

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2012-0705  
FOR  
COLUSA COUNTY MIGRANT HOUSING CAMP  
WASTEWATER TREATMENT FACILITY  
COLUSA COUNTY

This Order is issued to Colusa County Migrant Housing Camp based on provisions of Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region, (hereafter "Central Valley Water Board" or "Board") to issue a Cleanup and Abatement Order (CAO), and Water Code section 13267, which authorizes the Board to require the submittal of technical reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Colusa County (hereafter Discharger) owns and operates the Colusa County Migrant Housing Camp Wastewater Treatment Facility (WWTF). The treatment and disposal system consists of two ponds. On 24 March 1995, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order 95-067, which prescribes requirements for the treatment and disposal of 14,000 gallons per day of domestic wastewater.
2. The facility serves approximately 102 housing units, and is located at 400 Theater Road in the City of Williams, Section 13, T15N, R3W, MDB&M.
3. WDRs Order 95-067 states that the Discharger has an agreement with the City of Williams to accept wastewater from the camp.
4. Discharge Specification No. B.7 of the WDRs states: *"Ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the non-irrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow)."*
5. On 24 May 2007, the Executive Officer issued a Water Code section 13267 Order (the "13267 Order") to the Discharger for (a) non-submittal of monitoring reports, and (b) freeboard in the two wastewater ponds reported at less than two feet during the second quarter of 2006.
6. Among other things, the 13267 Order required the Discharger to (a) submit documentation showing that an influent flow meter had been installed and calibrated, and was fully operational by 30 October 2007, and (b) submit a Capacity Analysis Report by 30 November 2008 to demonstrate whether or not the facility had adequate storage

capacity to comply with requirements in WDRs Order 95-067. The Discharger did not comply with the 13267 Order.

7. In April 2010, following a phone conversation with the Discharger, Board staff received two letters regarding non-compliance with the 13267 Order. The Discharger stated they were not aware of the 13267 Order, and that if the freeboard in the ponds was less than two feet, the wastewater would have been pumped into the City of Colusa's wastewater system. In addition, the letters stated that the State Office of Migrant Housing had approved the plan to obtain the services of a Certified Treatment Plant Operator, and that an influent flow meter would be installed and calibrated by 30 September 2010, and the Capacity Analysis Report would be submitted by 31 October 2011.
8. In a 6 July 2010 response letter, Board staff indicated that they would not recommend enforcement if the influent flow meter was installed and calibrated by 30 September 2010, and if the Capacity Analysis Report was submitted by 31 October 2011.
9. On 5 January 2011, the Discharger submitted a technical memorandum which stated that the influent flow meter had been installed and was functional, and that the capacity analysis indicated that the wastewater ponds do not have adequate storage capacity based on both the normal and 100-year, 365 day annual precipitation scenarios. The memorandum also stated that, because of the need for sewer lift station improvements and due to flow restrictions in the service connection agreement, the County would not be able to pump any excess wastewater to the City of Williams WWTF.
10. A 17 March 2011 response letter from the Board required the Discharger to either: (a) make the necessary improvements to the WWTF to increase the pond storage capacity to comply with WDRs Order 95-067, or (b) complete the necessary upgrades to the existing sewage lift station in order to adequately and reliably convey wastewater to the City of Williams WWTF.
11. On 16 December 2011, the Discharger submitted a plan and schedule to upgrade the sewer lift station, convey its wastewater to the City of Williams, and work with the City to modify the service agreement to allow for additional flows. However, subsequent pressure testing of the sewer force main determined that it was unreliable and needed to be replaced.
12. The Discharger and City are in the process of jointly pursuing a Community Development Block Grant (CDBG) to assist with funding the improvements to upgrade the lift station, replace the sewer force main, and decommission the existing wastewater ponds.
13. On 16 February 2012, the Discharger and the City met with Board staff to discuss the plan and schedule to complete the sewer force main replacement project and decommission the two stabilization/equalization ponds. The Discharger indicated that the project completion date is dependent on the obtaining the necessary funding to complete the project. The City, which owns and operates the sewer force main, indicated that it did not have the funds to repair or replace the force main. The Discharger indicated that the funding cycle for the CDBG is as follows: (a) application submittal by 6 April 2012, (b) a

decision regarding awarding the funds by June 2012, and (c) the allocation of the funds by the fall of 2012. The sewer force main replacement project would then be completed by April 2013.

14. As described in the Findings, the Discharger's WWTF does not have adequate storage or disposal capacity to comply with Discharge Specification B.7 of WDRs Order 95-067, and before the Migrant Camp can discharge into the City of Williams collection system, approximately 1,800 feet of sewer force main is in need of repairs and/or replacement. Therefore, this CAO is necessary to provide formal, enforceable timelines to bring the facility into compliance.

### REGULATORY CONSIDERATIONS

16. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Board. Pursuant to Water Code section 13263(a), waste discharge requirements must implement the Basin Plan.
17. Surface water drainage is to Salt Creek, a tributary to a freshwater creek that flows into the Colusa Basin Drain. The Basin Plan designates the beneficial uses of the Colusa Basin Drain as agricultural supply; water contact recreation including canoeing and rafting; warm freshwater habitat; cold freshwater habitat; migration of warm water aquatic organisms; spawning, reproduction, and/or early development of warm water aquatic organisms; and wildlife habitat.
18. The beneficial uses of the underlying groundwater are municipal, domestic, agricultural supply, industrial service supply, and industrial process supply.
19. Water Code section 13304(a) states, in relevant part:

Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement 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 waters 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 the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.
20. Water Code section 13267(b) states, in relevant part:

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 ... 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.

The technical reports required by this CAO are necessary to ensure compliance with this CAO and WDRs Order 95-067, and to ensure the protection of water quality. The Discharger is subject to these requirements because the Discharger owns and operates the facility that discharges waste subject to this CAO and WDRs Order 95-067.

21. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15321(a)(2).

**IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13304 and 13267, Colusa County shall cleanup and abate the Colusa County Migrant Housing Camp WWTF in accordance with the scope and schedule set forth below in order to comply with WDRs Order 95-067.

Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

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 Professional Geologist and signed by the registered professional.

1. By **10 April 2012**, the Discharger shall submit a signed copy of the revised service agreement with the City of Williams. In addition, the Discharger shall provide a signed copy of the completed CDBG application, or any other applications that have been submitted to obtain the funds to upgrade the sewer lift station, complete the sewer force main replacement project, and decommission the wastewater ponds.
2. By **1 May 2012**, the Discharger shall submit and implement as necessary an *Interim Spill Contingency Plan* containing interim measures to avoid pond freeboard violations, and prevent unauthorized discharges of wastewater to surface waters and surface water drainage courses. The Plan shall remain in effect until the force main replacement project and the decommissioning of the wastewater ponds has been completed. The *Interim Spill Contingency Plan*, at a minimum, shall consider options including, but not limited to: operational adjustments to draw down the wastewater pond levels, sandbagging the pond berms, enhanced evaporation, water conservation measures, trucking effluent to another properly permitted facility, or any other short-term measures to prevent discharges to

surface waters. The *Interim Spill Contingency Plan* must identify the selected alternatives, and for each alternative, specify all necessary materials, staffing, and equipment required for implementation.

3. By **15 July 2012**, the Discharger shall provide a *Project Funding Status Report* in regards to the CDBG funding to complete the sewer force main replacement project and the decommissioning of the wastewater ponds.
4. By **15 August 2012**, the Discharger shall submit an *Alternative Funding and Compliance Plan* that describes other measures to be taken to obtain the funds necessary to increase the storage and disposal capacity at the WWTF and comply with WDRs Order 95-067, or to repair/replace the sewer force main between the lift station and the City of Williams WWTF. The *Alternative Funding and Compliance Plan* is only required if the *Project Funding Status Report* indicates that the Discharger will not be granted funds through the CDBG.
5. By **1 November 2012**, the Discharger shall provide a *Project Funding Report* showing that it has secured the funds necessary to upgrade the sewer lift station, complete the sewer force main replacement project, and decommission the wastewater ponds.
6. By **1 November 2012**, the Discharger shall submit a *Sewer Force Main Design Plan*. The *Sewer Force Main Design Plan* shall provide specific details regarding upgrades to the lift station and replacing the sewer force main. The *Sewer Force Main Design Plan* shall include a timeline for completing the work which shall not extend beyond **1 July 2013**.
7. By **1 November 2012**, the Discharger shall submit a *Pond Decommissioning Workplan* that includes, at a minimum, the following information: (a) estimated volume of biosolids in each of the ponds, (b) methods that will be used to remove the biosolids from the ponds, (c) proposed verification sampling locations and analysis methods following removal of biosolids from the ponds, (d) proposed background sampling locations, and analysis methods, (e) method of biosolids disposal and the location where biosolids are to be disposed, and (f) plans for backfilling the ponds and final grading of the pond areas.
8. By **1 December 2012**, the Discharger shall submit a copy of the *Notice of Award* of the construction contract to upgrade the lift station, replace the sewer force main, and decommission the wastewater ponds.
9. By **1 July 2013**, the Discharger shall submit a *Sewer Force Main Completion Report*. The report shall provide documentation showing that (a) the sewer lift station has been upgraded, and (b) the force main from the lift station to the City of Williams WWTF has been replaced, and (c) wastewater is no longer entering the Migrant Housing Camp ponds.
10. By **1 July 2013**, the Discharger shall submit a *Pond Decommissioning Report* that provides results of the pond closure activities.

11. **Beginning 1 July 2012**, and quarterly thereafter (i.e., on 1 January, 1 April, 1 July, and 1 October of each year), the Discharger shall submit progress reports describing the work completed to date regarding the tasks described above, including progress towards securing the project funding.
12. In addition to the above, the Discharger shall comply with WDRs Order 95-067 and all applicable provisions of the Water Code that are not specifically referred to in this Order.

If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer.

If 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. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to Water Code sections 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley 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 this 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

This Order is effective upon the date of signature.

*Original signed by*

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PAMELA C. CREEDON, Executive Officer

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(Date)