

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2008-0166

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2002-0157  
FOR  
TRUSTEES OF U.A. LOCAL 38 CONVALESCENT TRUST FUND  
KONOCTI HARBOR RESORT AND SPA  
LAKE COUNTY

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

1. On 6 September 2002, the Central Valley Regional Water Quality Control Board (Regional Water Board) adopted Waste Discharge Requirements (WDRs) Order No. R5-2002-0157 and Cease and Desist Order (CDO) No. R5-2002-0158, prescribing requirements for the Trustees of U.A. Local 38 Convalescent Trust Fund (hereafter Discharger) to discharge treated domestic wastewater to land and non-contact cooling water to Clear Lake. Order No. R5-2002-0157 is a permit to discharge wastes to surface waters in accordance with the National Pollutant Discharge Elimination System (NPDES No. CA0083551).
2. CDO No. R5-2002-0158 provided a compliance date of 6 September 2004 for the Discharger to comply with electrical conductivity (EC), total dissolved solids (TDS), and aluminum effluent limitations for non-contact cooling water discharged to Clear Lake, as specified in Section B. 1 of the NPDES Permit.
3. In a 17 January 2003 letter, the Discharger stated that the cooling system was replaced with a closed-loop cooling tower system that does not require waste discharges, and the discharge of non-contact cooling water to Clear Lake had completely ceased as of that date.
4. The Discharger has not submitted a complete Report of Waste Discharge to apply for revised WDRs for the domestic wastewater treatment facility (WWTF) and has not yet installed the groundwater monitoring wells required by Order. No R5-2002-0157. However, there have been no significant changes to the WWTF or discharge, so a full Report of Waste Discharge is not necessary.
5. Order No. R5-2002-0157 found the discharge consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16 (the "Antidegradation Policy"). This Resolution does not authorize an increase in discharge or change in discharge location, and therefore is in accordance with the Antidegradation Policy.
6. Given the foregoing, it is reasonable and appropriate to amend Order No. R5-2002-0157 to rescind authorization of surface water discharge under the NPDES Program, rescind CDO No. R5-2002-0158, and to amend the concomitant limitations and provisions, where appropriate, to allow the balance of WDR Order No. R5-2002-0157 to continue in full force.

7. The action to amend WDRs Order No. R5-2002-0157 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) because it involves no expansion of the project (14 California Code of Regulations (CCR) section 15301); it is an action taken by a regulatory agency to assure the protection of the environment; and the regulatory process involves procedures for protection of the environment (14 CCR section 15308).
8. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
9. The Regional Water Board, in a public meeting, heard, and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED** that WDRs No. R5-2002-0157 is amended to rescind NPDES Permit No. CA0083551 and to add certain discharge requirements and provisions; and that CDO No. R5-2002-0158 is rescinded. Pursuant to Sections 13263 and 13267 of the California Water Code, the Trustees of U.A. Local 38 Convalescent Trust Fund, their agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with amended Order No. R5-2002-0157 as follows:

### **Findings**

1. Findings 4 through 17 (inclusive), 24, 26, 34, and 38 are deleted.

### **Discharge Prohibitions**

2. Discharge Prohibition A.2 is replaced with the following: "The bypass or overflow of wastes is prohibited except as allowed by Standard Provision and Reporting Requirements for Waste Discharge Requirements, dated 1 March 1991."
3. Discharge Prohibition A.4 is added as follows: "Discharge of wastes from any portion of the WWTF and the sanitary sewer system) to surface waters or surface water drainage courses is prohibited."

### **Effluent Limitations**

4. Section B, Effluent Limitations, is deleted and void.

### **Receiving Water Limitations**

5. Section D, Receiving Water Limitations, is deleted and void.

### Groundwater Limitations

6. Section E, Groundwater Limitations, is replaced with the following:

“E.1 The discharge shall not cause groundwater to:

- a. Contain pollutants in concentrations greater than the applicable water quality objective for the designated beneficial uses or greater than natural background quality, whichever is greater. Note that background groundwater quality has not yet been established for the site.
- b. Exhibit a pH of less than 6.5 or greater than 8.4 pH units.
- c. Impart taste, odor, toxicity, or color that creates nuisance or impairs any beneficial use.”

### Provisions

7. Provisions G.3 through G.8, G.10, G.15, and G.16 are deleted and void.

8. Provision G.12 is amended to replace reference to “*Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES), dated 1 March 1991*” with “*Standard Provisions and Reporting Requirements for Waste Discharge Requirements, dated 1 March 1991*, (hereafter referred to as Standard Provisions).

9. Provision G.13 is replaced with the following:

“The Discharger shall comply with Monitoring and Reporting Program No. R5-2002-0157, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.”

10. Provision G.17 is amended to replace reference to “*The statement shall comply with the signatory paragraph of Standard Provision D.6...*” with “*The statement shall comply with the signatory paragraph of Standard Provision B.3...*”

11. Provision G.18 is added with the following: “The following reports shall be submitted pursuant to Section 13267 of the California Water Code and shall be prepared as described in Provision G.20:

- a. By **30 December 2008**, the Discharger shall submit a *Monitoring Well Installation Report* prepared in accordance with, and including the items listed in the second section of Attachment A, “*Monitoring Well Workplan and Monitoring Well Installation Report Requirements*.” The report shall describe the installation of at least three monitoring wells in the locations specified in the previously approved Monitoring Well Installation Workplan. The wells shall be designed to monitor potential shallow groundwater within the material above the bedrock interface. At least one well shall be upslope of the WWTF, and at least two shall be downslope of the WWTF.

- b. By **30 March 2009**, the Discharger shall certify compliance with Provision G.21 in writing and shall submit a copy of the operator certificate(s).
- c. By **30 July 2009**, the Discharger shall submit an *Operation and Maintenance Plan* (O&M Plan) for the WWTF. A copy of the O&M Plan shall be kept at the facility for reference by operating personnel and key personnel shall be familiar with its contents. The O&M Plan shall provide the following:
  - i. Operation and Control of Wastewater Treatment - A description of the wastewater treatment equipment; operational controls; treatment requirements/effluent limitations; flow diagrams including valve/gate locations; operation of the treatment systems during start-up, normal operation, by-pass, shut-down, and draining procedures; potential operational problems including a troubleshooting guide.
  - ii. Sludge Management - A description of the frequency of and procedure for evaluating sludge accumulations in the ponds, and determining when sludge removal is needed to ensure adequate capacity and optimal operation of the WWTF.
  - iii. Personnel - Recommended staffing requirements, staff qualifications, training requirements and schedule, and operator certification requirements.
  - iv. Maintenance – Maintenance procedures, equipment record system, scheduling and use of the maintenance record system, inventory system, special tools, warranty provisions and expiration dates, maintenance cost and budgeting system, maintenance schedule of all equipment including lubricants, filters, UV bulbs, etc.
  - v. Emergency Response – A description of the vulnerability analysis including emergencies such as power outage, severe weather, or flooding. An equipment and telephone list for emergency personnel and equipment vendors. Coordination procedures with fire, police, and health department personnel, and an emergency operating plan.
  - vi. Safety – A general discussion of the hazards of collection systems, mechanical equipment, explosion, pathogens, oxygen deficiencies, chemical and electrical hazards, etc.
  - vii. Appendices – Shall include flow diagrams, valve/gate locations, copy of WDRs, miscellaneous form samples, manufacturer’s manuals, and a list of reference materials.
- d. By **30 December 2009**, the Discharger shall submit and implement a *Salinity Evaluation and Minimization Plan* to address sources of salinity discharged to the WWTF. At a minimum, the plan shall meet the following requirements (outlined in CWC Section 13263.3(d)(3) Pollution Prevention Plans):

- i. An estimate of all of the sources of a pollutant contributing, or potentially contributing, to WWTF effluent salinity, including water supply, water softeners, and other domestic, commercial and industrial salinity sources.
- ii. An analysis of potential methods to prevent or reduce overall influent salinity, including pollution prevention techniques, employee education and outreach, or innovative/alternative approaches. The analysis shall also identify potential salinity sources that are outside of the Discharger's control.
- iii. An estimate of salinity load reductions that may be achieved through the methods identified in subparagraph ii.
- iv. A plan for monitoring the results of the salinity pollution prevention program.
- v. A description of the tasks, costs, and time required to investigate and implement various elements in the salinity pollution prevention plan.
- vi. A statement of the Discharger's salinity pollution prevention goals and strategies, including priorities for short-term and long-term action, and a description of the Discharger's intended pollution prevention activities for the immediate future.
- vii. A description of the Discharger's existing salinity pollution prevention programs.
- viii. An analysis, to the extent feasible, of any adverse environmental impacts, including cross-media impacts or substitute chemicals that may result from the implementation of the pollution prevention program.
- ix. An analysis, to the extent feasible, of the costs and benefits that may be incurred to implement the pollution prevention program.
- x. Progress to date in reducing the concentration and/or mass of salinity in the discharge.

Progress in implementation of the plan shall be reported each year in the Annual Monitoring Report required pursuant to Monitoring and Reporting Program No. R5-2002-0157.”

- e. By **30 June 2010**, the Discharger shall submit a *Background Groundwater Quality Study Report*. For each groundwater monitoring parameter/constituent identified in the MRP, the report shall present a summary of monitoring data and calculation of the concentration in background monitoring wells. Determination of background quality shall be made using the methods described in Title 27 CCR, Section 20415(e)(10), and shall be based on data from at least eight consecutive quarterly (or more frequent) groundwater monitoring events. For each monitoring parameter/constituent, the report shall compare the calculated background concentration with the down gradient concentration.
12. Provision G.19 is added with the following: “If the Background Groundwater Quality Study shows that the discharge of waste is causing groundwater to contain waste constituents in concentrations statistically greater than background water quality then, within **180 days** of the request of the Executive Officer, the Discharger shall submit a *BPTC Evaluation Workplan* that sets forth the scope and schedule for a systematic and comprehensive

technical evaluation of each component of the facility's waste treatment and disposal system to determine best practicable treatment and control for those constituents. The workplan shall contain a preliminary evaluation of each component of the WWTF and effluent disposal system and propose a time schedule for completing the comprehensive technical evaluation. The schedule to complete the evaluation shall be as short as practicable, and shall not exceed **one year** after receipt of comments on the workplan."

13. Provision G.20 is added with the following: "All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. To demonstrate compliance with Sections 415 and 3065 of Title 16, CCR, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work."
14. Provision G.21 is added with the following: "By **30 March 2009**, the Discharger shall provide certified wastewater treatment plant operator(s) to operate, maintain, and monitor the WWTF in accordance with Title 23 of the California Code of Regulations, Division 3, Chapter 26.

### **Monitoring and Reporting Program**

15. Monitoring and Reporting Program (MRP) No. R5-2002-0157 is replaced with Revised MRP No. R5-2008-0157, which is attached.

This Order is effective as of the date of adoption.

I, PAMELA C. CREEDON, 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 24 October 2008.

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PAMELA C. CREEDON, Executive Officer