

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2002-0158

REQUIRING
TRUSTEES OF U.A. LOCAL 38 CONVALESCENT TRUST FUND
KONOCTI HARBOR RESORT & SPA
LAKE COUNTY

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), finds:

1. On 6 September 2002, the Regional Board adopted Waste Discharge Requirements Order No.R5-2002-0157, National Pollution Discharge Elimination System (NPDES) No. CA0083551, prescribing waste discharge requirements for the Trustees of U.A. Local 38 Convalescent Trust Fund (hereafter Discharger), Konocti Harbor Resort & Spa, in Lake County. Until adoption of this most recent Order, the facility has been operating under Waste Discharge Requirements, Order No. 94-288.
2. Water is extracted from Clear Lake and used for non-contact cooling water (transported through a closed pipe system that passes through a heat exchanger) and is then discharged back to Clear Lake. The average daily discharge flow is 0.216 million gallons per day (mgd).
3. Based on intake water sampling and the concentration capabilities of cooling water systems, the Discharger threatens to violate Effluent Limitations for Electrical Conductivity (EC), Total Dissolved Solids (TDS), and Aluminum, prescribed in Order No. R5-2002-0157, in part, as follows:

“B. Effluent Limitations:

1. *Effluent shall not exceed the following limitations:*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>4-Day Average</u>	<u>1-Hour Average</u>	<u>Daily Maximum</u>
EC	µmhos/cm	700	1,600			2,000
TDS	mg/l	500	1,000			1,500
Aluminum	µg/l		87	750		

4. Previous Order No. 94-288 includes the following Waste Discharge Requirements, in part:

“G. Provisions:

5. *The Discharger shall comply with the attached Monitoring and Reporting Program No. 94-288, which is part of this Order, and any revisions thereto, as ordered by the Executive Officer.”*

The Discharger has failed to submit monitoring reports and/or has submitted incomplete monitoring reports. A review of monitoring reports for 2000 and 2001 reveal that the Discharger failed to conduct the required monitoring of the cooling water discharge and the receiving water. Monitoring Reports for 2002 could not be located, suggesting they were not submitted. The Discharger threatens to continue to violate Waste Discharge Requirements by failing to submit monitoring reports.

5. *On 6 September 2002, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.*
6. *Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.*
7. *Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days from the date that the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.*

IT IS HEREBY ORDERED THAT:

1. The Trustees of U.A. Local 38 Convalescent Trust Fund shall comply with the following schedule to achieve compliance with Waste Discharge Requirements, Order No. R5-2002-0157, Effluent Limitations B-1, for EC, TDS, and Aluminum:

<u>Task</u>	<u>Compliance Date</u>
Submit Plan for EC, TDS, and Aluminum Compliance	1 year after permit adoption
Begin Implementation	1 year and 6 months after permit adoption
Full Compliance with Effluent Limitations	2 years after permit adoption

The Discharger shall submit to the Regional Board on or before each compliance date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Board by letter when it returns to compliance with the compliance schedule.

2. As a means for determining progress toward compliance, the Trustees of U.A. Local 38 Convalescent Trust Fund shall, beginning **1 December 2002 and quarterly thereafter**, submit

quarterly progress reports to the Regional Board describing actions taken to achieve compliance with Waste Discharge Requirements, Order No. R5-2002-0157.

3. The Discharger shall immediately comply with the requirements of Monitoring and Reporting Program Order No. R5-2002-0157.
4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 6 September 2002.

Ordered by: _____
THOMAS R. PINKOS, Executive Officer