001, the Discharger was issued a Notice of Violation (NOV) for violations of the two foot freeboard requirement prescribed in Discharge Specification B.7 of the WDRs, which states “*The freeboard in all ponds (at the plant and Storage Facility) shall never be less than two feet as measured vertically from the water surface to the upper surface of the lowest adjacent dike or levee*”. Monitoring reports for the month of April and May 2001 showed that the golf course storage pond contained less than two feet of freeboard.
11. On 29 October 2001, the Discharger submitted a letter outlining a schedule to construct an emergency storage pond. The letter provided dates for beginning and completing facility planning studies; however, it did not provide timelines for completion of the design documents or the beginning of construction.
12. On 3 November 2001, the Discharger submitted a letter responding to the 12 October 2001 NOV. The letter stated that the golf course maintenance personnel had diverted water from a surface drainage course to fill the pond to ensure that there would be an adequate amount of water stored for the irrigation season. The Discharger stated that future diversions would be stopped when the level in the pond reaches two feet below the overflow level, and that two feet of freeboard would be maintained by irrigating the golf course.
13. On 18 April 2002, the Discharger was issued a second NOV for failure to meet the two foot freeboard requirement in the golf course storage pond during February and March 2002. The NOV

required the Discharger to submit a report by 30 May 2002 explaining how the storage pond will be better managed to meet the freeboard requirement prescribed in the WDRs.

14. On 26 June 2002, the Discharger submitted a letter responding to the 18 April 2002 NOV. The letter gives a brief description on how the effluent storage pond is managed, describes the irrigation season and usage rates, and provides estimates on the amount of effluent produced yearly from the WWTP. However, the letter did not adequately address all of the information staff required in the 18 April 2002 NOV.
15. On 13 August 2002, the Discharger submitted a letter stating that the WWTP has sufficient emergency storage and disposal capacity to accommodate 20 days volume of effluent that does not meet Title 22 standards. The Discharger's assumption is based on the current average dry weather flow of approximately 52,000 gpd, not on the permitted flow of 190,000 gpd. The Discharger states that 20 days of emergency storage will be provided by the existing leachfields and by the existing emergency storage basin. The Discharger assumes that the emergency storage basin can hold a flow of 21,000 gpd for 20 days, and still meet the two foot freeboard requirement. The Discharger also assumes that that approximately 45,000 gpd of wastewater can be disposed of to the leachfields without the leachfields failing. However, the 1 September 2000 "*Forest Meadows Wastewater Treatment and Disposal Facility 20 Day Emergency Storage Evaluation Report*" recommends that no more than 22,500 gpd of wastewater be discharged to the existing leachfields. Based on information provided by the Discharger, it does not appear that the leachfields can hold 45,000 gpd of wastewater, especially during the winter when the soil is already saturated with rainwater. Therefore, this Order requires the Discharger to complete a contingency plan to be used if wastewater must be diverted to the leachfields, and if the leachfields subsequently fail.
16. The Department of Health Services (DHS) has established statewide reclamation criteria (contained in Title 22, Division 4 of the California Code of Regulations) for the use of recycled wastewater. WDRs Order No. 5-00-066 implements the requirements of Title 22. Title 22 requires the submission of an Engineering Report to the DHS that describes the manner by which a project will comply with Title 22. The Discharger prepared a Title 22 Engineering Report in May 1999. However, the Engineering Report was not reviewed by the DHS and therefore this Order requires the Discharger to resubmit, and update if necessary, a Title 22 Engineering Report.
17. The Regional Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin River Basins (Basin Plan) establishes the beneficial uses of waters of the state and water quality objectives to protect those uses.
18. Surface water drainage is to Angels Creek, a tributary to the New Melones Reservoir. The beneficial uses of surface waters tributary to New Melones Reservoir are municipal and domestic supply; agricultural supply for irrigation and stock watering; industrial power supply; contact and noncontact recreation; warm and cold freshwater habitat; and wildlife habitat.
19. The Discharger has discharged waste in violation of its WDRs in part because the WWTP is not in compliance with Title 22 requirements, as described above. Due to the lack of adequate emergency storage capacity and the lack of freeboard at the golf course storage pond, the

Discharger has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that it threatens to create a condition of pollution or nuisance.

20. Section 13304(a) of the California Water Code provides that: “Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the water of the state, and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”
21. Section 13267(b) of the California Water Code provides that: “In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports”.
22. The technical reports required by this Order are necessary to ensure compliance with WDRs Order No. 5-00-066, Title 22 of the CCR, and this Cleanup and Abatement Order. The reports are also necessary to assure protection of public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.
23. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
24. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at www.swrcb.ca.gov/water_laws/index.html and will also be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13304, 13260, and 13267 of the California Water Code, Calaveras County Water District, Alston Financial, Inc., and EMC, Inc. shall cleanup and abate, forthwith, the WWTP such that all the requirements prescribed in WDRs Order No. 5-00-066 and Title 22 CCR are met. “Forthwith” means as soon as is reasonably possible.

1. Beginning **1 October 2002**, and continuing until this Order is rescinded, the Discharger shall submit monthly reports describing the status of compliance with each of the items listed below. In addition, the reports shall describe the status of land acquisition, CEQA documentation, draft

design documents, and construction schedules for the new emergency storage pond.

2. By **1 October 2002**, the Discharger shall submit a report explaining how the effluent storage pond will be managed to continuously meet the freeboard requirement prescribed in the WDRs. The report must at minimum address the following items and shall be signed by all three Dischargers:
 - How it is determined that the golf course can begin irrigating with reclaimed water in the late winter or early spring;
 - How it is determined that the stormwater diversion weirs need to be removed to allow surface water to enter the golf course pond;
 - How it will be determined that there is a sufficient amount of water contained in the effluent storage pond to meet golf course irrigation demands; and
 - If the two foot freeboard is encroached upon, what will be done to lower the pond level to meet the freeboard requirements prescribed in the WDRs.
3. By **1 October 2002**, the Discharger shall submit a contingency plan describing how it will store and/or alternatively dispose of inadequately treated wastewater if the leachfields fail. If the Discharger proposes to reduce flow into the system, then it shall give actual details of how and when it will impose this restriction on the Forest Meadows residents. The Discharger may also consider trucking off the waste. In no event shall inadequately treated wastewater (i.e., wastewater that does not meet the effluent limitations of WDRs Order No.5-00-066) be knowingly discharged to the golf course storage pond.
4. By **30 January 2003**, the Discharger shall submit a Facility Engineering Master Plan that evaluates projected future flows into the WWTP, determines limiting treatment, storage, and disposal factors at the current WWTP, identifies WWTP improvements and timelines for those improvements, and evaluates beneficial reuse of recycled water and future disposal options.
5. By **30 March 2003**, the Discharger shall submit a Revenue Plan that describes the costs associated with construction of the 20 day emergency storage pond and shows whether the Discharger has necessary funds to implement the improvements. Should the Revenue Plan show that there are inadequate funds, the Discharger must also include an implementation schedule that shows how the Discharger will raise the necessary funds for construction of this pond.
6. By **1 December 2003**, the Discharger shall submit a copy of the final design documents for the construction of the emergency storage pond. The design documents shall clearly show that the proposed pond will meet the requirements of Title 22 CCR and the WDRs, and will be large enough to contain at least the volume of waste allowed by the flow limitation of the WDRs.
7. By **1 December 2003**, the Discharger shall submit a Title 22 Engineering Report that contains the information listed in DHS March 2001 document “ *Guidelines for the Preparation of an Engineering Report for the Production, Distribution, and Use of Recycled Water* (Attachment C of this Order). This report shall be jointly completed, and the cover letter signed, by all three Dischargers.

8. By **1 January 2004**, the Discharger shall submit an updated RWD. The RWD consists of the Form 200-*Application/Report of Waste Discharge General Information* (Attachment A of this Order) and a technical report that will serve as the response to Sections VI and VII of Form 200. The technical report must address all items listed in Attachment B, "*Additional Information Requirements for Report of Waste Discharge.*" Since the Forest Meadows Golf Course is using the reclaimed water for irrigation, Alston Financial, Inc. and EMC, Inc. must also sign the Form 200.
9. By **1 November 2004**, the Discharger shall submit a report certifying that the emergency storage pond has been constructed and is ready for use.
10. The Discharger shall notify Regional Board staff within 24 hours of diversion of inadequately treated effluent (i.e., effluent which does not meet the limitations of WDRs Order No. 5-00-066) to the leachfields and/or emergency storage pond. If effluent is diverted, then the Discharger shall conduct daily inspections of the leachfields and emergency storage pond until such time as the diversions cease. Daily inspection results shall be reported in the monthly monitoring reports.

In addition to the above, the Discharger shall comply with the existing WDRs Order and all applicable provisions of the California Water Code that are not specifically referred to in this Order. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist and signed by the registered professional.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

This Order is effective upon the date of signature.

THOMAS R. PINKOS
Acting Executive Officer

29 August 2002
(Date)