

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

INVESTIGATIVE ORDER R7-2017-0027

**DIRECTING DESERT RECREATION DISTRICT
TO SUBMIT A TECHNICAL REPORT PERTAINING TO INVESTIGATION OF A DISCHARGE OF
RECYCLED WATER FROM
THE FIRST TEE OF THE COACHELLA VALLEY GOLF COURSE
PALM DESERT, RIVERSIDE COUNTY**

The California Regional Water Quality Control Board, Colorado Basin Region (Colorado River Basin Water Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) Section 13267;

1. **Legal and Regulatory Authority:** This Order is based in part on: (1) Sections 13260 and 13267 of the CWC; (2) applicable state and federal regulations; (3) the *Water Quality Control Plan for the Colorado River Basin* (Basin Plan) adopted by the Colorado River Basin Water Board; (4) State Water Resources Control Board (State Water Board) policies and regulations, including State Water Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*); (5) Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), *General Order 97-700*; and (6) relevant standards, criteria, and advisories adopted by other state and federal agencies.
2. **Persons Responsible for the Discharge of Wastes:** The Desert Recreation District (District) owns the First Tee of Coachella Valley Golf Course operated by United GLI, Inc. The District maintains three ponds that hold non-potable recycled water for the purpose of irrigating its golf course, at 74-945 Sheryl Avenue located north-northeast of the Whitewater River Stormwater Channel (Channel) in Palm Desert, California.
3. **Discharge of Recycled Water:** The District's consultant, TerraCosta Consulting Group, Inc. of San Diego, CA reported the following information in a technical report dated July 27, 2017 about an unauthorized discharge of recycled water that occurred from June 3, 2017 through June 4, 2017 from a valve supplying the recycled water to golf course's Pond 3 that was inadvertently left open:
 - a. On June 3, 2017, at approximately 8:50 p.m., the Coachella Valley Water District (CVWD) was notified of a sanitary sewer overflow (SSO) within the Channel from the sewer mains. District staff responded to the SSO approximately half an hour later and posted warning signs around the area while corrective actions were initiated.
 - b. The overflow of the golf course's Pond 3 (estimated by TerraCosta Consultant Group, Inc., at approximately 1.75 to 2 million gallons of recycled water) into the Channel. Recycled Water flowed into the Channel, a tributary to the Salton Sea.
 - c. Actions needed to stop the recycled water flow started at approximately 10:00 p.m. on June 3, 2017. The District completed the spill response and preventative measures on June 4, 2017, at approximately 4:00 p.m.
 - d. The Coachella Valley Water District notified California Emergency Management Agency (CalEMA) and the Riverside County Environmental Health Department of the discharge.

4. **Colorado River Basin Water Board Notification:** The Colorado River Basin Water Board was first notified by CVWD of the discharge at June 4, 2017, 8:41 a.m.
5. **Violations of the Federal Water Pollution Control Act (Clean Water Act), Water Code (CWC), Basin Plan and General Order No. 97-700:** The discharge of Recycled Water described in Finding No. 3 of this Order is a violation of the following sections of the Clean Water Act, CWC, Basin Plan, and Colorado River Basin Water Board General Order No. 97-700, and subjects a discharger to potential enforcement actions, including, but not limited to, administrative civil liability pursuant to CWC Sections 13350 and 13385 in amounts up to \$10,000 per day, and up to \$10 per gallon for each gallon of waste discharged:
 - a. **Clean Water Act Section 301 and CWC Section 13376:** The discharge of recycled water to the Channel and ultimately to the Salton Sea was in violation of Section 301 of the Clean Water Act and CWC Section 13376, which prohibit the discharge of pollutants to waters of the United States except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.
6. **Potential Impacts of the Discharge:** Recycled water stored in Pond 3 contains a mixture of pollutants and may contain pathogenic organisms, which could potentially transmit diseases to ecological receptors. Consequently, a discharge of recycled water has the potential to adversely affect public health, adversely affect animal and plant life, pollute surface water or groundwater, and cause a public nuisance, particularly when recycled water is discharged to areas with high public exposure.
7. **Basis for Requiring Reports:** CWC Section 13267 provides that the Colorado River Basin Water Board may require dischargers, past dischargers, or suspected dischargers to furnish technical or monitoring reports as the Colorado River Basin Water Board may specify, provided that the burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the Colorado River Basin Water 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.
8. **Need for and Benefit of a Technical Report:** A technical report is needed to enable the Colorado River Basin Water Board to effectively evaluate the nature, circumstances, extent, and impacts of the unauthorized discharge of sewage. The burden of providing the required report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
9. **California Environmental Quality Act (CEQA) Compliance:** This enforcement action is being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations (CCRs). The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of CEQA pursuant to Section 15321(a) (2), Chapter 3, Title 14 of the CCRs. This action is also exempt from the provisions of CEQA in accordance with Section 15061(b) (3) of Chapter 3, Title 14 of the CCRs because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

10. **Qualified Professionals:** Qualified professionals are necessary for preparing the technical report required by this Order, in order to ensure that information presented in the report is reliable and accurate. Professionals should be qualified, licensed where applicable, and competent and proficient in fields pertinent to the required activities.

IT IS HEREBY ORDERED, that pursuant to Sections 13267 of the CWC, the Desert Recreation District (District) is required to submit a technical report by **September 15, 2017** presenting results of an investigation of the unauthorized discharge of recycled water that occurred from the Pond 3 at the First Tee Golf Course. The technical report must comply with the directives specified in this Order and include the following information:

A. CONTENTS OF THE TECHNICAL REPORT

Causes and Circumstances of the Discharge

1. A complete, detailed explanation of how and when the discharge of recycled water (the discharge), from Pond 3 at the First Tee Golf Course, was discovered, including tabular and graphical summaries of the flow data from June 3, 2017 through June 4, 2017.
2. An explanation of the methods and assumptions used in determining the total volume of recycled water discharged.
3. A detailed description of the cause(s) for the structural problem/failure of Pond 3, including any analyses or forensic studies performed by the District or their consultants to determine the reasons for the Pond failure.
4. The date that the ponds were installed, and the design and construction standards and specifications that were applied for the installation of the ponds.
5. Maintenance and alarm system logs kept by District for the ponds.
6. The names of all personnel who were responsible on the District's golf course maintenance where they would have been able to determine there was a problem between June 3 and 4, 2017. State the hours each employee was on duty during the specified period, and specify the hours each day that at least one employee is scheduled to work on the collection system. Provide documentation of any training those employees received in the past year on the Waste Discharge Requirements Order 970-700 and overflow emergency response actions.

Response to the Discharge

7. A detailed chronological description of all actions taken by the District to terminate the discharge, repair the ponds, and mitigate the impacts from the discharge. The narrative must include an evaluation of the results of these actions. The narrative must also include an evaluation of any alternative actions that were considered but ultimately rejected to minimize the volume of discharge and impacts to the environment.

Monitoring and Analysis

8. A description of all water quality sampling activities conducted by or on behalf of the District associated with the discharge, and the analytical results from those sampling activities and an evaluation of those results.
9. A detailed map of the discharge location, path of the discharge, and location of sampling and reference points.

Impacts of the Discharge

10. Identification of the hydrogeologic characteristics of the area impacted by the discharge; including groundwater depth, flow rate and direction, groundwater storage and assimilation capacity, and any interaction of groundwater with surface water bodies and water courses.
11. An assessment of the potential short and long term impacts of the discharge on public health, animal and plant communities (including sensitive and/or endangered species), and on the overall ecosystem downstream of the discharge. The assessment must include, but are not limited to the following:
 - a. A summary of all threatened and endangered species located downstream of the discharge site within or adjacent to the Channel.
 - b. A description of all observations and sampling activities conducted by or on behalf of the District associated with potential short-term and long-term impacts to vegetation and wildlife from the discharge and an evaluation of these impacts.

The assessment must include supporting rationale for conclusions made, and an explanation of what steps were taken, or will be taken to mitigate these impacts. This assessment must be prepared by a technical professional qualified to evaluate the short and long term impacts of the discharge on ecological receptors.

12. A detailed discussion of the District's efforts to date, to obtain the necessary permits and develop mitigation plans, to restore the environmental impacts to Channel as a result of the emergency pipeline repair and repair of eroded areas within Channel. This discussion shall include any correspondence/applications submitted to other resource/regulatory agencies.

Additional Information

13. Any other pertinent information for that will assist the Colorado River Basin Water Board in evaluating the nature, circumstances, extent, and gravity of the discharge. This may include documents, pictures, and/or video related to the discharge.

B. PROVISIONS

1. **Use of Registered Professionals:** The District shall provide documentation that any reports required under this Order were prepared under the direction of appropriately qualified professionals. In preparing the technical report required by this Order, any engineering or geologic evaluations and judgments must be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead

professional shall be included in the report submitted by the District. The lead professional shall sign and affix their registration stamp to the report.

2. **Use of Qualified Technical Professionals:** The District shall ensure that plans and reports, required under this Order, are prepared under the direction of technical professionals who are appropriately qualified to evaluate short and long term impacts to ecological receptors.
3. **Laboratory Qualifications:** Unless otherwise permitted by the Colorado River Basin Water Board, all analyses shall be conducted at a laboratory certified to perform such analyses by the State Water Resources Control Board Division of Drinking Water (DDW). The District must use a laboratory capable of producing and providing quality assurance/quality control (QA/QC) records for Colorado River Basin Water Board review.
4. **Laboratory Analytical Reports:** Any report presenting new analytical data is required to include the complete laboratory analytical report(s). The laboratory analytical report must be signed by the laboratory director and contain:
 - a. Complete sample analytical report;
 - b. Complete laboratory quality assurance/quality control (QA/QC) report;
 - c. Discussion of the QA/QC data; and
 - d. A transmittal letter that shall indicate whether or not all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the CDPH in accordance with current procedures approved by the United States Environmental Protection Agency."
5. **Analytical Methods:** Specific methods of analysis must be identified in the District's monitoring reports. If the District proposes to use methods or test procedures other than those included in the most current version of 40 CFR, Part 136, "*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification*", and State Water Board SWAMP Bioassessment Standard Operating Procedures (SOP's),¹ then the exact methodology must be submitted for review and approval by the Colorado River Basin Water Board prior to use.
6. **Signatory Requirements:** All reports required under this Order shall be signed and certified by either a principal executive officer or ranking elected official or the person with overall responsibility for environmental matters for that municipality.

Certification Statement: Any person signing a document under this provision shall make the following certification:

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted

¹ SWAMP SOP's for benthic macroinvertebrate samples and stream algae samples can be obtained at: <http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/standard-operating-procedures>.

is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. **Report Submittal:** All reports required under this Order shall be submitted to the following address:

Frank Gonzalez
Assistant Executive Officer
California Regional Water Quality Control Board
Colorado River Basin
73720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

C. NOTIFICATIONS

1. **Enforcement Discretion:** The Colorado River Basin Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification:** CWC Section 13268(a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by CWC Section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13268(b).
3. **Requesting Administrative Review by the State Water Board:** Any person affected by this action of the Colorado River Basin Water Board may petition the State Water Board to review the action in accordance with Section 13320 of the CWC and CCRs, Title 23 Section 2050. The petition must be received by the State Water Board (Office of the Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of execution of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.



Frank Gonzalez
Assistant Executive Officer



Date