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California Regional Water Quality Control Board North Coast Region

Geoffrey M. Hales, Chairman



Linda S. Adams
Secretary for
Environmental Protection

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Arnold
Schwarzenegger
Governor

February 22, 2010

Mr. Miles Ferris, Director
Utilities Department
City of Santa Rosa
69 Stony Circle
Santa Rosa, CA 95401

Dear Mr. Ferris:

SUBJECT: Notification of Permitting Requirements for Construction of New Ponds;
Notices of Violations regarding unauthorized recycled water discharges
from Sonoma State University and from Rohnert Park, Sonoma County;
13267 (b) Order Requiring Submission of Technical Reports

FILE: Santa Rosa, City of, Subregional Water Reclamation System
WDID No. 1B830990SON, NPDES No. CA0022764

This letter notifies the City of Santa Rosa (the City) of permit requirements for construction of new recycled water storage ponds, includes two Notice of Violations, and transmits a Water Code Section 13267 (b) Order. The two Notices of Violations, below, are being issued in regards to unauthorized recycled water discharges from Sonoma State University (SSU) and from Rohnert Park. The technical reports required by the attached 13267 (b) Order are necessary to enable the North Coast Regional Water Quality Control Board (Regional Water Board) to determine whether the City is complying with the Discharge Prohibitions and Water Reclamation Requirements contained in its National Pollutant Elimination System Permit, Order No. R1-2006-0045, which also serves as a Master Reclamation Permit.

Notification of Permitting Requirements for Construction of New Ponds

City personnel met with Regional Water Board staff (Staff) on October 27, 2009 to discuss permitting requirements for new recycled water storage ponds. Staff informed the City that in order to comply with Title 27 of the California Code of Regulations (Title 27), the City must either demonstrate in advance that groundwater quality objectives will be met at each proposed recycled water storage pond site or design each pond with a

liner system according to the Title 27 prescriptive standards. Staff also informed the City that prior to approval of any new ponds, there must be an analysis of any potentially adverse environmental impacts of the new ponds, pursuant to the California Environmental Quality Act (CEQA), unless otherwise exempt.

Although the Regional Water Board exempted the City's existing reclamation storage ponds from the requirements of Title 27 in the City's Master Reclamation Permit, any future exemption of storage ponds from the requirements of Title 27 will need to demonstrate that it meets the requirements of 20090(b), particularly that the discharge is in compliance with the Basin Plan. Such a demonstration of compliance must be supported by actual evidence in the record, as now required by the State Water Resources Control Board's (*State Water Board*) recently adopted, precedential *Order WQ 2009-0005*. In that decision the State Water Board remanded the Central Valley Regional Water Board's Order that gave the City of Lodi an exemption from the requirements of Title 27 for wastewater storage ponds, requiring the order be revised to reflect that the City's land disposal activities do not currently meet the criteria for an exemption from Title 27 because there was no evidence in the record to support a finding that the discharge to the ponds complies with the basin plan. Without information in the record, such as groundwater monitoring data demonstrating that infiltration from the unlined storage ponds does not impair groundwater quality objectives, regional water boards cannot legally make the necessary findings that are a precondition to granting the exemption. The City may also elect to line the storage ponds in compliance with Title 27 if it cannot, or chooses not to, demonstrate the storage ponds' compliance with the Basin Plan requirements.

To begin the process of obtaining the Regional Water Board's approval for additional recycled water storage ponds, the City must submit a Report of Waste Discharge, pursuant to Water Code section 13260. A Report of Waste Discharge is required for the discharge of any waste that could affect the quality of waters of the State. This includes all new discharges of recycled water to storage ponds that have not received recycled water prior to the date of this notice. In the Report of Waste Discharge, you should indicate how the project complies with CEQA and any evidence that you have to support a potential exemption from the requirements of Title 27.

Notice of Violation #1 – SSU Discharge

On September 11, 2009, the Regional Water Board received a citizen complaint that reclaimed wastewater was discharging from Tuscany Village at SSU to a tributary to the Laguna de Santa Rosa. Kason Grady of my staff investigated this complaint on September 14, 2009 at 1300 hours and confirmed with Craig Dawson from SSU that reclaimed wastewater was still discharging to Copeland Creek. On September 18th, 2009, Mr. Dawson submitted a report (see Attachment B) estimating that 10,080 gallons of reclaimed water reached the creek from September 2nd to 15th, 2009 and describing

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the cause of the discharge as overwatering and lack of oversight. The City notified the Regional Water Board of this discharge in its September 2009 Self Monitoring Report, but failed to submit a written report within 5 days as required by Standard Provision V.E.1 of the Master Reclamation Permit.

This discharge event violates Standard Provision V.E.1, and Water Reclamation Requirements B.2, B.5, B.6 and B.17 of the Master Reclamation Permit and is potentially subject to administrative civil liability by the Regional Water Board pursuant to Water Code Section 13385. (See Attachment A for a summary of Relevant Master Reclamation Permit sections.)

Notice of Violation #2 – Rohnert Park Discharges

On September 28, 2009 the Regional Water Board received a citizen complaint (See Attachment C) that sites in Rohnert Park had been over-irrigated with reclaimed wastewater on August 2nd, 10th, 14th and 19th, 2009. The complaint contained photographic evidence that irrigation water reached stormwater drop inlets on August 19th, 2009 at Sunrise Park, on an unidentified date in mid-August at Country Club Drive and Golf Course Drive across from the fire station, and on August 14th, 2009 at Mountain Shadows Golf Course.

The recycled water discharges to the storm drains violate provisions of the City's Master Reclamation Permit, including Water Reclamation Requirement B.6. Because municipal storm sewer systems convey water directly to surface waters, discharges into them are considered discharges to waters of the United States unless evidence demonstrates that the wastes were prevented from transporting to surface waters, for example by being pumped out and discharged at an appropriate location. These discharges of recycled water to waters of the U.S. are potentially subject to administrative civil liability by the Regional Water Board pursuant to Water Code Section 13385.

If you have any questions or concerns please contact Kason Grady at (707) 576-2682 or by email at kgrady@waterboards.ca.gov.

Sincerely,


for Catherine Kuhlman
Executive Officer

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California Environmental Protection Agency

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