



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
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Governor

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## Redding Office

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25 July 2008

**CERTIFIED MAIL**

7006 0810 0001 8417 3608

Ms. Michele Elam, Owner  
River Cove RV Park  
3415 Daisy Street #1  
Anderson, CA 96007

## **CLEANUP AND ABATEMENT ORDER NO. R5-2008-0711, RIVER COVE RECREATIONAL VEHICLE PARK, 3641 CLAUDE LANE, ANDERSON, SHASTA**

Enclosed is a copy of Cleanup and Abatement Order No. R5-2008-0711 (C&A Order) for the River Cove RV Park. The C&A Order directs you to abate the discharge of water containing wastes or pollutants from the River Cove RV Park in violation of California water quality objectives as described in the C&A Order.

The C&A Order specifically directs you to:

- Continue the abatement of surfacing septic tank effluent and saturated soil conditions in the disposal areas and mitigate associated public health risks;
- Continue all measures necessary to eliminate the condition of surfacing effluent and general saturation of the disposal areas and offsite runoff of effluent. Currently, the septic tank serving the majority of the RVs is plugged to prevent discharge to its leach line and is frequently pumped by a septage hauling service;
- Immediately begin submitting **bi-weekly** (every two weeks) status reports that detail the condition of the sewage treatment and disposal system and the efforts being made to comply with this Order. The reports shall include copies of receipts from the septage pumping service used to pump the main RV septic tank and progress reports on wastewater system improvements. Submittal of these status reports shall continue as described until Regional Water Board staff notifies you that it is no longer necessary, or changes the reporting frequency. Each bi-weekly report shall be submitted to the Regional Water Board by the 1<sup>st</sup> Wednesday following the prior two-week period;
- **By 6 August 2008** submit the final design prepared by or under the direction of and signed by a civil engineer licensed in the state of California, detailing a plan including time schedule and milestones for connecting the RV Park to the City of Anderson's wastewater collection and treatment system. The plan shall include plans and specifications to connect all the RV spaces and buildings to the City of

Anderson sewage collection system and proper abandonment of all unnecessary existing sewage system components (e.g. filling of abandoned septic tanks with sand). The Discharger will need to obtain a sewer connection permit and may need to obtain an encroachment permit from the City of Anderson. Regional Water Board staff will comment on the technical report and will indicate whether or not the plan is adequate and complete;

- **By 6 August 2008** submit a complete application to the City of Anderson for encroachment and connection, as necessary;
- **Within three (3) weeks of receiving the necessary City of Anderson permits**, begin construction of the system; and
- **Within six (6) weeks of receiving the necessary City of Anderson permits**, complete construction and begin using the new City of Anderson connection. Cease using the existing wastewater systems.

Failure to comply with the enclosed Order may result in the assessment of an Administrative Civil Liability up to \$10,000 per day of violation pursuant to CWC sections 13350, 13385, and/or 13268. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

If you have any questions, please contact Kevin Kratzke of my staff at (530) 224-4850, or at the letterhead address above.

Original signed by

JAMES C. PEDRI, P.E.  
Assistant Executive Officer

KEK: sae

Enclosure: Cleanup and Abatement Order No. R5-2008-0711

cc: John Sharrah, SHN, Redding  
Robert Meissner, Cal Electro, Inc., Redding  
Dan Fehr, California Department of Fish and Game, Redding  
Tom Dahl, California Department of Housing and Community Development, Sacramento  
Mark Cramer, Shasta County Environmental Health, Redding  
John Stokes, City of Anderson Planning Department, Anderson  
City of Anderson Building Department, Anderson  
Bob Berry, City of Anderson Wastewater Treatment Plant, Anderson  
Richard Barchus, City of Anderson Public Works, Anderson

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER  
NO. R5-2008-0711

FOR  
MICHELLE ELAM  
RIVER COVE RV PARK  
SHASTA COUNTY

This Order is issued to Michelle Elam (hereafter Discharger), owner of the River Cove Recreational Vehicle Park, pursuant to California Water Code (CWC) section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) to issue a Cleanup and Abatement Order (Order), CWC section 13267, which authorizes the Regional Water Board to require the submittal of technical and monitoring reports, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer.

The Assistant Executive Officer of the Regional Water Board finds that:

1. The Discharger owns and operates the River Cove Recreation Vehicle Park (RV Park) located at 3641 Claude Lane, Anderson, in Shasta County. The RV Park consists of approximately 12 RV spaces, 4 old cottages, laundry, and trash facilities. Drinking water is supplied by an onsite well. Wastewater generated by the RV Park flows by gravity to several septic tanks and to a cesspool. One septic tank services the majority of the RVs at the site. Additional septic tanks service some of the cottages at the site, and one cottage is connected to a cesspool system. Each septic tank has its own leachfield.
2. Most of the drainage from the developed area of the RV Park is directed toward the adjacent Sacramento River, a water of the US, via overland flow. A portion of the drainage is directed to an undeveloped area of the site where it apparently infiltrates into the ground.
3. Shasta County Environmental Health has local authority to issue sewage disposal permits, however, regulatory authority for mobile home park operations is with the California Department of Housing and Community Development. The Regional Water Board has authority to regulate wastewater treatment and disposal at mobile home parks and RV parks.
4. The Regional Water Board does not currently regulate wastewater treatment and disposal at the RV Park via individual waste discharge requirements or under a general waiver.

5. On 6 June 2008, Regional Water Board and California Department of Fish and Game staff investigated a citizen complaint alleging surfacing septic tank effluent at the RV Park. The site inspection revealed that septic tank effluent was surfacing from a section of the leachfield serving the majority of the RV trailers, and flowing down the embankment to the Sacramento River. The leach field for the RV trailer septic tank is located in the bank of the Sacramento River. At the time of the inspection, effluent surfaced approximately midway down the riverbank embankment and flowed towards the Sacramento River. Analyses of the surfacing effluent showed both total and fecal coliform bacteria concentrations to be  $\geq 160,000$  MPN/100 ml.
6. In addition to the failed septic tank/leachfield system that serves the majority of the RVs, at least one cesspool system and two other septic tank/leachfield systems are in operation at the RV Park. The cesspool system has failed and the 'red tagged' house on the east side of the property has standing water in the sewer line connecting the house to one of the other septic tanks. This indicates that this system has also failed. It is likely that the remaining systems at the site are near failure if they have not already failed, given the condition of the known systems.
7. The RV Park is adjacent to the Sacramento River. The failed leachfield is located in the riverbank. The septic tank for the 'red tagged' house on the east side of the property is located at the top of the riverbank in the northeastern corner of the property, with its leachfield located directly inland from the septic tank. Other systems are further inland but are also within 200 feet of the river (almost all of the RV park lies north of Claude Lane, which is approximately 200 feet from the river). Water for the residents is supplied by a well located in the northeast quadrant of the active portion of the RV park and is within 100 feet of many of the leachfields.
8. On 10 June 2008, Regional Water Board staff prepared an inspection report and issued a Notice of Violation (NOV) letter to the Discharger. The NOV letter requested the Discharger take immediate actions to eliminate the surfacing of sewage and to prevent public contact with the surfacing effluent. The NOV letter also required that the Discharger submit a report detailing immediate measures the Discharger took to eliminate the condition of surfacing sewage, a report detailing the condition of drinking water delivered to the RV park prior to disinfection, and a report prepared by a sewage treatment and disposal professional that details the location of all components of the onsite sewage system. These reports were due by 13 June 2008, 18 June 2008, and

25 June 2008, respectively and have been completed to Regional Water Board staff's satisfaction. This Order in no way affects the obligations imposed under the 10 June 2008 letter, and the Regional Water Board reserves the right to take enforcement action based on the non-submittal, or late submittal, of all three of these reports.

9. The RV Park is located in the City of Anderson. The City code requires that any property having a failed septic system shall hook up to the City of Anderson's municipal wastewater treatment system if the subject property has at least one property line within two hundred feet of the City's wastewater collection system. The RV Park has a property line adjacent to the collection system (within 200 feet), and is required to hook up to the City's wastewater collection system.
10. The Water Quality Control Plan for the Sacramento 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 Resources Control Board (State Board).

The Basin Plan identifies the following beneficial uses for the Sacramento River and its tributaries: municipal and domestic supply; agricultural supply; industrial service supply; hydropower generation; water contact and non-contact recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; wildlife habitat; navigation; ground water recharge; and freshwater replenishment.

11. CWC section 13304(a) provides, in part, that:

*“Any person 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. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner....”*

12. CWC section 13304(c)(1) provides that:

*“If the waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs is recoverable in a civil action by, and paid to, the governmental agency and the state board to the extent of the latter’s contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds.”*

13. CWC section 13267(b)(1) provides, in part, that:

*“In conducting an investigation ... 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 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.”*

14. The Discharger has caused or permitted, or threatens to cause or permit waste (partially treated sewage) to be discharged where it is, or probably will be, discharged into the waters of the State and that creates, and threatens to create, a condition of pollution or nuisance.

The reports required by this Order are necessary to prevent or assess a condition of pollution or nuisance as defined by the California Water Code. The Discharger owns the property identified in this Order and is responsible for operating the RV Park and the wastewater treatment and disposal system. Therefore, it is appropriate for the Discharger to be named responsible for providing the required reports.

15. 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 (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
16. Any person adversely affected by this action of the Regional Water Board may petition the State Board to review the action in accordance with California Code of Regulations, title 23, sections 2050 through 2068. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at <http://www.swrcb.ca.gov/wqpetitions/index.html>, or will be provided upon request.

**IT IS HEREBY ORDERED THAT**, pursuant to CWC sections 13267 and 13304, the Discharger shall:

1. Continue the abatement of surfacing septic tank effluent and saturated soil conditions in the disposal areas, and mitigate associated public health risks.
2. Compliance with No. 1 above shall include, but not necessarily be limited to, the following measures:
  - (a) **Continue** all measures necessary to eliminate the condition of surfacing effluent and general saturation of the disposal areas and offsite runoff of effluent. Currently, the septic tank serving the majority of the RVs is plugged to prevent discharge to its leach line and is frequently pumped by a septage hauling service.
  - (b) Immediately begin submitting **bi-weekly** (every two weeks) status reports that detail the condition of the sewage treatment and disposal systems and the efforts being made to comply with this Order. These reports shall include copies of receipts from the septage pumping service used to pump the main RV septic tank and progress reports on wastewater system improvements. Submittal of these status reports shall continue as described until Regional Water Board staff notifies you that it is no longer necessary, or changes the reporting frequency. Each bi-weekly report shall be submitted to the Regional Water Board by the 1<sup>st</sup> Wednesday following the prior two-week period.
3. **By 6 August 2008**, submit a final design plan prepared by or under the direction of a civil engineer licensed in the state of California which shall include a time schedule for connecting the RV Park to the City of Anderson's wastewater

collection and treatment system. The final design plan shall also include plans and specifications to connect all the RV spaces and buildings to the City of Anderson sewage collection system, and shall describe the abandonment of all unnecessary existing sewage system components (e.g. filling of abandoned septic tanks with sand). The Discharger will need to obtain a sewer connection permit and may need to obtain an encroachment permit from the City of Anderson. Regional Water Board staff will comment on the technical report and will indicate whether or not the plan is adequate and complete. As required by Business and Professions Code sections 6735, 7835, and 7835.1, the report shall be signed by the registered professional.

4. **By 6 August 2008**, submit a complete application to the City of Anderson for encroachment and connection permits, as necessary.
5. **Within three (3) weeks of receiving the necessary City of Anderson permits**, begin construction of the system.
6. **Within six (6) weeks of receiving the necessary City of Anderson permits**, the Discharger shall complete construction and begin using the new City of Anderson connection, and shall discontinue use of the existing wastewater systems.
7. If requested, reimburse the Regional Water Board for reasonable costs associated with oversight of actions taken in response to this Order. By **6 August 2006**, submit the name and address to be used for billing purposes for oversight charges.

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, in the opinion of the Executive Officer, the Dischargers fail 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 an Administrative Civil Liability up to \$10,000 per day of violation pursuant to CWC sections 13350, 13385, and/or 13268. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

Original signed  
James C. Pedri, Assistant Executive Officer

25 July 2008  
(Date)

KEK: sae