

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0089

CEASE AND DESIST ORDER  
REQUIRING  
CITY OF LOYALTON  
WASTEWATER TREATMENT PLANT  
SIERRA COUNTY

TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. The City of Loyalton (Discharger) owns and operates a municipal Wastewater Treatment Plant (WWTP) located at 403 Poole Lane, Loyalton in Sierra County.
2. Waste Discharge Requirements (WDRs) Order No. 5-01-069, adopted by the Regional Board on 16 March 2001, prescribes requirements for the treatment, storage and disposal of domestic wastewater at the facility.
3. Water Recycling Requirements (WRRs) Order No. 5-01-051, adopted by the Regional Board on 16 March 2001, prescribes requirements for the application of wastewater to pasture land. Order No. 5-01-051 describes application of disinfected wastewater to approximately 60-acres of pasture used for beef cattle grazing. The Producer (City of Loyalton) and the User (Jack Sparrowk and RCK Ranches, LLC) entered into an agreement that expired on 25 June 2002. However, the Producer extended that agreement for a period of five years.

**Wastewater System**

4. The wastewater system serves the City of Loyalton; the 2000 U.S. Census reported a population of 874 people in the City.
5. The WWTP was constructed in 1996 and represented a complete reconstruction of the previous facility. Treatment now consists of an automated influent screen, an influent pump station, a series of four aerated lagoons, one settling pond, one 20-day effluent storage lagoon, and nine effluent rapid infiltration basins. Treated wastewater is disposed of through evaporation, percolation, and land application to approximately 19.8 acres of cropped land plus the land area available described in Finding No. 3.
6. The wastewater collection system allows excessive inflow/infiltration to enter the WWTP during periods of heavy rain or high groundwater conditions. Wastewater flows into a collection system that consists of approximately 20,300 feet of 6-inch diameter pipe, 3,700 feet of 8-inch diameter pipe, 1,700 feet of 10-inch pipe, and 5,200 feet of 12-inch pipe. The majority of the pipelines were constructed of vitrified clay in the early 1940’s. In the mid-1990s the interceptor to the treatment plant was replaced with 12-inch diameter polyvinyl chloride pipe.
7. The WDRs allow a peak wet weather flow rate of 756,000 gallons per day (gpd). The Order does not contain a dry weather flow limitation.

### **Background**

8. Cease and Desist Order (CDO) No. 86-120 was adopted on 30 May 1986 to address untreated waste discharges to Smithneck Creek and sanitary sewer overflows from the collection system. CDO No. 86-120 required construction of improvements to achieve compliance with WDRs Order No. 82-055. The Discharger completed the required improvements in 1996.
9. WDRs Order No. 5-01-069 increased the storage capacity requirement from the 25-year to the 100-year total annual return period criterion, consistent with that required of other dischargers. The Order also allowed the Discharger until 1 October 2004 to complete the improvement.
10. An NOV was issued on 14 January 2002 for failure to submit three technical reports required by WDRs Order No. 5-01-069. The Discharger subsequently submitted the reports.
11. The December 2002 *City of Loyalton Water and Wastewater Master Plan (Master Plan)* prepared by Eco:Logic Engineering presented an assessment of both the water and wastewater systems. The following wastewater system issues were identified:
  - a. Collection system is surcharged under extreme peak wet weather flow events caused by excessive infiltration and inflow that occurs during storm events.
  - b. The influent pump station has inadequate capacity.
  - c. Based on the wastewater percolation rate the effluent storage lagoon may leak wastewater onto adjoining property and possibly into Smithneck Creek.
  - d. The effluent storage and disposal system is not adequate for any years above normal precipitation.
12. In response to a 30 March 2005 Notice of Violation, the Discharger acknowledges non-compliance with WDRs Order No. 5-01-069 because the upgrade to comply with Discharge Specification B.9 have not been completed. The Discharger subsequently submitted a 27 April 2005 technical report that presents a schedule and plan to comply with the WDRs.

### **Violations of the Waste Discharge Requirements**

13. Discharge Specification No. B.9 of WDRs Order No. 5-01-069 states: *Ponds shall have sufficient capacity to accommodate allowable wastewater flow and designed for seasonal precipitation and inflow and infiltration during the nonirrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically) in each of the aeration, settling and storage ponds.*
14. Provision No. G.1.e states: *...The Discharger shall implement an approved alternative that will allow the Discharger to achieve full compliance with Discharge Specification B.9 by 1 October 2004.*

15. The Discharger has not complied with Discharge Specification No. B.9 and is therefore in violation of the WDRs. However, the Discharger has begun studies to better understand the source of high I/I to the collection system. The studies and other actions are described below:
  - a. The City has contracted for and is in the process of preparing an I/I study to identify the causes of the high I/I rate and identify possible repairs to reduce the I/I.
  - b. The City is in the process of installing water meters throughout the entire community and anticipates significant flow reduction as a result of this action. The City states other communities of similar size have realized flow reductions of up to 30-percent upon installation of water meters.
16. The December 2002 City of Loyalton *Water and Wastewater Master Plan* states wastewater may be leaking from the northeast side of the storage lagoon into Smithneck Creek. This is a violation of Discharge Prohibition A.1, which states: *Discharge of waste to surface waters or surface water drainage courses is prohibited.*
17. In violation of Monitoring and Reporting Program No. 5-01-069, the Discharger failed to submit complete self-monitoring reports for the time period January 2004 to January 2005. Monitoring report deficiencies were described in a 30 March 2005 NOV. The Discharger responded to the NOV on 16 May 2005 and provided responses that should resolve the issues.

### **Regulatory Considerations**

18. As a result of the events and activities described in this Order, the Regional Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, or continues to threaten to create, a condition of pollution or nuisance. The Regional Board also finds that the Discharger has discharged, and has the potential to discharge, waste in violation of WDRs No. 5-01-069.
19. The Regional Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) designates beneficial uses, includes water quality objectives to protect the beneficial uses, and includes implementation plans to implement the water quality objectives.
20. Surface water drainage from the wastewater system is to Smithneck Creek and then the Middle Fork Feather River. The beneficial uses of the Middle Fork Feather River from the source to Little Last Chance Creek as stated in the Basin Plan, are agricultural supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; spawning, reproduction and/or early development; and wildlife habitat.
21. The beneficial uses of underlying groundwater are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
22. Section 13301 of the California Water Code states in part: "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."

23. Section 13267(b) of the California Water Code states: “ 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 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.”
24. The technical reports required by this Order are necessary to assure compliance with WDR Order No. 5-01-069 and to assure protection of public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.
25. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
26. On 24 June 2005, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
27. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the Regional Board action took place. Copies of the law and regulations applicable to filing petitions are available at [www.swrcb.ca.gov/water\\_laws/index.html](http://www.swrcb.ca.gov/water_laws/index.html) and also will be provided upon request.

**IT IS HEREBY ORDERED** that pursuant to Sections 13301 and 13267 of the California Water Code, the City of Loyalton, its agents successors, and assigns, shall in accordance with the following tasks and time schedule, implement the following measures and identify and implement all improvements required to ensure long-term compliance with WDRs No. 5-01-069, or any revisions to those WDRs.

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.”*

1. Beginning **immediately**, the Discharger shall submit monthly, quarterly, and annual monitoring reports that fully comply with Monitoring and Reporting Program (MRP) No. 5-01-069, or any subsequent revisions.

2. Beginning **immediately**, the Discharger shall fully utilize the 19.8 acres of cropped land for wastewater discharge and the 60 acres described in WRR Order No. 5-01-051. Application and disposal shall be made in conformance with Orders No. 5-01-069 and 5-01-051.
3. **Beginning 1 August 2005**, and by the first day of the second month following each calendar quarter (**i.e., by 1 February, 1 May, 1 August, and 1 November each year**), the Discharger shall submit a progress report describing the work completed to date regarding each of the reporting requirements described in this Order.
4. By **1 September 2005**, the Discharger shall submit a *Sampling and Analysis Plan (SAP)* that describes sample locations, sample procedures, sample containers, sample hold times, and sample preservatives. The *SAP* shall address all the constituents and sampling requirements listed in the MRP No. 5-01-069, or any subsequent revisions.
5. By **1 September 2005**, the Discharger shall submit and implement a *Wastewater Application Plan* that describes how wastewater will be applied to the land application areas in accordance with WDRs Order No. 5-01-069 and WRRs 5-01-051. At a minimum, the *Wastewater Application Plan* will describe (a) the locations of the land application areas, and procedures to prevent excessive BOD, nitrogen, or dissolved solids loading of the land application area, (b) the locations of flow and effluent sampling points, (c) practices used to maintain the land application area, (d) how the wastewater will be applied such that it will be applied evenly to the areas, and (e) how the land application areas have been made ready to accept the wastewater (*i.e.*, installation of fencing or notification signs, installation of berms to prevent runoff, reconfiguration of checks to improve application rates). A copy of the *Wastewater Application Plan* shall be kept at the facility for reference by operating personnel and they shall be familiar with its contents.
6. By **1 September 2005**, the Discharger shall submit an *Infiltration/Inflow Investigation Report of Results*. The purpose of the I/I investigation will be to find causes for the high flows experienced, produce a reasonable flow estimate for future I/I events as well as normal flow, and provide a list and proposed timeline for recommended repairs to reduce the quantity of I/I water.
7. By **1 November 2005**, the Discharger shall submit a *Contingency Plan* describing the steps it will take if the evaporation/percolation wastewater ponds encroach within two foot of freeboard. The plan shall consider any and all steps necessary to prevent wastewater overflows including restricting water usage, land application of wastewater, enhanced evaporation, hauling wastewater to another facility, water conservation measures, or other alternatives. This Contingency Plan shall be implemented whenever wastewater levels encroach within two foot of freeboard in the wastewater ponds. The Discharger shall immediately notify staff if the Contingency Plan is implemented.
8. By **1 May 2006** the Discharger shall submit a *Preliminary Design Report for WWTP Expansion* containing a preliminary design for proposed modifications and expansion of the facility. The report shall address the wastewater system issues identified in Finding 11. The Discharger states that USDA Rural Development funding may be a part of the overall funding package; therefore the design report will be prepared in accordance with USDA Preliminary Design Report guidelines. The report will delineate updated alternatives and costs, and identify a recommended

alternative as well as a projected overall project cost. The report shall clearly show that the proposed expansion will result in compliance with Discharge Specification No. B.9 (the storage capacity requirement).

The *Preliminary Design Report* shall include a water balance for both the current inflow and projected flows through at least the year 2020, and shall clearly show the times of the year when wastewater must be stored versus when it may be applied to land. The water balance shall evaluate 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 subsurface inflows, stormwater run-on, and any I/I from the collection system. Rainfall shall be based on the 100-year return period total annual precipitation.

9. By **1 July 2006**, the Discharger shall submit a *Revenue Plan* that describes the costs associated with making the necessary improvements to the collection, treatment storage and disposal system to ensure continuous compliance with WDRs Order No. 5-01-069. The plan shall show whether the District has the necessary funds to implement the improvements. Should the Revenue Plan show that there are inadequate funds, the Discharger must also include an implementation schedule that shows how funds will be raised.
10. By **1 August 2006**, the Discharger shall submit a *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* (SSS Plan) that describes the actions designed to prevent, or minimize the potential for sanitary sewer overflows. The Discharger shall maintain the SSS Plan in an up-to-date condition and shall amend the SSS Plan whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sanitary sewer system or sewer facilities) that materially affects the potential for sanitary sewer overflows. The Discharger shall ensure that the up-to-date SSS Plan is readily available to sewer system personnel at all times and that sewer system personnel are familiar with it.

At a minimum, the Operation and Maintenance portion of the plan shall contain or describe the following:

1. Detailed maps of the sanitary sewer system, identifying sewer mains, manholes, and lift stations;
2. A detailed listing of elements to be inspected, a description of inspection procedures and inspection frequency, and sample inspection forms;
3. A schedule for routine inspection and testing of all pipelines, lift stations, valves, and other key system components. The inspection/testing program shall be designed to reveal problems that might lead to accidental spills and ensure that preventive maintenance is completed;
4. Provisions for repair or replacement of old, worn out, or defective equipment; and
5. Provisions to minimize the need for manual operation of critical systems and provide spill alarms or other "fail safe" mechanisms.

At a minimum, the Overflow Prevention and Response Plan shall contain or describe the following:

1. Identification of areas of the collection system that historically have overflowed and an evaluation of the cause of the overflow;
  2. Maintenance activities that can be implemented to address the cause of the overflow and means to prevent future overflows;
  3. Procedures for responding to sanitary sewer overflows designed to minimize the volume of sewer overflow that enters surface waters, and to minimize the adverse effects of sewer overflows on water quality and beneficial uses;
  4. Steps to be taken when an overflow or spill occurs, and procedures that will be implemented to ensure that all overflows and spills are properly identified, responded to and reported; and
  5. A public notification plan, in which any posting of areas contaminated with sewage is performed at the direction of the Sierra County Environmental Health Department. All parties with a reasonable potential for exposure to an overflow event shall be notified.
11. By **30 September 2007**, the Discharger shall submit a *Background Groundwater Quality Study Report*. For each groundwater monitoring parameter/constituent identified in MRP No. 5-01-069 or any subsequent revisions, the report shall present a summary of monitoring data, calculation of the concentration in background monitoring wells, and a comparison of background groundwater quality to that in wells used to monitor the wastewater storage ponds and land application area. Determination of background quality shall be made using the methods described in Title 27, §20415(e)(10), or equivalent, and shall be based on data from at least four consecutive quarterly (or more frequent) groundwater monitoring events. For each monitoring parameter/constituent, the report shall compare measured concentrations for compliance monitoring wells with the calculated background concentration. The report shall be prepared by or under the direction of an engineer or geologist registered to practice in California pursuant to California Business and Professions Code §6735, 7835, and 7835.1.
- If the *Background Groundwater Quality Study Report* shows that the wastewater discharge has degraded, or is likely to degrade groundwater quality, then upon request of the Executive Officer, the Discharger shall submit *Groundwater Mitigation Plan* which shall evaluate contaminant control alternatives, describe a preferred alternative, and proposed a timeline to meet the Groundwater Limitations of this Order. The selected contaminant control alternative must comply with State Water Resources Control Board Resolution No. 68-16 and be consistent with the most recent Basin Plan.
12. By **1 October 2008**, the Discharger shall submit the *Final Design and Construction Schedule*. The schedule shall show that all construction activities will be completed by 1 May 2010. The report shall clearly show that the final design results in compliance with Discharge Specification No. B.9 (the storage capacity requirement).
13. By **1 May 2009**, the Discharger shall submit a *Report of Waste Discharge* if the *Final Design* includes material changes in wastewater storage capacity, land application area size or location, or waste treatment methods.

14. By **1 May 2010**, the Discharger shall submit a *Wastewater Treatment System Improvement Report* that describes the completion of construction and includes as-built drawings.

In addition to the above, the Discharger shall comply with all applicable provisions of the California 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 technical reports shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist and shall be signed by the registered professional.

If, in the opinion of the Executive Officer, 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 an Administrative Civil Liability up to \$1,000 or up to \$10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including sections 13268, 13350, and 13385. The Regional Board reserves the right to take any enforcement actions authorized by law.

I, THOMAS R. PINKOS, 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 24 June 2005.

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THOMAS R. PINKOS, Executive Officer