

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2012-0710
FOR
SKYVIEW TERRACE MOBILE HOME PARK
WASTEWATER TREATMENT FACILITY
PLACER COUNTY

This Order is issued to Skyview Terrace Mobile Home Park, LLC (hereafter "Discharger") 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. The Discharger owns and operates the Skyview Terrace Mobile Home Park Wastewater Treatment Facility (WWTF). The treatment and disposal system consists of three wastewater ponds and a leachfield system.
2. On 19 July 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2002-0140, which prescribes requirements for the treatment and disposal of up to 25,000 gallons per day of domestic wastewater.
3. The facility serves approximately 136 mobile home spaces, and is located at 21200 Todd Valley Road, approximately 3.5 miles southwest of Foresthill, in Section 8, T13N, R10E, MDB&M.

VIOLATIONS

4. Discharge Specification B.9 of WDRs Order R5-2002-0140 states, in part:
Pond effluent applied to the subsurface land irrigation system shall not exceed the following monthly average limits....total suspended solids...40 mg/L monthly average.
5. Discharge Specification B.17 of the WDRs states: *"The ponds shall not have a pH less than 6.5 or greater than 8.5."*
6. Discharge Prohibition B.14 of the WDRs states: *"The pond system shall have sufficient capacity to accommodate allowable wastewater flow design seasonal precipitation, seasonal ancillary inflow, and infiltration during floods, storms or a wet season using a return period of 100 years. Design seasonal precipitation shall also be based on the total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns."*

7. Discharge Prohibition B.15 of the WDRs states: *“Ponds shall be maintained with a minimum of two feet of freeboard as measured from the pond’s lowest overflow point.”*
8. On 10 August 2009, following a review of monitoring reports for the period of January 2007 through April 2009, Board staff issued a Notice of Violation (NOV) for violations of the Total Suspended Solid (TSS) and pH effluent limits, and for freeboard violations.
 - a. TSS was reported in the effluent discharged from the pond to the leachfield at 233 mg/L and 275 mg/L during the first and second quarter 2008 monitoring, which is greater than the 40 mg/L allowed by the WDRs.
 - b. For several months in 2008 and 2009, the pond pH exceeded the limit of 8.5, with the highest reported value of 9.9 in February 2008.
 - c. Pond freeboard was not reported in September or October 2008, and between November 2008 and April 2009, freeboard levels ranged between 1.0 and 1.5 feet in ponds 2 and 3, which is less than the permit limit of 2.0 feet.

The NOV requested that the Discharger submit a technical report by 15 September 2009 to address the effluent and pond freeboard violations.

9. The Discharger stated in a 10 September 2009 response that a solids holding facility should be installed prior to Pond 1, and that this should address the elevated TSS and pH concentrations. The report also stated that removing the solids from Ponds 1 and 2 along with installing a solids holding facility should reduce the freeboard within Ponds 1 and 2. During 2011, the Discharger removed approximately 196 tons of partially dried sludge from Pond 1. Solids have not been removed from Pond 2, and the solids holding facility has not yet been constructed.
10. A review of monitoring reports submitted between May 2009 and March 2012 shows that the Discharger has continued to violate the pond freeboard limit. For the 33 months reviewed, the freeboard in Pond 1 exceeded the limit ten times, the freeboard in Pond 2 exceeded the limit eleven times, and the freeboard in Pond 3 exceeded the limit twice. In general, freeboard violations occurred in the late winter and early spring of 2010 and 2011.
11. A review of the monitoring reports submitted between the third quarter 2008 and the first quarter 2012 shows that the Discharger violated the TSS effluent limit in the WDRs. For the 15 quarters reviewed, TSS in the effluent discharged to the leachfield exceeded the limit three times in 2009, two times in 2010, and two times in 2011. TSS concentrations ranged from 44 mg/L to 37 mg/L.
12. A review of the monitoring reports submitted between May 2009 and March 2012 shows that the Discharger has continued to violate the pond pH limit. For the 33 months reviewed, the pH limit in Pond 1 was exceeded nine times, the pH limit in Pond 2 was exceeded eight times, and the pH limit in Pond 3 was exceeded 15 times. The majority of the violations occurred in 2011.

13. On 22 March 2011, Board staff inspected the facility and observed the freeboard in all three wastewater ponds was less than two feet. The Discharger had placed sand bags around the lowest portion of the third pond to increase freeboard and prevent an overflow. The Discharger indicated that the freeboard in the ponds had been less than two feet since 10 January 2011.
14. On 4 April 2011, Water Board staff issued a NOV for violations of Discharge Prohibition B.14 and B.15 of the WDRs. The NOV requested the Discharger to:
 - a. Immediately perform daily inspections of the wastewater ponds that included daily freeboard measurements from lowest point of overflow in each of the ponds and daily observations of each of the berms for any presence of possible seepage.
 - b. Submit a *Short Term Contingency Plan* describing steps to be taken to increase the freeboard to comply with the WDRs, and to prevent the possibility of a berm failure.
 - c. Submit a *Water Balance Report* to evaluate the wastewater treatment, storage and disposal capacity and ability of the ponds to maintain at least two feet of freeboard at all times.
15. The *Short Term Contingency Plan*, received on 26 May 2011, provided steps to increase freeboard and prevent wastewater spills, including the use of sand bags at the low points on the berms, transferring wastewater between ponds, trucking wastewater offsite, and the use of a temporary onsite storage tank.
16. The *Water Balance Report*, received on 5 July 2011, showed that the WWTF does not have adequate storage and disposal capacity to comply with the WDRs, and included a preliminary workplan to:
 - a. Re-grade the storm water drainage ditches around the wastewater ponds to limit storm water discharges into the ponds.
 - b. Remove sludge from Pond 1 and scarify the bottom of the pond to increase the percolation rates.
 - c. Perform pond percolation tests following removal and scarifying activities, and conduct leachfield percolation tests.
 - d. Survey the wastewater ponds and leachfield, and determine if additional leachfield and pond areas are available.
17. In a 29 July 2011 letter, Board staff stated that the workplan was generally acceptable and that the Discharger was to submit a technical report showing that the work had been completed. In addition, a revised water balance was to be submitted showing whether the WWTF had sufficient capacity to meet the requirements of the WDRs during a 100-year wet season with the currently permitted flow.

18. In a 15 December 2011 report, the Discharger indicated that, due to limited funds, they were only able to complete the following improvements prior to 31 October 2011 to increase the storage and disposal capacity:
 - a. Re-grading the storm water drainage ditches around Pond 3 to provide drainage away from the pond.
 - b. Dewatering Pond 2 and removing approximately 196 tons of partially-dried sludge from Pond 1.
 - c. Installation of a relief pipe between Pond 1 and 2 to allow for additional flow between the ponds when the freeboard in Pond 1 is nearing two feet.
 - d. Designing a piping system to allow wastewater to be pumped from Pond 1 to Pond 3.
19. The 15 December 2011 report also stated that future work shall include: (a) installing two septic tanks on each of the influent lines to eliminate sludge from entering the ponds, (b) dewatering and removing the remainder of the sludge from Pond 1, (c) scarifying the bottom of Pond 1 to increase percolation, and (d) installing a piping system between Pond 1 and the lift station located adjacent to Pond 2. This will allow wastewater to be pumped from Pond 1 into Pond 3.

REGULATORY CONSIDERATIONS

20. To summarize, the Discharger's WWTF does not have adequate storage or disposal capacity to comply with Discharge Specifications B.14 and B.15 of WDRs Order R5-2002-0140. Although the Discharger has voluntarily made some improvements, it is appropriate to impose a formal timeline so that the facility will have sufficient capacity for the upcoming winter. In addition, the effluent from the WWTF has consistently not complied with the Total Suspended Solids and pH requirements in the WDRs. This CAO is necessary to provide formal, enforceable timelines to bring the facility into compliance.
21. 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.
22. Surface water drainage is to Todd Creek and to Peachstone Gulch, both of which are a tributary to the Middle Fork of the American River.
23. The beneficial uses of the Middle Fork of the American River are: agricultural irrigation supply; water contact recreation including canoeing and rafting; warm freshwater habitat; cold freshwater habitat; spawning, reproduction, and/or early development of warm water aquatic organisms; and wildlife habitat.

24. The beneficial uses of the underlying groundwater are: municipal, domestic, agricultural supply, industrial service supply, and industrial process supply.

25. 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.

26. 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 R5-2002-0140, 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 R5-2002-0140.

27. 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, Skyview Terrace Mobile Home Park, LLC shall cleanup and abate the Skyview Terrace Mobile Home Park WWTF in accordance with the scope and schedule set forth below in order to comply with WDRs Order R5-2002-0140.

1. **Immediately implement** the 26 May 2011 *Short-Term Contingency Plan* whenever the freeboard in Ponds 1, 2, or 3 is two feet or less. If the freeboard is two feet or less, the Discharger shall also immediately contact Board staff by telephone or email. A written report shall then be submitted within 10 days, describing measures that were taken to lower the pond freeboard and prevent wastewater spills.
2. By **1 September 2012**, the Discharger shall submit a *Revenue Plan* that describes the costs associated with implementation of all tasks in this Order. Should the Revenue Plan

show that there are inadequate funds to complete all the tasks in this Order, then the Discharger must include an implementation schedule that shows how the Discharger will obtain the funds to complete the tasks.

3. By **1 September 2012**, the Discharger shall submit a revised *Capacity Improvement Workplan* that provides specific details to implement the improvements described in Finding No. 16 of this Order, and any other improvements needed to increase in the overall storage and disposal capacity to accommodate design average dry weather flows, design long-term I/I flows, and direct precipitation during the 100-year, 365-day precipitation event. The *Workplan* shall reference the storage, treatment, and disposal capacity needs identified in the 5 July 2011 *Water Balance Report*.
4. By **1 September 2012**, the Discharger shall submit a *Total Suspended Solids and pH Compliance Report*, which shall describe specific facility and/or operational changes that have been, or will be, implemented to bring the discharge into compliance with the Total Suspended Solid and pH effluent limits in WDRs Order R5-2002-0140.
5. **Beginning 1 October 2012, and continuing quarterly until this Order is rescinded**, the Discharger shall submit quarterly progress reports describing the work completed to date to comply with each of the requirements described below. The Quarterly Progress Reports shall be submitted by the **1st day of the month following the end of the quarter** (e.g. 1 January, 1 April, 1 July, and 1 October).
6. By **1 June 2013**, the Discharger shall submit a report showing that it has fully implemented all proposed facility and/or operational changed described in the *Total Suspended Solids and pH Compliance Report*.
7. By **1 October 2013**, the Discharger shall submit a *Capacity Improvements Completion Report* that describes the work was completed per the approved revised *Capacity Improvement Workplan*. The report shall include a water balance that evaluates the storage ponds' ability to provide sufficient capacity to maintain two feet of freeboard on a month-by-month basis. The water balance shall include monthly evaporation, precipitation, and percolation rates, and shall identify contributions from major sources to monthly discharge volumes such as groundwater/subsurface inflows, storm water run-on, and inflow and infiltration from the collection system. Rainfall shall be based on the 100-year, 365-day precipitation event.

In addition to the above, the Discharger shall comply with WDRs Order R5-2002-0140 and all applicable provisions of the Water Code that are not specifically referred to in this Order.

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.

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.”

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 the 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

or will be provided upon request.

This Order is effective upon the date of signature.

Original signed by

PAMELA C. CREEDON, Executive Officer

(Date)