

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

In the Matter of the Petition of)
CALIFORNIA ARMY NATIONAL GUARD)
For Review of Waste Discharge)
Requirements Order No. 91-10, NPDES)
Permit No. CA0048941, for Heritage)
Ranch Community Services District,)
by the California Regional Water)
Quality Control Board, Central Coast)
Region. Our File No. A-762.)

ORDER NO. WQ 93-5

BY THE BOARD:

On July 12, 1991, the California Regional Water Quality Control Board, Central Coast Region (Regional Water Board), adopted waste discharge requirements (Order No. 91-10, NPDES Permit No. CA0048941) for the Heritage Ranch Community Service District (Heritage Ranch) in San Luis Obispo County. The order was for the operation of the Heritage Ranch Wastewater Treatment Facility and replaced an older order for the same facility that had been issued to the previous operator, the County of San Luis Obispo. The requirements govern the discharge of treated domestic sewage into an unnamed drainageway tributary to the Nacimiento River.

On August 9, 1991, the California Army National Guard (National Guard) filed a timely petition seeking review of the Regional Water Board order. The petition was deemed complete on September 30, 1992.

I. BACKGROUND

The Heritage Ranch development is a planned recreational community located on the southeastern shore of Lake Nacimiento in northern San Luis Obispo County. The County owned and operated the wastewater facilities for many years until a 1989 election in which the voters approved formation of a Community Services District. Evaporation and percolation ponds were the chosen methods of waste disposal for many years. Those ponds were abandoned in the early 1980s when the County built a pair of gravity filter beds with underdrains discharging to the unnamed drainageway. The Regional Water Board determined that an NPDES permit was necessary. When the County was unable to meet the standards of the permit, a cease and desist order was adopted. That enforcement order was eventually rescinded in 1989 when the County installed sand filter beds and was able to meet the provisions of the permit which required secondary treatment.

A new permit, No. 89-12, was adopted for the facility. Issuance of that permit preceded the vote establishing the Community Service District. Thereafter, it became necessary to transfer the permit to Heritage Ranch from the County. It was when the new order was proposed naming Heritage Ranch as the discharger that the National Guard challenged the permit.

The discharge occurs at a point a few hundred yards outside the boundary of Camp Roberts, one of the main training facilities for the California National Guard. Although the discharge is not large (average about 140,000 gallons per day), the surface of the drainageway is relatively impermeable and the

wastewater flows up to 1.5 miles onto the Camp Roberts property before it is fully absorbed into the ground or evaporates. It is about 4 miles from the point of discharge to the confluence with the Nacimiento River (on Camp Roberts property) and the record indicates that the wastewater does not reach the river except in storm flows.

Pursuant to the terms of the Regional Water Board's order, Heritage Ranch has been seeking an alternative to the present discharge. Since the petition was filed, it has received legal authorization to construct a golf course onto which all of the wastewater would be placed. The golf course cannot be built for at least another two years, perhaps longer. If the course is constructed, the discharge to the unnamed drainageway would cease under normal circumstances.

II. CONTENTION AND FINDING

1. Contention: The National Guard's primary contention is that the wastewater from the Heritage Ranch discharge constitutes or will soon constitute a health hazard to the personnel training at Camp Roberts.¹

Finding: We find no evidence in the record to overturn the decision of the Regional Water Board. The order that is now in place sets discharge limits which are sufficient to protect the health of people who may have occasional contact with the

¹ All other issues raised in the petition are hereby dismissed as they fail to raise issues appropriate for review. (Title 23, Calif. Code of Regs. Section 2052(a)(1).)

water in the unnamed drainageway and requires plans for the elimination of the discharge before the Nacimiento River is affected.

The Regional Water Board order requires that the wastewater be treated to surpass the requirements of the Department of Health Services for surface waters with limited use and where contact is not encouraged. The order requires posting of the area and the National Guard issues warnings of potential water contamination to troops on training maneuvers in the vicinity of the drainageway. Thus, the order is consistent with public health guidelines and all reasonable efforts are being taken to minimize direct contact.

The record is not entirely clear concerning how much contact the people while training at the Camp Roberts facility are likely to have with the unnamed drainageway. There is testimony in the record from National Guard representatives that the area where the unnamed drainageway is located is remote and is not used or visited regularly. The concern of the National Guard representatives seems to be related to the fact that, as the community around Heritage Ranch continues to grow and the amount of the discharge continues to increase, the day is approaching when the wastewater will enter the Nacimiento River on a regular basis. They specifically stated that their main concern was to force Heritage Ranch to find another point of discharge that will not affect Camp Roberts before those impacts to the river begin to occur.

Given this central concern, the requirement in the Regional Water Board order that Heritage Ranch "shall investigate alternatives for reducing potential body contact with the discharge by Camp Roberts personnel" is entirely appropriate. A progress report was required one year after the permit was adopted and a final report is due on August 1, 1993. Again, we find this to be a reasonable requirement in light of all the circumstances. It was the progress report that identified the golf course alternative and discussed the efforts to bring that about. Should construction of the golf course prove to be infeasible, we assume the Regional Water Board will ensure that Heritage Ranch makes other arrangements to comply with the order.

Throughout the record we find evidence of a strong correlation between what the National Guard says it wants and what the Regional Water Board has required. Everyone involved seems to agree that something must be done about the Heritage Ranch discharge before it grows large enough to flow into the Nacimientto River on a regular basis. The National Guard has requested a solution, the Regional Water Board has ordered an investigation, and Heritage Ranch is trying to plan a golf course on which the wastewater would be beneficially reused.

III. CONCLUSION

The Regional Water Board has taken all reasonable steps to assure that the occasional contact between the troops training at Camp Roberts and the wastewater in the unnamed drainageway will not result in health problems. The Regional Water Board has

also directed the discharger to take reasonable steps to find an alternative to the current discharge point before the wastewater flows into the Nacimiento River on a regular basis.

IV. ORDER

IT IS HEREBY ORDERED that the Regional Water Board Waste Discharge Requirements Order No. 91-10 is affirmed and the petition is dismissed.

CERTIFICATION

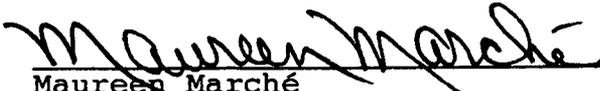
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 27, 1993.

AYE: John Caffrey
Marc Del Piero
James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None



Maureen Marché
Administrative Assistant to the Board