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## Central Valley Regional Water Quality Control Board

23 August 2018

WDID: 5A041034001

Toribio & Luis Gutierrez  
Gutierrez Property, Hwy 99 Chico  
1043 Samoline Ave  
Downey, CA 90241

**CERTIFIED MAIL:**  
7017 3040 0001 0264 9556

### **NOTICE OF APPLICABILITY, WATER QUALITY ORDER NO. 2014-0153-DWQ-R5285, GUTIERREZ PROPERTY, HWY 99, BUTTE COUNTY**

On 24 July 2018 Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff inspected the wastewater facilities at Toribio Gutierrez sewage ponds, Chico (Gutierrez Property, Hwy 99), hereafter "Discharger", located at 15430 Hwy 99, Butte County. Based on the site inspection and a case file review, the facility treats and disposes of less than 100,000 gallons per day (gpd) of wastewater, and is therefore eligible for coverage under the general and specific conditions of State Water Resources Control Board (State Water Board) Water Quality Order 2014-0153-DWQ General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (General Order). This letter serves as formal notice that the General Order is applicable to your facility and the wastewater discharge described below. You are hereby assigned General Order 2014-0153-DWQ-R5285 for your facility.

You can also find the General Order on the State Water Board's website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2014/wqo2014\\_0153\\_dwq.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0153_dwq.pdf)

You should familiarize yourself with the entire General Order that you were given during the 24 July 2018 inspection and its attachments enclosed with this letter, which prescribe mandatory discharge and monitoring requirements. Sampling, monitoring, and reporting requirements that are applicable to your treatment and disposal methods must be completed in accordance with the sections of the General Order and the attached Monitoring and Reporting Program (MRP). This MRP was developed after consideration of your treatment system infrastructure and site conditions described in the attached Technical Memorandum.

#### **REGULATORY BACKGROUND**

The Discharger's wastewater treatment and disposal system is currently regulated under individual Waste Discharge Requirements (WDRs) Order 99-045. The WDRs are considered backlogged because the renewal date has passed.

#### **FACILITY AND DESCRIPTION**

The Gutierrez Property is located in Section 14, T23N, R1W, MDB&M with surface water drainage to Pine Creek, an indirect tributary of the Sacramento River, as shown on Attachment A.

Luis Gutierrez, facility manager, is the person responsible for general operation and maintenance of the wastewater treatment system for the Gutierrez Property, Hwy 99 Chico. The wastewater system consists of gravity flow lines, 4 septic tanks and two wastewater disposal ponds, receiving approximately 2,500 gpd of wastewater. This is an existing facility; therefore enrollment under the General Order is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301 which applies to ongoing or existing projects.

**FACILITY SPECIFIC REQUIREMENTS**

The Discharger will maintain exclusive control over the discharge, and shall comply with the terms and conditions of this Notice of Applicability (NOA) and the General Order 2014-0153-DWQ-R5285, with all attachments.

The General Order states in Section B.1.L that the discharger shall comply with the setbacks as described in Table 3. The following applicable setback requirements form Table 3, with which the Discharger shall comply:

**Table 3: Summary of Wastewater System Setbacks**

Site Specific Applicable Setback Requirements					
Equipment or Activity	Domestic Well	Flowing Stream <sup>a</sup>	Ephemeral Stream Drainage <sup>b</sup>	Property Line	Lake or Reservoir <sup>d</sup>
Septic Tank, Aerobic Treatment Unit, Treatment System, or Collection System <sup>e</sup>	150 ft. <sup>y</sup>	N/A	50 ft.	5 ft. <sup>c, z</sup>	N/A
Wastewater Storage and/or Treatment Ponds					
Impoundment (Undisinfected secondary recycled water) <sup>i</sup>	150 ft. <sup>s</sup>	N/A	130 ft.	25 ft. <sup>1</sup>	N/A

N/A denotes Not Applicable, as the defined feature is not found within the general area of the facility.

- <sup>a</sup> A flowing stream shall be measured from the ordinary high water mark established by fluctuations of water elevation and indicated by characteristics such as shelving, changes in soil character, vegetation type, presence of litter or debris, or other appropriate means.
- <sup>b</sup> Ephemeral Stream Drainage denotes a surface water drainage feature that flows only after rain or snow-melt and does not have sufficient groundwater seepage (baseflow) to maintain a condition of flowing surface water. The drainage shall be measured from a line that defines the limit of the ordinary high water mark (described in “a” above). Irrigation canals are not considered ephemeral streams drainage features. The ephemeral stream shall be a “losing stream” (discharging surface water to groundwater) at the proposed wastewater system site.
- <sup>c</sup> Setback established by California Plumbing Code, Table K-1.
- <sup>d</sup> Lake or reservoir boundary measured from the high water line.
- <sup>e</sup> Septic Tank, Aerobic Treatment Unit, Treatment System, or Collection System addresses equipment located below ground or that impedes leak detection by routine visual inspection.
- <sup>i</sup> Undisinfected secondary recycled water is defined in California Code of Regulations, title 22, section 60301.900.
- <sup>s</sup> Setback established by California Code of Regulations, title 22, section 60310(d).
- <sup>z</sup> Collection system to property line setback is not applicable.
- <sup>1</sup> Initial set back requirements of 50 feet was waived in accordance with Section B.1, l.(v).

General Order Section B.1.I also states that, "...some existing sites may not comply with the setbacks provided herein. Such non-complying sites may be permitted under this General Order if nuisance conditions do not result from the non-compliance." Therefore, pursuant to the General Order, this does not require compliance with the impoundment to property line setback, and finds that the setback is not applicable.

Failure to comply with the requirements in the documents could result in an enforcement action as authorized by provisions of the California Water Code. Discharge of wastes other than those described in this NOA is prohibited. If the method of waste disposal changes from that described in this NOA, you must submit a new Report of Waste Discharge describing the new operation.

The required annual fee specified in the annual billing from the State Water Board shall be paid until this NOA is officially terminated. You must notify this office in writing if the discharge regulated by the General Order ceases, so that we may terminate coverage and avoid unnecessary billing.

Facility Information	
Facility Name	Gutierrez Property, Hwy 99
Program	WDR
Order Number	WQ 2014-0153-DWQ-R5285
WDID	5A041034001
Design Flow	N/A
Threat and Complexity	3C
Monitoring Requirements	Yes

Billing Information	
Name	Toribio & Luis Gutierrez
Contact	Luis Gutierrez
Email	gutierrez7519@yahoo.com
Address	1043 Samoline Ave, Downey, CA 90241
Phone	(323) 559 7519

The Central Valley Water Board has gone to a Paperless Office System. All regulatory documents, MRPs, submissions, materials, data, monitoring reports, and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50MB should be emailed to: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov).

Documents that are 50MB or larger should be transferred to a disk and mailed to the appropriate regional water board office, in this case 364 Knollcrest Drive, Suite 205, Redding, CA 96002. To ensure that your submittals are routed to the appropriate staff, the following information block should be included in any email used to transmit documents to this office:

Program: Non-15

WDID: 5A041034001

Facility Name: Gutierrez Property, Hwy 99

Order: 2014-0153-DWQ-R5285

**Please note that WDRs Order No. 99-045 is proposed to be rescinded at the 4/5 October 2018 meeting of the Central Valley Water Board.** Upon rescission of your individual WDRs,

coverage for your facility under the General Order shall go into effect subject to this Notice of Applicability.

If you have any questions regarding submitting an updated Report of Waste Discharge, making changes to your permitted operations, compliance or enforcement please contact Ron S. Falkowski at (530) 224-3227, [rsfalkowski@waterboards.ca.gov](mailto:rsfalkowski@waterboards.ca.gov), or the footer address.

*Original signed by George Low*

(for) Patrick Pulupa, Executive Officer

RSF: ch

Attachments: Attachment A – Site Location Map  
Attachment B – Facility Map  
Technical Memorandum  
Monitoring and Reporting Program

cc w/o enc: Tim O'Brien, State Water Board, Sacramento  
Butte County Environmental Health Department, Chico  
David Lancaster, SWRCB, Office of Chief Counsel, Sacramento

ORDER R5-2014-0153-DWQ-R5285  
GUTIERREZ PROPERTY, HWY 99  
WASTEWATER TREATMENT/DISPOSAL PONDS  
BUTTE COUNTY

**ATTACHMENT A - LOCATION MAP**



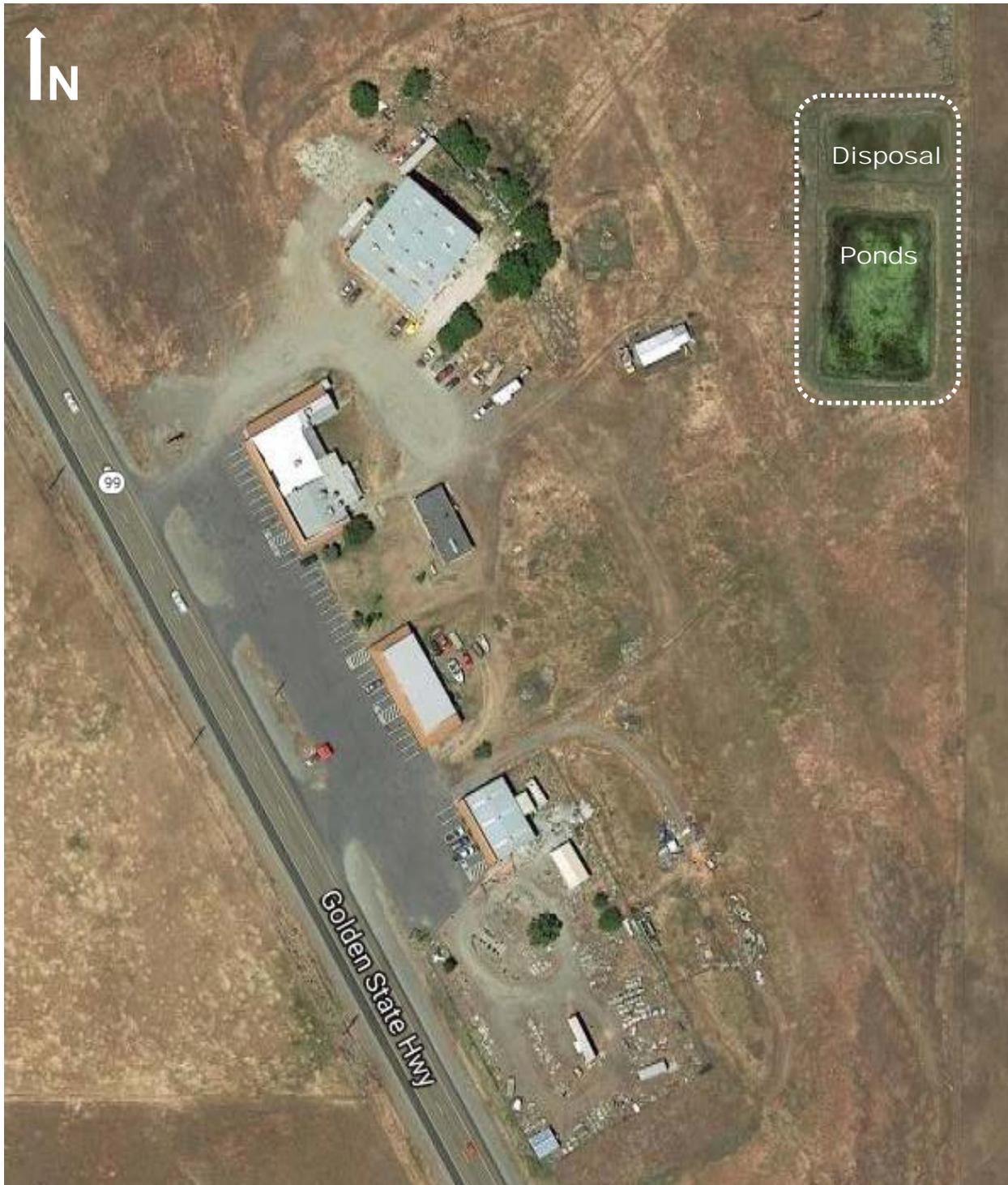
DRAWING REFERENCE:  
GOOGLE EARTH  
MAP DATA: © 2016 GOOGLE  
NO SCALE

**LOCATION MAP**

GUTIERREZ PROPERTY, HWY 99  
WASTEWATER TREATMENT/DISPOSAL PONDS  
BUTTE COUNTY

ORDER 2014-0153-DWQ-R5285  
GUTIERREZ PROPERTY, HWY 99  
WASTEWATER TREATMENT/DISPOSAL FACILITY  
BUTTE COUNTY

**ATTACHMENT B – FACILITY MAP**



DRAWING REFERENCE:  
GOOGLE EARTH  
MAP DATA: © 2016 GOOGLE  
NO SCALE

FACILITY MAP  
GUTIERREZ PROPERTY, HWY 99  
WASTEWATER TREATMENT/DISPOSAL FACILITY  
BUTTE COUNTY

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Central Valley Regional Water Quality Control Board

**TECHNICAL MEMORANDUM**

**TO:** George Low, PG  
Senior Engineering Geologist

**FROM:** Ron Falkowski  
Engineering Geologist

**DATE:** 23 August 2018

**SIGNATURE:** Original signed by Ron Falkowski

**SUBJECT: REVIEW OF NITRATE AND SETBACK CONDITIONS FOR TORIBIO GUTIERREZ PROPERTY, WDR ORDER 99-045, BUTTE COUNTY**

I have reviewed the case file for Gutierrez Property Hwy 99, Chico and conducted an inspection of the facility on 24 July 2018. The file documents and inspection indicate the general condition of the wastewater treatment system. The Discharger has kept adequate maintenance documentation and the collection/disposal infrastructure generally appears in good order.

The average daily wastewater flow from the 4 commercial sites and one manufactured home is less than 2,500 gallons per day. The two ponds have a design capacity which is above the storage volume required by the existing community. The dissolved oxygen levels are monitored at the first wastewater treatment pond.

**Potential Threats to Water Quality**

The wastewater treatment system is located southeast corner of the main community complex. The closest distance from the wastewater ponds to the nearest property line is approximately 25 feet. Although this distance is less than the 50 feet recommended by General Order 2014-0153-DWQ (General Order), the wastewater berm is in a condition that will protect adjacent properties from impact and the setback limits should be waived as described by Requirements Section B.1, I.(v) of the General Order. The closest potable water well is greater than 500 feet from the wastewater ponds. The closest surface water is greater than 50 feet from evaporation pond. With adequate soil depth (20-30 Ft.), low flow volumes and being predominately surrounded by agricultural land; no groundwater monitoring network has been established. Completion of the Nitrate Checklist in Attachment 1 of the General Order indicates the following flow and rationale:

A1 Exceed 20,000 gpd? No.

Wastewater flow generally less than 2,500 gpd.

Conclusion: No nitrogen removal is required.

**Monitoring Requirements**

To protect water quality, a monitoring program similar to the existing Order should be instituted. General pond requirements would be sufficient monitor physical condition of the system (Freeboard, Odor, Rodent control, etc.). Effluent Limitation described in Table 4 are not applicable because 1) the BOD and TSS limits are only applicable to land application or subsurface disposal, and 2) Nitrate Limits are not required due to environmental and design conditions. I recommend the Gutierrez Property wastewater system be monitored for Freeboard, and Flow to ensure the limits of the General Order are met.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM 2014-0153-DWQ-R5285

FOR

WASTE DISCHARGE REQUIREMENTS  
GUTIERREZ PROPERTY, HWY 99 CHICO  
BUTTE COUNTY

This Monitoring and Reporting Program (MRP) describes requirements for monitoring a wastewater treatment system. This MRP is issued pursuant to Water Code section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Quality Control Board (Regional Water Board) Executive Officer.

The State Water Resources Control Board (State Water Board) and Regional Water Boards are transitioning to the paperless office system. In some regions, Dischargers will be directed to submit reports (both technical and monitoring reports) to the State Water Board's Electronic Content Management (ECM) database via email in portable document format (pdf). The email address for the ECM submittal is: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov)

Water Code section 13267 states, in 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, 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.”

Water Code section 13268 states, in part:

“(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with article 2.5 (commencing with section 13323) of chapter 5 for a violation of subdivision (a) in

an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”

The Discharger owns and operates the wastewater system that is subject to the Notice of Applicability (NOA) of Water Quality Order 2014-0153-DWQ. The reports are necessary to ensure that the Discharger complies with the NOA and General Order. Pursuant to Water Code section 13267, the Discharger shall implement this MRP and shall submit the monitoring reports described herein.

All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The name of the sampler, sample type (grab or composite), time, date, location, bottle type, and any preservative used for each sample shall be recorded on the sample chain of custody form. The chain of custody form must also contain all custody information including date, time, and to whom samples were relinquished. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Regional Water Board staff.

Field test instruments (such as those used to test pH, dissolved oxygen, and electrical conductivity) may be used provided that they are used by a State Water Board California Environmental Laboratory Accreditation Program certified laboratory, or:

1. The user is trained in proper use and maintenance of the instruments;
2. The instruments are field calibrated prior to monitoring events at the frequency recommended by the manufacturer;
3. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
4. Field calibration reports are maintained and available for at least three years.

### SEPTIC TANK MONITORING

Monitoring of septic tank shall include the following:

Parameter	Units	Sample Type	Sampling Frequency	Reporting Frequency
Flow Rate	gpd	Metered <sup>a</sup>	Continuous	Annually

gpd denotes gallons per day.

<sup>a</sup>. Flow rate may be metered or estimated based on potable water supply meter readings or other approved method.

Septic tanks shall be inspected and/or pumped at least as frequently as described below. Inspections of sludge and scum depth are not required if the tanks are pumped at least annually.

Parameter	Units	Measurement Type	Inspection/Reporting Frequency
Sludge depth and scum thickness in each compartment of each tank	Feet	Staff Gauge	Annually
Distance between bottom of scum layer and bottom of outlet device	Inches	Staff Gauge	Annually
Distance between top of sludge layer and bottom of outlet device	Inches	Staff Gauge	Annually
Effluent filter condition (if equipped, clean as needed)	NA	NA	Annually

NA denotes not applicable.

Septic tanks shall be pumped when any one of the following conditions exists:

1. The combined thickness of sludge and scum exceeds one-third of the tank depth of the first compartment.
2. The scum layer is within 3 inches of the outlet device.
3. The sludge layer is within 8 inches of the outlet device.

If a septic tank is pumped during the year, the pumping report shall be submitted with the annual report. All pumping reports shall be submitted with the next regularly scheduled monitoring report. At a minimum, the record shall include the date, nature of service, service company name, and service company license number.

## POND SYSTEM MONITORING

### Wastewater Pond Monitoring

All wastewater and treated wastewater storage ponds (lined and unlined) shall be monitored as specified below:

<u>Constituent</u>	<u>Units</u>	<u>Sample Type</u>	<u>Sample Frequency</u>	<u>Reporting Frequency</u>
Freeboard	0.1 feet	Measurement	Monthly	Quarterly
Odors	--	Observation	Monthly	Quarterly
Berm condition	--	Observation	Monthly	Quarterly

mg/L denotes milligrams per liter.

## SOLIDS DISPOSAL MONITORING

The Discharger shall report the handling and disposal of all solids (e.g., screenings, grit, sludge, biosolids, etc.) generated at the wastewater system. Records shall include the name/contact information for the hauling company, the type and amount of waste transported, the date removed from the wastewater system, the disposal facility name and address, and copies of analytical data required by the entity accepting the waste. These records shall be submitted as part of the annual monitoring report.

## REPORTING

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, sample type (e.g., effluent, solids, etc.), and reported analytical or visual inspection results are readily discernible. The data shall be summarized to clearly illustrate compliance with the General Order and NOA as applicable. The results of any monitoring done more frequently than required at the locations specified in the MRP shall be reported in the next regularly scheduled monitoring report and shall be included in calculations as appropriate.

During the life of this General Order, the State Water Board or Regional Water Board may require the Discharger to electronically submit monitoring reports using the State Water Board's California Integrated Water Quality System (CIWQS) program Internet web site or alternative database. Electronic submittal procedures will be provided when directed to begin electronic submittals. Until directed to electronically submit monitoring reports, the Discharger shall submit hard copy monitoring reports.

### A. Quarterly Monitoring Reports

Quarterly reports shall be submitted to the Regional Water Board on the **first day of the second month after the quarter ends** (e.g. the January-March Quarterly Report is due by May 1<sup>st</sup>). The reports shall bear the certification and signature of the Discharger's authorized representative. At a minimum, the quarterly reports shall include:

1. Results of all required monitoring.
2. A comparison of monitoring data to the discharge specifications, applicable effluent limits, disclosure of any violations of the NOA and/or General Order, and an explanation of any violation of those requirements. (Data shall be presented in tabular format.)

3. If requested by staff, copies of laboratory analytical report(s) and chain of custody form(s).

## **B. Annual Report**

Annual Reports shall be submitted to the Regional Water Board by **March 1<sup>st</sup> following the monitoring year**. The Annual Report shall include the following:

1. Tabular and graphical summaries of all monitoring data collected during the year.
2. An evaluation of the performance of the wastewater treatment facility, including discussion of capacity issues, nuisance conditions, system problems, and a forecast of the flows anticipated in the next year. A flow rate evaluation as described in the General Order (Provision E.2.c) shall also be submitted.
3. If disinfection with ultraviolet light is performed, describe disinfection system maintenance activities performed in the calendar year. The description shall address inspections performed, lamp bulb replacement, lamp sleeve cleaning, and manufacturer recommended maintenance activities.
4. A discussion of compliance and the corrective action taken, as well as any planned or proposed actions needed to bring the discharge into compliance with the NOA and/or General Order.
5. A discussion of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.
6. The name and contact information for the wastewater operator responsible for operation, maintenance, and system monitoring.
7. A groundwater monitoring report prepared by a California licensed professional. This report may be prepared separately from the rest of the Annual Report. The report shall contain an analysis of groundwater data collected during the year. The analysis shall include a description of the sample events, copies of the field logs, purge method and volume, groundwater elevation and trend, a groundwater elevation map for each sample event, summary tables showing results for parameters measured, comparison of groundwater quality parameters to standards in the NOA, chain-of-custody forms, calibration logs for field equipment used, and a general evaluation of any impacts the wastewater discharge is having on groundwater quality.

A letter transmitting the monitoring reports shall accompany each report. The letter shall report violations found during the reporting period, and actions taken or planned to correct the violations and prevent future violations. The transmittal letter shall contain the following penalty of perjury statement and shall be signed by the Discharger or the Discharger's authorized agent:

"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 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."

The Discharger shall implement the above monitoring program as of the date of this MRP.

Ordered by:

*Original signed by George Low (for)*

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PATRICK PULUPA, Executive Officer

23 August 2018

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(Date)