

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006-0040

REQUIRING CANADA COVE LIMITED PARTNERSHIP
FRENCH CAMP RV PARK AND GOLF COURSE FACILITY
SAN JOAQUIN COUNTY
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. On 5 May 2006, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2006-0039, prescribing waste discharge requirements for Canada Cove Limited Partnership, French Camp RV Park and Golf Course Facility in San Joaquin County (hereafter Discharger).
2. Waste Discharge Requirements (WDRs), Order No. R5-2006-0039, contains Effluent Limitation No. IV.A.1.a which reads, in part, as follows:

“IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001(EFF-001)

- a. The discharge of treated domestic wastewater when discharging to Lone Tree Creek shall maintain compliance with the following effluent limitations at Discharge Point 001 (EFF-001), as described in the attached Monitoring and Reporting Program (Attachment E):*

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>
Organochlorine	µg/L	--	--	ND ²
Pesticides	lbs/day ¹	--	--	0.0
Aluminum	µg/L	71	140	--
	lbs/day ¹	0.02	0.05	--
Ammonia	µg/L	630	--	--
(total recoverable)	lbs/day ¹	0.21	--	--
Boron	µg/L	700	--	--
(total recoverable)	lbs/day ¹	0.23	--	--
Iron	µg/L	300	--	--
(total recoverable)	lbs/day ¹	0.1	--	--
Manganese	µg/L	50	--	--
(total recoverable)	lbs/day ¹	0.02	--	--
Nitrate(as N)	mg/L	10	--	--
(total recoverable)	lbs/day ¹	3.3	--	--

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>
Electrical conductivity (EC at 25 °C)	µmhos/cm	700	--	--

¹ Based upon a design treatment capacity of 0.04 mgd.

² Each organochlorine pesticide shall be ND (non-detectable). The Discharger shall use EPA standard analytical techniques that have the lowest practical level for the organochlorine pesticides with a minimum acceptable reporting level as indicated in appendix 4 of the SIP. Organochlorine pesticides include aldrin, chlordane, 4,4' DDT, dieldrin, endosulfan (alpha, beta, sulfate), endrin, endrin aldehyde, heptachlor, heptachlor epoxide, hexacyclohexane (alpha, beta, delta, and lindane), and toxaphene.

- c. *Total Coliform: The median concentration of total coliform bacteria measured in the disinfected effluent shall not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed (7-day median), and shall not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.*
- e. *Ammonia: The maximum 1-hour average ammonia (total recoverable) in the discharge shall not exceed 2100 µg/L.”*
- f. *Turbidity: The turbidity in the effluent shall not exceed an average of 2 Nephelometric Turbidity Units (NTUs) within a 24-hour period, shall not exceed 5 NTUs more than 5% of the time within a 24-hour period, and shall not exceed 10 NTUs at any time.*

C. *Reclamation Specifications – Discharge Point 002*

- 3. *Total Coliform: The median concentration of total coliform bacteria measured in the disinfected effluent shall not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed (7-day median). The number of total coliform bacteria shall not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.*
- 4. *Turbidity: The turbidity in the effluent shall not exceed a daily average of 2 NTUs and shall not exceed 5 NTUs more than 5 percent of the time during any 24-hour period, and shall not exceed 10 NTUs at any time.*

3. The effluent limitations specified in Order No. R5-2006-0039 for aluminum and ammonia are based on the USEPA recommended Ambient Water Quality Criteria used to implement the Basin Plan narrative toxicity objective and the effluent limitations for boron (B), iron (Fe), manganese (Mn), nitrate (as N), and electrical conductivity (EC) are based on the Basin Plan chemical constituents objective. The effluent limitations for organochlorine pesticides (OPs) are based on Basin Plan objectives for pesticides. Effluent limitations for organochlorine pesticides, aluminum, ammonia, boron, iron, manganese, nitrate nitrogen, and electrical conductivity are based on existing Basin Plan water quality objectives that were adopted prior to 25 September 1995. Effluent limitations for the above pollutants are new limitations which were not prescribed in previous Order No. 95-054, adopted by the Regional Board on 24 March 1995. However, effluent limitations for total coliform and turbidity were established in the previous permit to meet title 22 reclamation specifications and for the protection of beneficial uses of Lone Tree Creek.

NEED FOR CEASE AND DESIST ORDER (CDO) AND LEGAL BASIS

4. The Discharger owns and operates a wastewater collection, treatment, and disposal system. The treatment system consists of extended aeration, clarification, multimedia filtration, and ozonation. In the winter, under extreme wet weather conditions, when recycled water storage capacity is exceeded, wastewater can be discharged to Lone Tree Creek, a water of the United States. Treated wastewater is also used to irrigate a restricted section of the onsite golf course.
5. California Water Code (CWC) Section 13301 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.”*
6. Federal regulations, 40 CFR Part 122.44 (d)(1)(i), require that NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
7. In accordance with CWC Section 13385(j)(3), the Regional Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the effluent limitations for organochlorine pesticides (OPs), aluminum, ammonia, boron, iron, manganese, nitrate (as N), and electrical conductivity. These limitations are new requirements that become applicable to the Order after the effective date of adoption of the waste discharge requirements, and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

8. Immediate compliance with these new effluent limitations for organochlorine pesticides, aluminum, ammonia, boron, iron, manganese, nitrate (as N), and electrical conductivity is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance as soon as possible, up to a maximum duration of 5 years, which is the maximum term of any NPDES permit.
9. In addition, review of monitoring data from January 1999 thru August 2005 show that the Discharger, because of operational capabilities, is also not able to consistently comply with the existing effluent limitations for turbidity and total coliform for discharges to surface water (Lone Tree Creek) or discharges to land (Title 22 reclamation requirements). Compliance with these existing limitations may require additional treatment modifications and thus may require up to two years for achieving compliance.
10. This Order provides a time schedule for the Discharger to develop, submit, and implement methods of compliance, including but not limited to ceasing discharge to Lone Tree Creek through implementation of alternative methods of all year round land disposal (subsurface irrigation), developing a mixing zone analysis and evaluating available dilution/assimilative capacity in Lone Tree Creek, utilizing pollution prevention activities, or constructing necessary additional treatment facilities to meet these new effluent limitations. The Discharger can take reasonable measures to achieve compliance within five (5) years. For the existing limitations of total coliform and turbidity for discharges to surface water or for reclamation purposes, the Discharger can take reasonable measure to come into compliance within two (2) years.
11. Since the time schedule for completion of action necessary to achieve full compliance and bring the waste discharge into compliance exceeds one year, interim requirements and dates for their achievement are included in this Order. The compliance time schedule in this Order includes interim effluent limitations only for organochlorine pesticides, aluminum, ammonia, boron, iron, manganese, nitrate (as N), and electrical conductivity based on previous performance of the discharge. These interim effluent limitations consist of a maximum daily effluent concentration or value derived using effluent sample data summarized below and applying the statistical methodologies for estimating maximum concentrations identified in Chapter 3 of USEPA's Technical Support Document (TSD). Derivation of these interim limitations is summarized below:

	Organochlorine Pesticides (µg/L)	Aluminum (µg/L)	Ammonia (mg/L)	Boron (mg/L)	Iron (µg/L)	Manganese (µg/L)	Nitrate (as N) (mg/L)	EC µmhos/cm
Number of Observations	4	4	8	3	8	8	8	146
Minimum Concentration	ND	247	0.7	0.37	60	22	5.4	180
Maximum Concentration	0.06	460	4.9	0.9	400	70	50	1160
Mean ¹	--	--	--	--	--	--	--	736
Standard Deviation ¹	--	--	--	--	--	--	--	170
Coefficient of Variation ¹	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.23
Multiplier ²	4.7	4.7	3.3	5.6	3.3	3.3	3.3	--
Projected Maximum Effluent Concentration ³	0.28	2162	16	5.0	1320	231	165	1246

1. If there are less than 10 data points available, the mean and standard deviation are not considered applicable. A default CV of 0.6 was used where the number of observations was less than 10.
 2. The multiplying factor (for 99% confidence level and 99% probability basis) is dependent on the coefficient of variation (CV) and number of reported effluent results (From Table 3-1 of the USEPA Technical Support Document for Water Quality-based Toxics Control).
 3. Where there are less than 10 data points available, the projected Daily Maximum Effluent Concentration is determined by multiplying the maximum detected concentration with a reasonable potential multiplying factor that accounts for statistical variation. If more than 10 data points are available the projected Daily Maximum Effluent Concentration is determined by adding 3.3 standard deviations to the mean value
12. The California Water Code (CWC) Section 13385(h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC Section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC Section 13385(j)(3) exempts the discharge from mandatory minimum penalties “*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met.*”
 13. Compliance with this CDO exempts the Discharger from mandatory penalties for violations of effluent limitations for organochlorine pesticides, aluminum, ammonia, boron, iron, manganese, nitrate (as N), and electrical conductivity only, in accordance with CWC Section 13385(j)(3). CWC Section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to CWC Section 13263.3. For the purposes of this section “Pollution prevention” means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water.
 14. On 5 May 2006, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider

a Cease and Desist Order under California Water Code Section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

15. 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 Water Code Section 15321 (a)(2), Title 14, of the California Code of Regulations.
16. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. Pursuant to California Water Code Section 13301, Canada Cove Limited Partnership, French Camp RV Park and Golf Course shall comply with the following time schedule to ensure compliance with the organochlorine pesticides, aluminum, ammonia, boron, iron, manganese, nitrate (as N), electrical conductivity, total coliform, and turbidity effluent limitations contained in WDRs Order No. R5-2006-0039 as described in the above Findings:

<u>Task</u>	<u>Date</u>
Submit Compliance Workplan/Implementation Schedule	1 September 2006
Submit Pollution Prevention plan (PPP) ¹ pursuant to Section 13263.3 of the Water Code for OPs, Al, Ammonia, B, Fe, Mn, nitrate (as N), and EC	1 December 2006
Progress Reports ²	1 July each year
Full compliance with total coliform and turbidity	1 May 2008
Full Compliance with all other new limitations	1 May 2011

¹ The PPP shall be prepared for all constituents listed above and shall meet the requirements specified in CWC Section 13263.3 as long as the discharge is covered under a NPDES Permit.

² Reports shall detail steps implemented toward achieving compliance with WDR's limitations, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. Discharge of treated domestic wastewater shall not exceed the following interim performance-based limits:

<u>Constituents</u>	<u>Units</u>	<u>Daily Maximum</u>
Organochlorine Pesticides	µg/L	0.28
	lbs/day ¹	0.000094
Aluminum (total or acid soluble)	µg/L	2200
	lbs/day ¹	0.72
Ammonia (total recoverable)	mg/L	16
	lbs/day ¹	5.4
Boron (total recoverable)	mg/L	5.0
	lbs/day ¹	1.7
Iron (total recoverable)	µg/L	1300
	lbs/day ¹	0.44
Manganese (total recoverable)	µg/L	230
	lbs/day ¹	0.08
Nitrate Nitrogen (total recoverable)	mg/L	170
	lbs/day ¹	55
Electrical conductivity	µmhos/cm	1300

¹ Based upon the design treatment capacity of 40,000 gpd.

² Organochlorine Pesticides include aldrin, dieldrin, chlordane, endrin, endrin aldehyde, heptachlor, heptachlor epoxide, hexachlorocyclohexane (alpha-BHC, beta-BHC, delta-BHC, and gamma-BHC or lindane), endosulfan (alpha and beta), endosulfan sulfate, toxaphene, 4,4'DDD, 4,4'DDE, and 4,4'DDT.

3. If, in the opinion of the Executive Officer, Canada Cove Limited Partnership 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, 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 5 May 2006.

 PAMELA C. CREEDON, Executive Officer