

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. 5-00-109

REQUIRING MCCLOUD COMMUNITY SERVICES DISTRICT  
WASTEWATER TREATMENT FACILITY  
SISKIYOU COUNTY  
TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. McCloud Community Services District operates a wastewater treatment facility and collection system in the town of McCloud in Siskiyou County. The town was originally built and owned by the McCloud River Lumber Company. The town's infrastructure including the sewage collection system and wastewater treatment ponds was constructed without benefit of professional design and with materials that were available at the mill. In 1966 the town was sold and the improvements donated to the newly created McCloud Community Services District (hereafter District). As a result of the faulty construction methods and lack of maintenance, the wastewater treatment ponds and sewage collection system became sources of numerous violations of waste discharge requirements.
2. On 24 October 1980 the District was issued Cease and Desist (C&D) Order No. 80-193 for the discharge of wastewater from Pond 2 to exposed fractures in the pond bottom. Corrective actions implemented by the District were not effective and on 3 December 1993 the Board rescinded C&D Order No. 80-193 and adopted a new C&D Order 93-248, with a time schedule and connection ban. The ponds were redesigned, the fracture covered with appropriate material, and a land application area added. Final compliance was achieved in December 1996 and the Cease and Desist Order was rescinded on 25 April 1997.
3. In addition to the violations resulting from the open fractures in Pond 2, the District has had a long history of collection system failures and discharges of untreated sewage to Squaw Valley Creek, a tributary to the McCloud River. In December 1988 the sewer main crossing over Squaw Valley Creek was damaged by high creek flow and raw sewage discharged directly into the creek until a temporary line was installed. Permanent Replacement of the failed section crossing Squaw Valley Creek was not completed until August 1989. Numerous smaller collection system discharges occurred throughout the collection system during the 1990's. The New Years storm of 1997 resulted in considerable damage to the already dilapidated collection system. Complaints of surfacing sewage from the South McCloud Avenue area shortly thereafter revealed damage and leaks in the 10" and 14" sewer mains south of State Highway 89. The existing line was found to include redwood stave, light gauge sheet metal and clay pipe with unsealed joints.

4. On 25 April 1997, the Board adopted Waste Discharge Requirements Order No. 97-083, which prescribes requirements for a discharge of domestic effluent from McCloud Community Services District to treatment ponds. Order No. 97-083 includes, in part, the following discharge requirements:

**“A. Discharge Prohibitions:**

1. The direct discharge of wastes to surface waters or surface water drainage courses is prohibited
2. The by-pass or overflow of untreated or partially treated waste is prohibited including discharge of waste during maintenance of the system.

**D. Provisions**

- D.7. The District shall submit a report by **15 September 1997** describing the condition of the collection system between Highway 89 and the ponds. The report shall include a description of the type of pipe, potential for leakage, estimated useful life, and a time schedule for repair/replacement. The time schedule shall be subject to approval of the Executive Officer. Each monthly monitoring report thereafter shall include a description of any collection system repairs or any other actions taken to attain compliance with the time schedule.”
5. The District submitted the report requested in Provision D.7. above, and completed the replacement of the collection system main between Highway 89 and the ponds by August 1998.
6. The District’s records from September 1998 through April 2000 document 31 separate collection system overflows from the collection system on the north side of Highway 89, most in excess of 100 gallons. One of the overflows in a more remote area was undetected for over 36 hours and resulted in a discharge of up to 200,000 gallons of untreated sewage to Squaw Valley Creek. There were numerous incidents where the public has been exposed and damage has been caused by these spills.
7. The District is preparing a master plan for the collection system describing the state of the individual sections of the system and specifying the actions required to prevent continued overflows in violation of waste discharge requirements. The final copy of the report has not been submitted but discussions with the District and their consultant indicate that 90 percent of the mains must be replaced, as well as most of the laterals. The District proposes to complete the repairs and replacement of the collection system identified in the master plan in three phases. The phased approach will allow for financing to be arranged, and will avoid excavation throughout the entire town during a single construction season.

8. 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, (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 such 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, or in accordance with the procedure set forth in Section 13302.”

9. Unrestricted increase in the discharge of waste to the Districts collection system north of Highway 89, and south of Highway 89 west of Panther Creek, will increase the violation, or the likelihood of violation, of waste discharge requirements and will further impair water quality and threaten public health.
10. On 15 June 2000, in Sacramento, California, after due notice to the District and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
11. 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.
12. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board (State Board) to review the 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 filling petitions will be provided on request.

**IT IS HEREBY ORDERED THAT:**

1. McCloud Community Services District shall cease and desist forthwith from discharging waste in violation of Waste Discharge Requirements Order No. 97-083.
2. Compliance with waste discharge requirements shall be achieved through compliance with the following time schedule:

<u>Task</u>	<u>Due Date</u>
a. Submit a collection system master plan describing the deficiencies in each section of the existing collection system and proposing general recommendations as to actions necessary to prevent the continued overflows. The plan shall include a cost estimate of the individual task costs and the total project cost for each of the three phases as well as the total project cost. (Technical reports shall be prepared by a civil engineer registered in the State of California experienced in the design of wastewater conveyance systems. All report, plans, and time schedules are to be submitted under penalty of perjury and are subject to review and approval of the Executive Officer.)	<b>20 July 2000</b>
b. Submit a time schedule for preparation of a financial plan for implementing the work identified in the three phases of the collection system master plan. The plan should include the specific mechanism(s) to be employed including but not limited to Rural Development loans, State Revolving fund loans, CDBG grants, Small Community Grants, rate increases, special assessments, and issuance of bonds. The amounts of the individual contributions should be noted as well as interest rates, repayment schedules and other terms. The plan should include dates or estimated dates that the funds from the individual sources will become available.	<b>No later than the dates in the time schedule submitted as per Item 2.b, and as approved by the Executive Officer.</b>
c. Submit a proposed time schedule for achieving compliance with waste discharge Requirements Order No. 97-083. The time schedule should include individual tasks including preparation of engineering report, preparation of working drawings and specifications, preparation and submittal of bid package, bid closing date, choice	<b>No later than the dates in the time schedule submitted as per Item 2.c, and as approved by the Executive Officer.</b>

- | <u>Task</u>  | <u>Due Date</u> |
|--|-----------------|
| of successful bidder, commencement of construction, and completion of construction for each of the three phases.   |                 |
| 3. Connections to the sewage collection system by individual households or businesses who did not have a building permit approved prior to Public Hearing Notice dated 18 May 2000, are prohibited until final compliance with the time schedule above, except as specified in 4. and 5. below.  |                 |
| 4. Additional connections may be made to sections of the collection system designated in the collection system master plan as not requiring repair or renovation, provided that the entire path to the treatment ponds is through renovated lines. At present this exemption applies to the 12" line from the ponds to Manhole No. 0.1; the 14" line from Manhole No. 0.1 to Manhole No. 9.0; and the 10" line from Manhole No. 3.0 to Manhole No. 4.1. These lines are the mains on the south side of State Highway 89, which were replaced or renovated in 1998. After the start of construction of additional new sewer lines, the District may request the Executive Officer extend this exemption to allow connection to newly completed sections provided that the entire path to the treatment ponds is through renovated lines. Requests must be accompanied by a report stamped by an engineer registered in the State of California, indicating compliance with the above. |                 |
| 5. Additional connections may also be made to the collection system under the following conditions:<br><br>a. Projects which would eliminate discharges from existing dwellings which have failing systems whose threat to water quality or public health is greater than that of the existing collection system.<br><br>b. Projects which would alleviate an extreme public hardship or public health problem   |                 |
| 6. The District shall submit quarterly reports to the Board concerning progress towards achieving compliance with the above time schedule and detailing improvements, which have been completed during the previous quarter. Beginning 1 October 2000, reports are due by <b>1 October, 1 January, 1 April, and 1 July</b> of each year.   |                 |
| 7. If, in the opinion of the Executive Officer, the McCloud Community Services 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.  |                 |

CEASE AND DESIST ORDER NO. 5-00-109  
MCCLLOUD COMMUNITY SERVICES DISTRICT  
WASTEWATER TREATMENT FACILITY  
SISKIYOU COUNTY

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I, GARY M. CARLTON, 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 15 June 2000.

AMENDED

*Original signed by*

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GARY M. CARLTON, Executive Officer