



# California Regional Water Quality Control Board Central Valley Region

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2 February 2007

Mr. John Donlevy, City Manager  
City of Winters  
318 First Street  
Winters, CA 95694

**CERTIFIED MAIL**  
**7006 0100 0000 5887 3009**

## NOTICE OF ADOPTION OF CEASE AND DESIST ORDER FOR THE CITY OF WINTERS YOLO COUNTY

Cease and Desist Order (CDO) No. R5-2007-0002 for the City of Winters was adopted by the California Regional Water Quality Control Board, Central Valley Region at its 25 January 2007 meeting.

Please note that the CDO contains a compliance schedule with specific timetables for submitting technical reports. The first scheduled due date is **30 April 2007**, when the City of Winters must submit a *Lift Station/Force Main Evaluation and Retrofit Recommendations Report* and a *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan*.

In order to conserve paper and reduce mailing costs, paper copies of the CDO and revised MRP have been sent only to the Dischargers and their consultant. Interested parties are advised that the full text of this order will be available on the Regional Board's web site at [http://www.swrcb.ca.gov/rwqcb5/adopted\\_orders](http://www.swrcb.ca.gov/rwqcb5/adopted_orders). Anyone without access to the Internet who needs a paper copy of the document can obtain one by calling Regional Board staff.

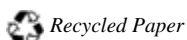
If you have any questions regarding the CDO, please call Anne Olson at (916) 464-4740.

MARK R. LIST, P.G., Chief  
Waste Discharge to Land Unit

Enclosure Cease and Desist Order No. R5-2007-0002

cc w/o enc: Wayne Taniguchi, Yolo County Environmental Health Department, Woodland  
Karen Honer, ECO Resources, Inc., Winters

*California Environmental Protection Agency*



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2007-0002

CEASE AND DESIST ORDER  
REQUIRING  
THE CITY OF WINTERS  
YOLO COUNTY

TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

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

1. The City of Winters (hereafter "Discharger") owns and operates a wastewater treatment facility (WWTF) in Winters, Yolo County. The WWTF is regulated by Waste Discharge Requirements (WDRs) Order No. R5-2002-0136, which was adopted by the Regional Water Board on 19 July 2002.
2. The WWTF serves the City of Winters, and comprises a headworks facility, four aerated ponds, one effluent polishing pond, four wastewater storage ponds, and two land application areas totaling approximately 170 acres. All wastewater receives secondary treatment and disinfection prior to land application.
3. The WWTF's control center, headworks, and main lift station are south of downtown Winters on the north bank of Putah Creek. Sewage flows by gravity to the headworks facility, and is pumped from there to the wastewater treatment pond system, which is approximately 1.5 miles northwest of the main lift station. The sewer system includes three other lift stations that serve low-lying areas.
4. The Discharger owns the WWTF and the City's sewer system, and has contracted with Eco Resources, Inc. for operation, maintenance, and monitoring of the WWTF and the City's sewer system. The Discharger is solely responsible for compliance with the WDRs.
5. This Order addresses the following compliance issues, which are discussed in detail below:
  - a. A discharge of raw sewage to Putah Creek on 29 August 2005;
  - b. Violations of the WDRs detected in September 2005;
  - c. Violations of the WDRs and MRP between January 2005 and July 2006 discovered by Regional Water Board staff during review of technical and monitoring reports;
  - d. Three small sanitary sewer overflows between 18 January 2006 and 22 May 2006, and a potential spill to Putah Creek that was narrowly averted on 24 July 2006;
  - e. A major sanitary sewer overflow on 3 December 2006; and
  - f. An inadequate groundwater monitoring system.

### **August 2005 Spill to Putah Creek**

6. Discharge Prohibitions A.1, A.2, and A.6 of WDRs Order No. R5-2002-0136 prohibit the discharge of waste to surface waters, bypass of the treatment system, and sanitary sewer spills, respectively.
7. On 29 August 2005, a contractor working for a private utility company ruptured the main sewer force main in downtown Winters. The contractor and the Discharger responded properly and in a timely fashion to:
  - a. Contain the spill within the paved street area by sandbagging storm drain inlets;
  - b. Shut down the main lift station to stop the flow; and
  - c. Divert influent from the headworks to an old clarifier at the WWTF control center.

Vacuum trucks at the spill site collected approximately 10,000 gallons of sewage, some of which drained from the 2.5-mile force main after the lift station was shut down. The Discharger directed the vacuum truck operators to discharge the sewage into nearby sewer manholes. However, the Discharger mistakenly identified a storm drain manhole as a sewer manhole, and five truckloads of sewage (approximately 4,000 gallons total) were discharged into a storm drain manhole that was not clearly marked. By the time the error was identified, recovery was not possible, and the sewage flowed directly into Putah Creek via a storm drain outfall. Additionally, the Discharger estimated that approximately 850 gallons leaked through the sand bags at the spill site into the storm drain, and from there into Putah Creek. In total, approximately 4,850 gallons of raw sewage flowed into Putah Creek.

8. The Discharger acted properly in notifying the Yolo County Environmental Health Department and Regional Water Board staff, and cooperated by posting warning signs along the creek and sampling for total and fecal coliform organisms in the creek as requested. However, despite staff's explicit direction, the Discharger did not notify the State Office of Emergency Services (OES) until 6 September 2005, nine days after the spill.
9. Regional Water Board staff did not receive any reports of fish kills or other actual impacts to the beneficial uses of Putah Creek. However, elevated levels of total and fecal coliform organisms were detected as far downstream as the University of California at Davis through 2 September 2005. By 16 September 2005, total and fecal coliform organism levels in Putah Creek had returned to apparent background levels, and the Yolo County Health Department rescinded its 2 September 2005 Health Alert for Putah Creek on that date.
10. On 26 September 2005, staff issued a Notice of Violation (NOV) to the Discharger for violations associated with the 29 August 2005 spill to Putah Creek.

### Violations Detected in September 2005

11. WDRs Order No. R5-2002-0136 contains various requirements to protect public health and water quality. The Standard Provisions and Reporting Requirements, which applies to all dischargers, are incorporated into the WDRs by specific reference.
12. On 2 September 2005, staff of the Regional Water Board and State Water Resources Control Board (State Water Board) performed an inspection of the WWTF and observed the following violations:
  - a. Cattle were present in the land application areas in violation of WDRs Discharge Prohibition A.9.
  - b. The WWTF operators were not informed as to proper operation of the disinfection system, and were unaware of any Operation and Maintenance Manual that addresses operation of that system, in violation of General Provision A.7 of the Standard Provisions and Reporting Requirements.
  - c. The WWTF operators were not informed as to the appropriate location for sampling disinfected effluent and were unaware of any written sampling and analysis plan, in violation of Monitoring Provision C.5 of the Standard Provisions and Reporting Requirements.
  - d. Samples of disinfected effluent obtained by staff during discharge to the land application areas contained levels of total coliform organisms that exceeded WDRs Effluent Limitation C.1.
13. Prior to the 2 September 2005 inspection, staff reviewed several monthly monitoring reports submitted in 2005 as well as certain technical reports submitted by the Discharger to comply with the Provisions of the WDRs. The review revealed several violations as follows:
  - a. The *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* submitted in 2002 was not adequate;
  - b. The *WWTF Operations and Maintenance (O&M) Plan* submitted in 2003 was not adequate;
  - c. The monthly monitoring reports did not include the required land application area monitoring information; and
  - d. The *Background Groundwater Quality Study*, which was due on 1 March 2005, had not been submitted.
14. On 27 September 2005, staff issued a NOV for the violations described in Finding Nos. 12 and 13 above. The NOV set forth a schedule for submittal of a revised *O&M Plan*; the missing land application area monitoring information for January through October of 2005; a complete *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan*; and the *Background Groundwater Quality Study Report*. To date, the Discharger has complied with the schedule for required submittals, but some of the submittals were inadequate, as discussed below.

- a. Operation and Maintenance Plan submitted November 2005: As stated in WDRs Provision G.1.b, the *O&M Plan* must be sufficiently detailed to instruct field personnel on how to manage day-to-day operations at the WWTF to comply with the WDRs and how to make field adjustments to preclude nuisance conditions. The *O&M Plan* documents submitted on 11 November 2005 (titled *Operating Protocols for Phase 1a Improvements* and *Disinfection System Standard Operating Procedures*, respectively) do not constitute a stand-alone, complete O&M Plan, and are not sufficient to communicate standard operating procedures and maintenance protocols for the entire WWTF, including the headworks, main lift station, control center, wastewater treatment pond system, effluent disinfection system, and land application areas.
- b. The revised *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* submitted on 30 March 2006 does not contain all of the information required by WDRs Provision G.1.c. Additionally, despite staff's specific verbal instruction following the August 2005 force main rupture, the spill reporting procedures do not comply with the Standard Provisions and Reporting Requirements.
- c. The *Interim Background Groundwater Quality Study Report*, which was submitted on 30 August 2006 pursuant to WDRs Provision G.1.f, contains an independent technical evaluation of the Discharger's monitoring well network and the quality of groundwater monitoring data obtained to date. The report states that the existing monitoring well network is inadequate and that at least some of the monitoring wells were not properly constructed, developed, or purged. Consequently, the data have limited value and completion of the *Background Groundwater Quality Study Report* will have to be delayed for more than a year, preventing staff from evaluating compliance with the Groundwater Limitations of the WDRs.

**Violations Detected Since October 2005 During Report Review**

- 15. The delinquent land application area monitoring information for January through August of 2005, which was submitted on 5 December 2005, revealed additional violations of the WDRs and MRP as follows. The violation dates are listed in Attachment A of this Order.

<u>Violation</u>	<u>No. of Violations</u>
Land application area irrigation in excess of agronomic needs (Land Application Area Specification E.7)	19
Land application area irrigation within 24 hours before, after, or during precipitation (Land Application Area Specification E.6)	6
Failure to monitor total coliform organisms during a period of land application (MRP)	4

Violation	No. of Violations
Failure to report actual pond freeboard measurement (MRP)	1
Failure to report pond freeboard (MRP)	2
Failure to monitor BOD during a period of land application (MRP)	2
Failure to monitor odors and pond berm condition (MRP)	8
<b>Total</b>	<b>42</b>

16. Subsequent monthly monitoring reports (for September 2005 through July 2006) revealed additional violations of the WDRs and MRP as follows. The violation dates are listed in Attachment A of this Order.

Violation	No. of Violations
Failure to report land application area monitoring results in the monthly monitoring report (MRP)	3
Failure to report pond freeboard (MRP)	36
Failure to submit monthly monitoring report for June 2006 (MRP)	1
<b>Total</b>	<b>40</b>

17. Taken singly, most of the violations cited in Finding Nos. 15 and 16 are not major violations. However, the continued violations after the 27 September 2005 NOV demonstrate a pattern of noncompliance with the MRP.

**January 2006 Sanitary Sewer Overflow**

18. On 18 January 2006, one of the Discharger’s sewage lift stations (the Carter Ranch lift station) failed, causing a sanitary sewer overflow in a residential neighborhood due to surcharging. The Discharger’s response to the spill was prompt and appropriate, and the OES was notified in a timely manner. However, the Discharger did not notify Regional Water Board staff, and staff was made aware of the spill by the Yolo County Environmental Health Department on 20 January 2006, two days after it occurred. The Discharger’s failure to notify Regional Water Board staff is a violation of the Standard Provisions and Reporting Requirements.
19. On 26 January 2006, staff verbally reminded the Discharger of the proper spill reporting procedure. On 3 February 2006, staff responded to a message from Eco Resource, Inc., and provided the same information to the Discharger’s contractor.

20. The Discharger's written spill report states that both pump impellers were jammed with rags. Although neither pump was operable, the pump indicators showed that they were running. The lift station is equipped only with a flashing light alarm system; there is no audible alarm or autodialer to ensure that City staff are alerted to potential spills before they occur.
21. According to the Discharger's written spill report, a total of 350 gallons of raw sewage spilled from the manhole. Approximately 300 gallons were recovered, and approximately 50 gallons flowed into the storm drain system, which discharges to Putah Creek.

### **February 2006 Sanitary Sewer Overflow**

22. On 4 February 2006, a grease blockage in a sewer caused raw sewage to overflow from a residential sewer clean out at the Winters Mobile Home Park. The Discharger's response to the spill was prompt. The Yolo County Health Department, and OES were notified in a timely manner, but the Discharger did not contact Regional Water Board staff directly to report the spill. The Discharger's failure to notify Regional Water Board staff is a violation of the Standard Provisions and Reporting Requirements.
23. According to the Discharger's written spill report, the sewer line blockage was cleared within approximately one hour, but the City Fire Captain noted that sewage solids were still present in the spill area five hours after the spill was reported. Eco Resources, Inc. was called to return to the scene to complete cleanup.
24. According to the Discharger's written spill report, approximately 300 gallons of sewage spilled into a private storm drain connected to a subsurface leaching system, and another 400 gallons was removed from the site by vacuum truck.

### **May 2006 Sanitary Sewer Overflow**

25. On 22 May 2006, another sewage lift station (the El Rio Villa lift station) failed, causing a sanitary sewer overflow in a residential neighborhood due to surcharging. The Discharger's response to the spill was prompt and appropriate, and Regional Water Board staff was notified in a timely manner. However, the Discharger did not file a report with OES until five hours after the spill was first detected.
26. The Discharger's written spill report states that neither of the two lift station pumps was operable. On the day after the spill, one of the pumps' impellers was found to be jammed with trash and debris, including a broken broom handle. The failure of the second pump was not explained.
27. According to the Discharger's written spill report, a total of 150 gallons of raw sewage spilled from a manhole, and "a small portion" of that volume was discharged to a storm drain that discharges to Putah Creek.
28. In a 6 February 2006 letter to Eco Resources, Inc., the Discharger stated that the ongoing problems at the Carter Ranch and El Rio Villa lift stations, including the use of auxiliary

pumps to run the system for extended periods, were the result of Eco Resources, Inc.'s failure to properly maintain the lift stations. The Discharger stated that residents have reported at least five spills at the Carter Ranch Lift Station prior to 18 January 2006. However, the Discharger's *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* states that no sanitary sewer overflows have occurred prior to August 2005.

29. A 16 February 2006 letter from Eco Resources, Inc. to the Discharger includes copies of fourteen memoranda sent to the Discharger between February 2003 and October 2005 that recommend specific repairs, equipment, replacement, and/or permanent modifications to the City's lift stations. Specifically, Eco Resources, Inc. recommended:
- a. New electrical wiring and float assemblies for the main lift station;
  - b. Back-up generators for the Carter Ranch, El Rio Villa, and Walnut Lane lift stations;
  - c. New pumps for the Carter Ranch and El Rio Villa lift stations; and
  - d. A new pump run time meter for the Carter Ranch lift station.

According to the letter, the Discharger did not act on several of those recommendations.

#### **July 2006 Power Failure Incident**

30. On 24 July 2006, the City of Winters experienced a power blackout. The backup generator for the main lift station did not switch on, and raw sewage began to fill the former clarifier, which is used as an emergency overflow containment system. According to the 30 August 2006 letter from the Discharger to Eco Resources, Inc., the autodialer alarm system did not work because the battery was dead, and it was later discovered that the appropriate emergency response phone numbers had not been programmed into the autodialer. In this case a spill did not occur, but only because City Fire Department staff checked the main lift station and discovered the problem before the clarifier overtopped.

#### **December 2006 Sanitary Sewer Overflow**

31. On 3 December 2006, the Discharger's contract operator was notified of an ongoing overflow from the El Rio Villa lift station. Regional Water Board staff were notified in a timely manner, but the Office of Emergency Services and the Yolo County Environmental Health Department were not notified until the following day because the Discharger's Sanitary Sewer Overflow response plan contained incorrect phone numbers for these agencies, and the spill occurred on a Sunday.
32. Operations staff discovered that the spill was caused by the operator's failure to restore electrical power to the lift station following maintenance two days before. The overflow was stopped by turning on a booster pump.
33. Based on a preliminary spill report prepared by the contract operator, the lift station was overflowing for approximately 28 hours before operations staff became aware of it, and



26,000 to 45,000 gallons of raw sewage spilled into Putah Creek via the City's storm drain system during that time. The Discharger's final spill report is pending.

### **Inadequate Groundwater Monitoring Network**

34. Provision G.1.f of WDRs Order No. R5-2002-0136 requires that the Discharger submit a *Background Groundwater Quality Study Report* by 1 March 2005. The report, which was received on 30 August 2006, stated that the existing network of groundwater monitoring wells and the monitoring data obtained from those wells were inadequate to complete the required study. Following its review of the report, staff met with the Discharger and agreed to a plan for well rehabilitation, construction of new monitoring wells, and completion of the background groundwater quality study. The Discharger submitted a detailed proposal for additional hydrogeologic investigation on 23 October 2006.

### **Other Relevant Information**

35. In a 7 September 2006 meeting with staff of the Regional and State Water Boards, the Discharger stated that a new lift station is planned to serve a proposed subdivision near Carter Ranch. The new lift station will be designed to pump sewage directly to the wastewater treatment pond site, bypassing the existing headworks and main lift station. Upon its completion, the new lift station will also serve the Carter Ranch subdivision, and flows from the Carter Ranch subdivision will be directed to the new lift station. There is no firm schedule for completion of the new lift station.
36. In response to staff's 11 September 2006 request for information, the Discharger provided details regarding the design of the City's four existing lift stations. Only the main lift station has a dedicated backup power supply and autodialer system. The other three lift stations have no backup generators and are equipped only with flashing light alarms to warn of impending overflows.
37. During a meeting on 14 December 2006, the Discharger informed staff that it had already executed contracts for consulting services to:
- a. Evaluate the City's lift stations;
  - b. Recommend a supervisory control and data acquisition (SCADA) system to allow remote monitoring of the lift stations;
  - c. Recommend improvements to the City's maintenance procedures and maintenance record-keeping; and
  - d. Recommend procedures to ensure that monitoring reports submitted to the Regional Water Board comply with the Monitoring and Reporting Program.

Copies of those agreements were submitted on 22 December 2006.

### Summary of Compliance Issues

38. General Provision A.9 of the Standard Provisions and Reporting Requirements states:

*“For any electrically operated equipment at the site, the failure of which would cause loss of control or containment of waste materials, or violation of this Order, the discharger shall employ safeguards to prevent loss of control over wastes. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means”.*

With the exception of the main lift station, the Discharger’s sewage lift stations do not have alternate power sources, standby generators, or adequate alarm systems. Consequently, the Discharger has had to rely on citizen complaints to discover sanitary sewer overflows caused by lift station failures, resulting in unnecessary releases of raw sewage to surface waters. Additionally, the 24 July 2006 incident shows that the main lift station’s safeguard systems have not been adequately operated and/or maintained.

39. General Reporting Requirement B.1 of the Standard Provisions and Reporting Requirements states:

*“In the event the discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the discharger shall notify the Board by telephone at (916) 464-3291 as soon as it or its agents have knowledge of such noncompliance or potential for noncompliance, and shall confirm this notification in writing within two weeks. The written notification shall state the nature, time and cause of noncompliance, and shall include a timetable for corrective actions”.*

Although the Discharger provided written spill reports for the sewage spills described above, the Discharger did not always provide timely verbal notification to Regional Water Board staff and OES as required. Additionally, the written spill reports for the 2006 spills did not include sufficient detail of the nature and cause of the spills, nor did they provide a schedule for corrective actions to prevent future incidents.

40. General Reporting Requirement B.2 of the Standard Provisions and Reporting Requirements states:

*“The discharger shall have a plan for preventing and controlling accidental discharges, and for minimizing the effect of such events. This plan shall:*

- a. Identify the possible sources of accidental loss or leakage of wastes from each waste management, treatment, or disposal facility.*
- b. Evaluate the effectiveness of present waste management/treatment units and operational procedures, and identify needed changes of contingency plans.*
- c. Predict the effectiveness of the proposed changes in waste management/treatment facilities and procedures and provide an implementation schedule containing interim and final dates when changes will be implemented.*

*The Board, after review of the plan, may establish conditions that it deems necessary to control leakages and minimize their effects”.*

Although the Discharger did not cause the 29 August 2005 force main rupture, the release of approximately 4,000 gallons of raw sewage to Putah Creek could have been prevented by ensuring the availability of accurate storm drain and sewer maps to spill response personnel and/or by ensuring that all storm drain inlets, cleanouts, and manholes were properly marked. Likewise, the December 2006 spill could have been prevented if the maintenance supervisor had turned on the electrical power before leaving the lift station.

41. Provision G.1.c of WDRs Order No. R5-2002-0136 requires that the Discharger prepare, maintain, and implement a *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan*. The full text of this Provision is presented in Attachment B. The Discharger's *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* (as revised in March 2006) was not prepared by an appropriately registered professional as required, and does not provide adequate reporting, response, and cleanup information. Additionally, the circumstances surrounding the spills and potential spill described above show that the plan has not been fully implemented in such a way as to prevent and minimize discharges to surface waters and implement adequate cleanup to prevent human contact with waste following sewage spills.
42. Provision G.4 of WDRs Order No. R5-2002-0136 requires that the Discharger comply with the Monitoring and Reporting Program issued as part of the WDRs. The MRP states:

*"A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation or facility modifications... The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions General Reporting Requirements Section B.3"*

As discussed above, numerous violations of the WDRs and MRP were determined during review of the Discharger's monthly monitoring reports for the period January 2005 through July 2006. None of the monitoring reports included a disclosure or discussion of the violations, and there was no discussion of corrective actions or facility modifications. Although the monthly monitoring reports were prepared and certified by Eco Resources, Inc., the Discharger should have identified the violations and monitoring report deficiencies, and should have ensured that both monitoring and monitoring reports were in compliance with the MRP before the reports were submitted. Regional Water Board staff reminded the Discharger that the City is solely responsible for the actions of its contractors during the 2 September 2005 facility inspection, but the violations and reporting deficiencies continued after that date.

43. As stated in the *Interim Background Groundwater Quality Study Report* submitted on 30 August 2006, the network of groundwater monitoring wells at the WWTF is not adequate to determine compliance with the Groundwater Limitation of the WDRs, and the value of previous groundwater monitoring data is questionable because of inadequate well development and purging techniques. The report presented an acceptable plan to construct new wells, rehabilitate existing wells where practical, perform additional monitoring, and complete the final *Groundwater Quality Study Report*. On 13 September 2006, staff provided comments on the Discharger's monitoring well

installation workplan and requested a revised workplan. It is appropriate to set forth a revised schedule for completion of the *Groundwater Quality Study Report* to supersede the due date set forth in WDRs Provision G.1.f.

### **Regulatory Considerations**

44. As a result of the events and activities described in this Order, the Regional Water Board finds that the Discharger has discharged, and has the potential to discharge, waste in violation of WDRs No. R5-2002-0136.
45. The Regional Water 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.
46. Surface water drainage from the facility is to Putah Creek. The beneficial uses of Putah Creek, as stated in the Basin Plan, are municipal supply, agricultural supply; water contact recreation; noncontact water recreation; warm freshwater habitat, cold freshwater habitat; warm water spawning, reproduction, and/or early development; and wildlife habitat.
47. The beneficial uses of underlying groundwater are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
48. 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 the 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.*

49. 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.*

50. The required technical reports are necessary to assure compliance with WDRs Order No. R5-2002-0136 and this Order, and to assure protection of public health and safety. The Discharger owns the facilities that discharge the waste subject to this Order.
51. 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 Sections 15061(b)(3) and 15321(a)(2) of Title 14, California Code of Regulations.
52. On 25 January 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.
53. Any person affected by this action of the Regional Water 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 Water Board action took place. Copies of the law and regulations applicable to filing petitions are available at [www.waterboards.ca.gov/water\\_laws/index.html](http://www.waterboards.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 Winters, 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 Order No. R5-2002-0136, or any superceding permits or orders issued by the Regional Water Board.

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. **Effective immediately**, the Discharger shall comply with the WDRs and Standard Provisions and Reporting Requirements, particularly with respect to prompt and complete reporting of potential or actual violations of the WDRs, including sanitary sewer overflows and violations detected during monitoring.
2. **Effective on the first day of the first month** following adoption of this Order, the Discharger shall implement Revised Monitoring and Reporting Program No. R5-2002-0136. All monitoring and monitoring reports shall fully comply with the Provisions of the WDRs, the revised MRP, and the Standard Provisions and Reporting Requirements.

3. By **30 April 2007**, the Discharger shall submit a *Lift Station/Force Main Evaluation and Retrofit Recommendations Report*. The report shall present a complete engineering evaluation of all sewer lift stations and force mains, including at least the following:
  - a. For each lift station:
    - i. The type of lift station, power supply, electrical controls, pump(s), and alarm systems;
    - ii. The structural, electrical, and mechanical condition of the lift station;
    - iii. The age and reliability of all electrical and mechanical systems and equipment;
    - iv. The adequacy of the electrical and mechanical systems design and equipment to accommodate actual service conditions and ensure full compliance with the WDRs and Standard Provisions and Reporting Requirements;
    - v. Specific recommendations for retrofits, equipment replacement and repair; and
    - vi. A schedule for full implementation of those recommendations.
  - b. For each force main:
    - i. The age and type of pipe materials, joint types, and method of installation (including minimum soil cover);
    - ii. The number, locations and/or typical spacing of backflow prevention valves and/or flow isolation valves;
    - iii. Leak detection systems, inspection protocols, and inspection frequency;
    - iv. Surface and subsurface pipeline identification features (e.g., signs, magnetic tape);
    - v. Specific recommendations for retrofits, replacement, and repair; and
    - vi. A schedule for full implementation of those recommendations.
4. By **30 April 2007**, the Discharger shall submit a complete *Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan* that complies with the requirements set forth in Provision G.1.c of the WDRs (Attachment B of this Order) and the Standard Provisions and Reporting Requirements. In addition, the plan shall include a complete description of all sanitary sewer overflows that have occurred in the last five years, including the nature and cause(s), response, cleanup, and an evaluation of the response and cleanup efforts. The plan shall specifically identify historical trouble spots, system design inadequacies, and a plan and schedule for further evaluation and improvements (both capital and operational) to ensure full compliance with the WDRs and Standard Provisions and Reporting Requirements.
5. By **30 June 2007**, The Discharger shall submit an addendum to the August 2006 *Monitoring Well Installation and Rehabilitation Workplan*. The addendum shall describe in detail the results of the previously approved hydrogeologic investigation. Based on the stratigraphy, water bearing zones, and groundwater geochemistry data collected during the investigation, it shall include specific recommendations for the location and design of new monitoring wells in both the perched and shallow hydrostratigraphic zones.
6. By **30 September 2007**, the Discharger shall submit a *Monitoring Well Installation and Rehabilitation Report* that completely describes monitoring well rehabilitation efforts, the outcome of those efforts, abandonment of certain monitoring wells in accordance with the

approved workplan, and construction of new monitoring wells in accordance with the approved workplan. The report shall comply with the requirements set forth in Provision G.1.e of the WDRs.

7. By **30 April 2008**, the Discharger shall submit a *Lift Station/Force Main Retrofit Completion Report*. The report shall describe in detail full implementation of the *Lift Station/Force Main Evaluation and Retrofit Recommendations Report*, and shall include as-built drawings depicting the location and type of work completed, as well as justification for each deviation from the recommended work.
8. By **30 December 2008**, the Discharger shall submit a *Background Groundwater Quality Study Report* that complies with the requirements set forth in Provision G.1.f of the WDRs.
9. **Beginning 1 February 2007**, 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 above.

The Discharger shall immediately comply with all other Prohibitions, Specifications, and Provisions of Waste Discharge Requirements Order No. R5-2002-0136 not specifically mentioned above. 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.

All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

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 Water Board reserves its right to take any enforcement actions authorized by law.

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 25 January 2007.

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PAMELA C. CREEDON, Executive Officer

ALO: 2/5/2007

Attachments: A – Violation Chronology  
B – Provision G.1.c of WDRs Order No. R5-2002-0136



## ATTACHMENT A

### Violation Chronology (January 2005 through July 2006)

Violation Date	Violation Description	No. of Violations
<b>2005</b>		
7-Jan-05	Failure to report freeboard for two ponds	2
21-Jan-05	Irrigation in excess of agronomic needs (E.7)	1
30-Jan-05	Irrigation in excess of agronomic needs (E.7)	2
31-Jan-05	Monthly monitoring report did not include land application area monitoring	1
2-Feb-05	Irrigation in excess of agronomic needs (E.7)	2
11-Feb-05	Irrigation in excess of agronomic needs (E.7)	3
23-Feb-05	Irrigation in excess of agronomic needs (E.7)	1
28-Feb-05	Monthly monitoring report did not include land application area monitoring	1
9-Mar-05	Irrigation in excess of agronomic needs (E.7)	1
16-Mar-05	Irrigation in excess of agronomic needs (E.7)	5
22-Mar-05	Irrigation during precipitation (E.6)	3
28-Mar-05	Irrigation in excess of agronomic needs (E.7)	4
31-Mar-05	Monthly monitoring report did not include land application area monitoring	1
5-Apr-05	Irrigation during precipitation (E.6)	1
26-Apr-05	Failure to monitor coliform during discharge	1
30-Apr-05	Monthly monitoring report did not include land application area monitoring	1
4-May-05	Freeboard reported as 8ft/7ft - required to report actual measurement	1
12-May-05	Irrigation during precipitation (E.6)	2
18-May-05	Failure to monitor coliform during discharge	1
31-May-05	Monthly monitoring report did not include land application area monitoring	1
30-Jun-05	Monthly monitoring report did not include land application area monitoring	1
5-Jul-05	Failure to monitor coliform during discharge; failure to monitor BOD	2
31-Jul-05	Monthly monitoring report did not include land application area monitoring	1
31-Aug-05	Failure to report odors and levee condition for S2 (2 violations ea. x 4 weeks)	8
24-Aug-05	Failure to monitor coliform during discharge; failure to monitor BOD	2
29-Aug-05	SSO to creek from ruptured force main (4,850 gal)	1
31-Aug-05	Monthly monitoring report did not include land application area monitoring	1
2-Sep-05	Violation of coliform limit	1
2-Sep-05	Cattle present in land application area	1
2-Sep-05	Operators not aware of standard O&M	1

<b>Violation Date</b>	<b>Violation Description</b>	<b>No. of Violations</b>
2-Sep-05	Operators not aware of standard sampling protocols	1
2-Sep-05	Discharger and operator were verbally informed of known violations	--
26-Sep-05	Notice of Violation was issued for 29 August 2005 spill	--
27-Sep-05	Notice of Violation was issued for known violations of the WDRs and MRP	--
30-Nov-05	Did not include land application area monitoring	1
<b>Total</b>		<b>56</b>
<b>2006</b>		
18-Jan-06	SSO from Carter Ranch lift station (350 gal total; 50 to SD)	1
4-Feb-06	SSO at Winters Mobile Home Park (700 gal total; 400 recovered)	1
10-Feb-06	Failure to report freeboard (all ponds; 9 violations)	9
13-Feb-06	Failure to report freeboard (all ponds; 9 violations)	9
21-Feb-06	Failure to report freeboard (all ponds; 9 violations)	9
28-Feb-06	Failure to report freeboard (all ponds; 9 violations)	9
30-Apr-06	Monthly monitoring report did not include land application area monitoring	1
22-May-06	SSO from El Rio Villa lift station (150 gal total; little to storm drain)	1
30-Jun-06	Failure to submit monthly monitoring report for June 2006	1
31-Jul-06	Monthly monitoring report did not include land application area monitoring	1
3-Dec-06	SSO from El Rio Villa lift station (26,000 to 45,000 gal total to Putah Creek)	1
<b>Total</b>		<b>43</b>

## ATTACHMENT B

### Provision G.1.c of WDRs Order No. R5-2002-0136

By 1 August 2004, 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, or whenever there is a sanitary sewer overflow. 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.

- i. 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;
  5. Provisions to minimize the need for manual operation of critical systems and provide spill alarms or other "fail safe" mechanisms;
  6. The ability to properly manage, operate and maintain, at all times, all parts of the collection system that the Discharger owns or over which the Discharger has operational control;
  7. The ability to provide adequate capacity to convey base flows and peak flows for all parts of the collection system the Discharger owns or over which the Discharger has operational control; and
  8. How the Discharger will take all feasible steps to stop and mitigate the impact of sanitary sewer overflows in portions of the collection system the Discharger owns or over which the Discharger has operational control.
- ii. 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. Maintenance activities may include pretreatment of wastewater from industrial dischargers who discharge high concentrations of oil and grease in their wastewater;
  3. Procedures for responding to sanitary sewer overflows designed to minimize the volume of sewer overflow that enters surface waters, and 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 Yolo County Health Department. All parties with a reasonable potential for exposure to an overflow event shall be notified.