



California Regional Water Quality Control Board

San Diego Region



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October 1, 2008

Mr. Greg Ensminger
General Manager
Rainbow Municipal Water District
P.O. Box 2500
Fallbrook, CA 92088-2500

VIA CERTIFIED MAIL
7007 1490 0003 8753 5582

In reply refer to:
NCGW:245555:rpierce

Dear Mr. Ensminger:

SUBJECT: NOTICE OF VIOLATION NO. R9-2008-0114 AND COMMENTS ON JULY 2004- DECEMBER 2007 SEMIANNUAL MONITORING REPORTS, OAK CREST TREATMENT PLANT, 4747 OAK CREST ROAD, FALLBROOK, CA 92028

Enclosed is **Notice of Violation (NOV) No. R9-2008-0114** for Oak Crest Treatment Plant (the Site) located in Fallbrook, California. The California Regional Water Quality Control Board, San Diego Region (Regional Board) identified the violations cited in the NOV during review of the following Semiannual Monitoring Reports for Order No. 93-69:

PERIOD	REPORT DATE	DATE RECEIVED
July – December 2004	January 31, 2005	January 27, 2005
July – December 2005	January 20, 2006	January 19, 2006
January – June 2006	July 31, 2006	July 25, 2006
July – December 2006	January 31, 2007	January 24, 2007
January – June 2007	July 31, 2007	July 26, 2007
July – December 2007	January 31, 2008	January 30, 2008

In addition the Regional Board has the following comments on the Reports referenced above:

1. Although Finding 14 of Order No. 96-39 states that discharges of total dissolved solids (TDS) are not expected to degrade groundwater quality due to anticipated low flow volumes from the facility, persistent and significant exceedances of the water quality objective will require additional information and/or investigation into the effect of the discharge on the quality of groundwater in the basin. The applicable water quality objective² for TDS in groundwater was exceeded three

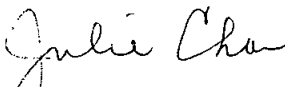
² TDS water quality objective established at 500 mg/L (see Table 3-3) in the Water Quality Control Plan for the San Diego Basin (1994).

times: on December 12, 2004 with a reported value of 2,200 mg/L, on December 27, 2005 with a reported value of 1,000 mg/L, and finally on December 5, 2007 with a reported value of 2,200 mg/L. Similarly, the groundwater nitrate water quality objective of 10 mg/L was exceeded two times: on December 12, 2004 with a reported value of 24 mg/L, and on December 5, 2007 with a reported value of 23 mg/L. If these significant exceedances of the groundwater quality objectives persist, the Regional Board may require additional information and/or require you to investigate the effect of exceedences on groundwater quality.

2. The tabulated concentrations of boron in both samples collected in 2007 were reported as 3.5 mg/L when the actual values (from the laboratory analytical report) were 350 µg/L (or 0.350 mg/L). The 12-month average effluent limitation for boron was therefore below the effluent limitation of 0.8 mg/L. In future reports please tabulate the values and units correctly.
3. Several tables report sample analysis results as N/A or not applicable for concentrations below the reporting limit (or non-detect). The table should follow the convention that non-detect results are reported as "ND" with a threshold concentration limit including units (e.g., "<10" where 10 is the laboratory reporting limit).
4. Regional Board staff was unable to locate the semiannual report for January to June 2005. Please re-submit that report for Regional Board review.
5. The semiannual report dated January 20, 2006, asked of TDS: "On this particular constituent are we to resample or what other frequency do you want us to monitor[?]" Neither additional samples nor increased frequency of monitoring for TDS is required due to the previously identified violation. Order No. 93-69 requires such additional information only in the case of violations of effluent limits for biochemical oxygen demand (BOD), total suspended solids (TSS), and pH.

The next semi-annual monitoring report is due on **January 31, 2009**. If you have any questions regarding this matter, please contact Mr. Robert Pierce at (858) 627-3935 or at RPierce@waterboards.ca.gov.

Sincerely,



Julie Chan, P.G., Supervising Engineering Geologist
Groundwater Basins Branch

JAC:jro:rep

CIWQS:

Regulatory Measure ID	143055
Place ID	245555
Enforcement ID	349894 (SEL) 351130 (NOV)
Violation ID	777616 777618 777620 777623 777624 777625 777626 777628 777629

October 1, 2008

IN THE MATTER OF)

Mr. Greg Ensminger, General Manager)
Rainbow Municipal Water District)
P.O. Box 2500)

NOTICE OF VIOLATION
NO. R9-2008-0114

WDID NO.
9 000000082

In Reply refer to:
NCGW:245555:pierce

Order No. 93-69 issued to Oak Crest Estates, Inc. and Rainbow Municipal Water District

Subject Site: Oak Crest Treatment Plant, 4747 Oak Crest Road, Fallbrook, CA 92028

YOU ARE HEREBY NOTIFIED THAT:

The Oak Crest Estates, Inc. and Rainbow Municipal Water District (discharger) are in violation of waste discharge requirements issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) in Order No. 93-69 for discharges from the Oak Crest Treatment Plant, San Diego County. These violations subject the discharger to possible further enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 per day per violation;¹ referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

The Regional Board reviewed six Semiannual Monitoring Reports for Order No. 93-69:

PERIOD	REPORT DATE	DATE RECEIVED
July – December 2004	January 31, 2005	January 27, 2005
July – December 2005	January 20, 2006	January 19, 2006
January – June 2006	July 31, 2006	July 25, 2006
July – December 2006	January 31, 2007	January 24, 2007
January – June 2007	July 31, 2007	July 26, 2007
July – December 2007	January 31, 2008	January 30, 2008

¹ Under authority of California Water Code section 13350.

Nine violations of Order No. 93-69 were identified in these monitoring reports. Oak Crest Estates, Inc. and Rainbow Municipal Water District reported taking corrective actions in response to reporting violations including keeping backup records and replacing malfunctioning equipment.

Summary of Violations:

I. VIOLATION OF ORDER NO. 93-69 DISCHARGE SPECIFICATION B.1.

Discharge Specification B.1 of Order No. 93-69 includes the following effluent limitations:

The discharge of an effluent to the wastewater irrigation area containing pollutants in excess of the following effluent limitations is prohibited:

Constituent (Unit)	Daily Maximum	12-month Average
Biochemical Oxygen Demand (mg/L)	45	-
Total Suspended Solids (mg/L)	45	-
Total Dissolved Solids (mg/L)	300 *	1,000

* Increment in effluent over supply water.

The concentration of total dissolved solids (TDS) in the effluent exceeded the daily maximum limitation of 300 mg/L (over TDS concentration in supply) on December 27, 2005, with a reported value of 960 mg/L. The biochemical oxygen demand (BOD) in effluent exceeded the daily maximum limitation of 45 mg/L on December 27, 2005, with a reported value of 280 mg/L. The total suspended solids (TSS) in effluent exceeded the daily maximum limitation of 45 mg/L on December 27, 2005, with a reported value of 810 mg/L.

II. VIOLATION OF MONITORING AND REPORTING PROGRAM NO. 93-69 EFFLUENT MONITORING B.1.

The effluent monitoring requirement B.1 of Monitoring and Reporting Program No. 93-69 states:

The discharge from the treatment plant to the disposal area shall be monitored as follows:

Determination	Unit	Sample type	Sampling Frequency	Reporting Frequency
Flowrate	gpd	Continuous	Daily	Semiannual

Note: gpd = gallons per day
mg/L = milligrams per liter

October 1, 2008

The flow rate was not reported four times on May 30 and 31, 2006; January 31, 2007; and November 30, 2007.

**III. VIOLATION OF MONITORING AND REPORTING PROGRAM No. 93-69
STORAGE FACILITIES E.**

The requirements for storage facilities (in Section E of Monitoring and Reporting Program No. 93-69) include the following:

When storage facilities are in use, dissolved oxygen concentrations shall be determined at least weekly on grab samples taken at the surface and bottom, not later than 9:00 a.m., and reported semiannually.

Weekly dissolved oxygen readings were not included in two semiannual periods: one week from October 1 to 13, 2004, and seventeen weeks from January to May 10, 2006.

Julie Chan
Julie Chan, Supervising Engineering Geologist
Groundwater Basins Branch

October 1, 2008
DATE

JAC:jro:rep

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Mr. Greg Ensminger
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 Fall Brook, CA 92088-2500

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