

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-0105

RESCISSION OF CEASE AND DESIST ORDER R5-2005-0002
FOR MR. NICK PETSAS AND LAKE BERRYESSA ENTERPRISES, INC. II,
THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION
dba PUTAH CREEK RESORT
NAPA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as "Central Valley Water Board") finds that:

1. Mr. Nick Petsas and Lake Berryessa Enterprises, Inc. II, dba Putah Creek Resort, formerly operated the concession known as the Putah Creek Resort. The resort site is at 7600 Knoxville Road on Lake Berryessa in Napa County. The United States Department of the Interior, Bureau of Reclamation administers the public lands upon which the Putah Creek Resort concession exists. Mr. Nick Petsas, Lake Berryessa Enterprises, Inc. II, and the United States Department of the Interior, Bureau of Reclamation are hereafter jointly referred to as "Discharger".
2. Waste Discharge Requirements (WDRs) Order No. 5-00-020, adopted by the Regional Board on 28 January 2000, prescribes requirements for the treatment, storage and disposal of domestic wastewater at the Putah Creek Resort wastewater treatment facility (WWTF).
3. On 27 January 2005, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2005-0002 for the Putah Creek Resort WWTF because the Dischargers: (a) consistently violated the permitted monthly dry weather discharge flow limit of 30,000 gallons per day (gpd), (b) violated the wastewater pond freeboard limits, and (c) did not provide sufficient wastewater storage and disposal capacity to comply with the WDRs.
4. The CDO required that the Dischargers perform daily pond inspections and implement a contingency plan to prevent wastewater overflows including restricting water usage, hauling wastewater to another facility, and shutting down portions of the resort as needed. The contingency plan was received on 2 March 2005 and was determined to be adequate.
5. The CDO also required that the monthly average dry weather influent flow not exceed 14,000 gallons per day (gpd) unless the Dischargers demonstrated to the Executive Officer that the storage and disposal capacity had been increased sufficiently to ensure consistent compliance with the WDRs.

6. The contract between Mr. Nick Petsas, Lake Berryessa Enterprises, Inc., II and the USBR expired on 13 August 2008. The USBR states that the former concessionaire has vacated the property, all water and sewer systems have been disabled, and there has been no discharge to the WWTF since 13 July 2008.
7. On 28 April 2010, Pensus Lake Berryessa Properties LLC signed a new concessionaire contract with the USBR for operation of the Putah Creek Resort (which is now known as Chaparral Cove). Based on information provided during an 11 August 2010 meeting, the USBR will be closing the wastewater ponds at the Putah Creek Resort, and the new concessionaire will reconstruct the infrastructure systems later.
8. Central Valley Water Board has notified the USBR and interested agencies and persons of its intent to rescind CDO R5-2005-0002 and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
9. 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 California Code of Regulations, title 14, section 15321(a)(2)
10. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

IT IS HEREBY ORDERED that Cease and Desist Order R5-2005-0002 is rescinded.

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 23 September 2010.

Original signed by

PAMELA C. CREEDON, Executive Officer



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



**Arnold
Schwarzenegger**
Governor

4 October 2010

Mr. Nick Petsas
In Care of: Ms. Melpo Petsas
875 Liberty Drive
Napa, CA 94558

CERTIFIED MAIL
7009 1410 0002 1421 7652

Mr. Jeffery Locke, Trustee
Lake Berryessa Enterprises, Inc., II
530 Alameda Del Prado, No. 396
Novato, CA 94949

CERTIFIED MAIL
7009 1410 0002 1421 7669

Mr. Dan Kolda
United States Bureau of Reclamation
5520 Knoxville Road
Napa, CA 9458

CERTIFIED MAIL
7009 1410 0002 1421 7638

TRANSMITTAL OF ORDER NO. R5-2010-0105 RESCINDING CEASE AND DESIST ORDER NO. R5-2005-0002, MR. NICK PETSAS AND LAKE BERRYESSA ENTERPRISES, INC. II AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION dba PUTAH CREEK RESORT, NAPA COUNTY

Enclosed is an official copy of Order No. R5-2010-0105, which was adopted by the California Regional Water Quality Control Board, Central Valley Region, at its 23 September 2010 meeting. Order No. R5-2010-0105 rescinds Cease and Desist Order (CDO) No. R5-2005-0002.

In order to conserve resources, this letter transmits a paper copy of the Rescission Order to Mr. Nick Petsas, Lake Berryessa Enterprises, Inc., II, and the United States Bureau of Reclamation (USBR). Other interested persons may download the documents from the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/adopted_orders.

If you have any questions regarding this rescission, please contact Guy Childs at (916) 464-4648.

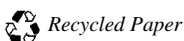
Original signed by

ANNE L. OLSON, P.E., Chief
Senior Water Resource Control Engineer
Compliance and Enforcement Section

Enclosure: Order R5-2010-0105

cc w/o enc: see next page

California Environmental Protection Agency



cc w/o enc: Mike Finnegan, U.S. Department of Interior, Bureau of Reclamation, Folsom
Peggi Brooks, U.S. Department of Interior, Bureau of Reclamation, Folsom
Steve Lederer, Napa County Department of Environmental Management, Napa

gjc: 4 Oct-10