

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2009-0080

REQUIRING CHESTER PUBLIC UTILITY DISTRICT
CHESTER WASTEWATER TREATMENT PLANT
PLUMAS 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. The Chester Public Utility District (hereafter Discharger) operates a wastewater collection, treatment, and disposal system in Plumas County. Treated and disinfected municipal wastewater is periodically discharged to Lake Almanor, from 1 October to 31 May, at a point in Section 8, T28N, R7E, MDB&M. When not being discharged to Lake Almanor, wastewater is held in treatment ponds or discharged to a series of three wetland ponds.
2. The sewage treatment plant treats wastewater to secondary standards before discharging to Lake Almanor. Treatment consists of a headworks (with bar screen and Parshall flume), 16 acres of facultative treatment ponds, a chlorine contact chamber, another Parshall flume for measuring flow leaving the treatment ponds, dechlorination, and wetlands treatment ponds.
3. Waste Discharge Requirements Order R5-2009-0078, (NPDES No. CA0077747), adopted by the Regional Board on 13 August 2009, prescribes requirements for the Discharger. Order No. R5-2009-0078 includes, in part, the following discharge requirements:

"III . DISCHARGE PROHIBITIONS

- D. The Discharger shall not allow pollutant-free wastewater to be discharged into the collection, treatment, and disposal system in amounts that significantly diminish the system's capability to comply with this Order. Pollutant-free wastewater means rainfall, groundwater, cooling waters, and condensates that are essentially free of pollutants.
- F. Discharge to Lake Almanor from 1 June to 31 September is prohibited."

"IV. A.1.b. **Percent Removal.** The average monthly percent removal of 5-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS) shall not be less than 85 percent."

"IV. A.1.e Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- i. 23 most probable number (MPN) per 100 mL, as a 7 day median, and
- ii. 240 MPN/100 mL, more than once in any 30 day period"

4. The Discharger's sewage collection system, installed in 1951, has long had inflow and infiltration (I/I) problems. The Discharger services approximately 1,000 sewer connections, equating to a flow rate of approximately 0.30 million gallons per day (mgd), yet inflows to the plant have been known to exceed 1.5 mgd under wet weather conditions. The I/I is thought to result from periodic high groundwater and collection system defects, such as broken and settling pipes, leaking joints, and unsealed connections. The Discharger's solution, only partly implemented to date, is to replace the entire sewage collection system.
5. The existing treatment facility was built in 1981 for year-round discharge to Lake Almanor, which was allowed under the permit in effect at that time. When the permit was renewed in 1987, language was added prohibiting discharges to Lake Almanor during the "recreation season," from 1 June to 30 September. The discharge prohibition limited the Discharger's disposal options and in combination with existing I/I problems led to numerous permit violations for discharge to Lake Almanor during the recreation season. Excessive flows caused these discharges to exceed effluent limitations for total coliform bacteria and to violate the percent removal specifications in the WDRs.
6. Repeated violations resulted in the Regional Board adopting Cease and Desist Order No. 89-069 (CDO) requiring that the Discharger take steps to reduce inflow and infiltration. Specifically, the CDO required the Discharger to "cease and desist forthwith discharges of wastes contrary to Discharge Prohibition A.3. and Effluent Limitation B.1. of Order No. 87-064"; submit a technical report evaluating the sewage collection system and specifying corrective actions to reduce excessive I/I; submit yearly progress reports; and complete repairs to the collection system and reduce I/I as indicated in the technical report.
7. Despite limited resources, the Discharger took meaningful steps to reduce I/I. These included replacing about 10 percent of the 11-mile collection system in 2001, augmenting land disposal capacity by constructing three wetland ponds, and increasing user fees to fund future collection line replacements. These measures appear to have been beneficial, as only one illegal discharge has

occurred since the wetlands ponds were completed in 1999 (During the 2005/2006 rainy season, during which heavy rainfall was exacerbated by a rapid snowmelt). Until the defective portions of the collection system have been replaced as planned, the potential remains, during very wet years, for surface water discharge during the recreation season.

8. Order No. 89-069 was rescinded in 2004 and replaced by Order No. R5-2004-0051. Order No. R5-2004-0051 no longer reflects the conditions at the Chester Sewage Treatment Plant and is being rescinded. In replacing Order No. R5-2004-0051, this Order contains the most recent information on attempts by the Discharger to reduce I/I flows and contains new tasks and a time schedule for resolving the I/I problem.
9. Since 2003, the Discharger has accomplished the following system repairs:
 - a. In 2003, approximately 3,700 feet of sewer main and laterals were replaced at a cost of \$726,000. The full cost of the project was born by the discharger
 - b. In 2007, approximately 6,320 feet of sewer main and laterals were replaced, at a cost of \$1,177,000. The Discharger's portion of the cost was \$337,000.
 - c. In 2008, 250 feet of sewer main was replaced at a cost of \$40,000, two four inch sewer force mains were installed inside the first avenue bridge at a cost of \$13,000, for phase 4 and 5 future projects, and \$25,000 of engineering work was performed for the phase 4 and 5 projects, all costs of which were born by the Discharger. The Phase 4 project consists of a sewer lift station to be built near the Chester Fire Station. This Phase will also replace the sewer main and lateral on Lassen Street and Stover Road (mains having high I/I) that are tributary to the proposed lift station. Funding for this Phase 4 project is expected to come from the Chester PUD sewer replacement fund.
10. Work Planned for the future includes:
 - a. **Work projected for 2011.** Design is also being performed at this time for the construction of another lift station and force main, which will intercept the sewer flow at the southeast corner of Melissa Avenue and pump it back to First Avenue into one of the existing 4-inch force mains installed in the recently retrofitted bridge. Replacement of the sewer main on Third Street (First Avenue to Fourth Avenue) is also targeted for 2011.

- b. **Work projected for 2013.** Replacement of the lines on First Street, Third Avenue and Fourth Avenue will complete the replacement program for the area east of First Avenue, south of the Feather River.
- c. **Work projected for 2015.** Replace First Street sewer between Lateral E and First Avenue and Irwin Way. Much of the collection system having high I/I will have been replaced and or repaired at this stage.

11. Section 13301 of the California Water Code states:

"When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by the board, after notice of hearing."

12. Section 13267(b) of the California Water Code states:

"(1) 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 of the state 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."

13. The Discharger owns and operates the treatment plant and collection system subject to this Order. Monitoring reports and other technical reports are necessary to determine compliance with Waste Discharge Requirements and with this Order.

14. The Regional Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin Basins (Basin Plan) establishes the beneficial uses of Lake Almanor. These beneficial uses are hydropower generation; water contact recreation; warm freshwater habitat; cold freshwater habitat; spawning, reproduction and/or early development of fish; and wildlife habitat.
15. Unless corrective actions are taken to reduce I/I, the threat of discharges of partially treated sewage during the recreation season will continue, as well as violations of BOD and TSS removal limitations, and effluent coliform limitations
16. On 13 August 2009, in Rancho Cordova, California, after due notice to the Chester Public Utility District and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
17. The action to adopt a Cease and Desist Order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), in accordance with Section 15321, (a)(2), Title 14, of the California Code of Regulations.
18. Any person adversely affected by this action of the Regional Board may petition the 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 of the date the Regional Board took action. Copies of the law and regulations applicable to filling petitions will be provided on request.

IT IS HEREBY ORDERED that, pursuant to Sections 13301 and 13267 of the California Water Code, the Chester Public Utility District shall implement certain measures, and identify and implement facility improvements, in accordance with the scope and schedule set forth below to ensure long term compliance with WDRs Order No. R5-2009-0078 or any revisions to those WDRs.

1. The Chester Public Utility District shall cease and desist forthwith from discharging waste in violation of Waste Discharge Requirements Order No. R5-2009-0078 (NPDES No. CA0077747). "Forthwith" means as soon as reasonably possible.
2. **By 1 December 2009**, submit a technical report prepared by an engineer registered in the State of California identifying the specific problem areas remaining within the collection system and recommended corrective actions to reduce excessive I/I. The report shall include a proposed time schedule for implementing recommended corrective actions, prioritizing those areas thought

to cause the most I/I. The proposed time schedule shall be subject to approval by the Executive Officer.

3. The Discharger shall submit annual reports to the Regional Board documenting the previous year's progress towards achieving compliance with WDRs. Reports shall be due by **15 January** each year.
4. If, in the opinion of the Executive Officer, the Chester Public Utility District fails to comply with the provisions of this Order, then the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that 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 13 August 2009.

A handwritten signature in cursive script that reads "Pamela C. Creedon". The signature is written in black ink and is positioned above a horizontal line.

PAMELA C. CREEDON, Executive Officer