



California Regional Water Quality Control Board Central Coast Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

June 10, 2005

CERTIFIED MAIL 7004 1160 0007 5116 7826

Mr. Charles Richardson, Director
Monarch Grove Homeowners Association
735 Tank Farm Road, Suite 130
San Luis Obispo, CA 93401

Dear Mr. Richardson:

CLEANUP AND ABATEMENT ORDER NO. R3-2005-0083 FOR MONARCH GROVE WASTEWATER RECLAMATION FACILITY

Enclosed is Cleanup and Abatement Order No. R3-2005-0083 regarding ongoing violations of Water Reclamation Requirements Order No. R3-2002-0061. The Cleanup and Abatement Order requires that you immediately halt discharge violations by a) hauling noncompliant wastewater to off-site disposal, b) developing corrective actions plan, and c) implementing corrective actions to assure ongoing compliance. Please note that failure to comply with the terms of Cleanup and Abatement Order No. R3-2005-0083 may subject you to additional enforcement actions including \$500 per day minimum penalty amount [Required in Section 13350(e)(1)(A) of the California Code of Regulations].

Also, as discussed with you and your operations staff during our recent facility inspection, effluent samples must be fully dechlorinated in order to be representative of the discharge and comply with requirements specified in Monitoring and Reporting Program No. R3-2002-0061. Accordingly, please include with future monitoring reports documentation demonstrating adequate dechlorination has been achieved.

If you have questions, please call Sorrel Marks at 805/549-3695 or Gerhardt Hubner at 805/542-4647.

Sincerely,

Roger W. Briggs
Executive Officer

Attachment: Cleanup and Abatement Order No. R3-2005-0083

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cc: Jim Wilson, Monarch Grove Homeowners Association, P. O. Box 6818, Los Osos, CA 93412

Wade Baker, P. O. Box 6818, Los Osos, CA 93412

Sam Luxenberg, MicroMedia Filtration, 8544 Hamilton Ave, Huntington Beach, CA 92646

Glen Dombeck, P. O. Box 453, Glen Ellen, CA 95442

Gary Setting, Golf Course Manager, 1945 Solano Ave., Los Osos, CA 93402

Kurt Souza, DHS, 1180 Eugenia Place, Suite 200, Carpinteria, CA 93013

Bruce Buel, Los Osos CSD, P. O. Box 6064, Los Osos, CA 93412

Richard Lichtenfels, SLO Co. Health Dept., P. O. Box 1489, San Luis Obispo, CA 93406

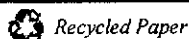
Jill Baltan, DHS, Environmental Mgnt. Branch, P. O. Box 942732, Sacramento, CA 94234-7320

Marty Azevedo, 2363 El Dorado Street, Los Osos, CA 93402

Richard Nyznyk, Anastasi Development Corp., 700 E. Main Street, Suite B, Ventura, CA 93001

Gordon Hensley, SLO Coastkeeper, 1013 Monterey Street, Suite 207, San Luis Obispo, CA 93401

California Environmental Protection Agency



Item No. 3 Attachment No. 3
October 6, 2005 Panel Hearing
Monarch Grove Homeowners
Association Wastewater Facility

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

CLEANUP OR ABATEMENT ORDER NO. R3-2005-0083

Concerning

**MONARCH GROVE HOMEOWNERS ASSOCIATION,
MONARCH GROVE WASTEWATER RECLAMATION FACILITY,
SAN LUIS OBISPO COUNTY
(Producer of Reclaimed Water)**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board), finds:

1. Monarch Grove Homeowners Association (hereafter Discharger) operates wastewater collection, treatment, and disposal facilities to provide sewerage service to the Monarch Grove Development and Sea Pines Hotel and Golf Course.
2. Treated wastewater is discharged to an irrigation supply pond located on Sea Pines Golf Course in Los Osos (Section 13, T30S, R10E, MD B&M of Morro Bay South Quadrangle). Effluent is used to irrigate the Sea Pines Golf Course.
3. The discharge is subject to Water Reclamation Requirements Order No. R3-2002-0061, adopted by the Central Coast Water Board on May 31, 2002. Order No. R3-2002-0061 implements state regulations and specifies in part:

"B. RECLAMATION SPECIFICATIONS

- "2. Reclaimed water discharged from the treatment facility shall at all times be adequately oxidized, coagulated, clarified, filtered, disinfected^A and not exceed the following limitations:

| <u>Parameter</u> | <u>Units</u> | <u>Monthly</u> | |
|------------------------|--------------|------------------------|-------------|
| | | <u>Mean</u> | <u>Max.</u> |
| BOD ₅ | mg/l | 30 | 90 |
| Suspended Solids | mg/l | 30 | 90 |
| Settleable Solids | ml/l | 0.1 | 0.3 |
| Turbidity ^A | NTU | 2* | 5** |
| Total Nitrogen (as N) | mg/l | 22 | |
| Dissolved Oxygen | mg/l | Minimum of 1.0 | |
| pH ^B | units | Within range 6.5 - 8.4 | |

*24-hr mean value.^A

**Turbidity must not exceed 5 NTU more than 5% of the time within a 24-hr period and must not exceed 10 NTU.^A

- "5. Delivery of reclaimed water for irrigation purposes shall cease and all wastewater shall be contained within the effluent holding pond if:
 - a. Disinfection of wastewater ceases at any time; or,
 - b. Reclamation specifications are violated or threaten to be violated.

“D. PROVISIONS

“1. The Discharger shall comply with “Monitoring and Reporting Program No. R3-2002-0061”, as specified by the Executive Officer.

“4. The Discharger has developed an Engineering Report on the Production, Distribution and Use of Reclaimed Water in conformance with Title 22. Revisions to the engineering report shall be subject to review and approval of the Executive Officer after consultation with State and local Health Departments.^A

4. Monitoring and Reporting Program No. R3-2002-0061 referenced in Provision D.1 above specifies in part:

”Monthly reports shall be submitted by the 30th day of the month following sampling and shall include all data collected or calculated over the previous month including:

1. Results of reclaimed water monitoring;
2. Summary of operational problems, plant and equipment malfunctions, and any diversion of reclaimed water which does not meet the requirements specified in this Order; and
3. A record of equipment or process failures, as well as any corrective and preventative measures taken.

“Annual reports shall be submitted by January 30th of each year in accordance with Standard Provisions and Reporting Requirements C.16.

5. The Discharger has reported ongoing discharge violations of Reclamation Specifications B.2 and B.5 above. The Discharger has also failed to submit monitoring reports in a timely manner, which violates Monitoring and Reporting Program No. R3-2002-0061 described above.
6. Discharge from the Monarch Grove Reclamation Facility began in September 1998. During its first year of operation, sporadic instances of noncompliance occurred. For the most part, these violations resulted from the inherent difficulty in treating very low initial flows (when only a few homes were built and discharging to the system) and problems associated with start up of the new facility. Staff described and listed the violations occurring between 1999 and 2002 in a May 31, 2002 Staff Report. However, the following years of operation demonstrated ongoing turbidity and nitrogen problems, as well as occasional other issues.
7. From January 1, 2004, to March 31, 2005, the Discharger has reported the following discharge and reporting violations:

| | |
|----------------|--|
| January 2004 | Nine (9) Turbidity |
| February 2004 | Eighteen (18) Turbidity, one (1) Total Nitrogen, two (2) chlorine contact time |
| March 2004 | Eight (8) Turbidity |
| April 2004 | Fourteen (14) Turbidity |
| May 2004 | Five (5) Turbidity |
| June 2004 | Ten (10) Turbidity |
| July 2004 | Sixteen (16) Turbidity |
| August 2004 | Eight (8) Turbidity, one (1) Total Nitrogen |
| September 2004 | Eight (8) Turbidity, one (1) Total Nitrogen |
| October 2004 | Twenty one (21) Turbidity, one (1) Total Nitrogen, monitoring report one hundred fifty eight (158) days late |
| November 2004 | Twenty five (25) Turbidity, one (1) Total Nitrogen, monitoring report sixty eight (68) days late |
| December 2004 | Ten (10) Turbidity, one (1) Total Nitrogen, monitoring report thirty eight (38) days late |
| January 2005 | Five (5) Turbidity, annual monitoring report forty three (43) days late |
| February 2005 | Five (5) Turbidity |

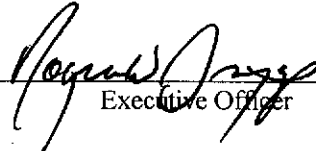
8. Section 13304 of the California Water Code provides that the Board may order any person discharging waste in violation of waste discharge requirements to clean up or abate the effects thereof, or in the case of threatened pollution or nuisance, to take other necessary remedial action.
9. All technical and monitoring reports required in conjunction with this Order are required pursuant to Sections 13267 and 13304 of the California Water Code. The reports are necessary so that the Board can (i) ensure that the Discharger comes into compliance with the Water Reclamation Requirements and MRP, and monitor the Discharger's progress toward compliance, (ii) determine the economic benefit or savings the Discharger realized from failure to comply with Water Reclamation Requirements Order No. R3-2002-0061 and MRP No. R3-2002-0061 (see California Water Code Section 13327) and (iii) determine compliance with this Order and with the Water Reclamation Requirement and MRP. The Discharger is required to submit the information because it is the operator of the wastewater collection, treatment, and disposal facilities and the discharger named in Water Reclamation Requirements Order No. R3-2003-0061.
10. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100 et seq.) in accordance with Section 15321 of the California Code of Regulations.
11. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Resources Control Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED, pursuant to Sections 13267 and 13304 of the California Water Code, the Monarch Grove Homeowners Association shall:

1. Immediately make provisions to contain all effluent until compliance with reclamation requirements is verified, compliance must be verified prior to delivery for irrigation purposes. Any effluent not in compliance with reclamation requirements shall be removed for off-site disposal.
2. As soon as possible but not later than June 30, 2005, submit a report summarizing economic benefit obtained by failure to comply with Water Reclamation Requirements Order No. R3-2003-0061. The submittal shall include the estimated dollar amount of benefit and the basis for such estimates.
3. As soon as possible but not later than July 15, 2005, submit a report of actions needed to correct wastewater treatment facility deficiencies and discharge violations. The report shall include, but not be limited to, a summary of actions needed, design of facility improvements, and schedule for completing necessary corrective actions consistent with compliance dates specified below.
4. As soon as possible but not later than November 30, 2005, complete installation and/or modification of treatment facilities, equipment and/or processes necessary to ensure ongoing compliance with Water Reclamation Requirements.
5. Submit monthly status reports indicating progress and compliance with scheduled corrective actions; such reports may be combined with monthly self-monitoring reports if the discharger so chooses.

All technical and monitoring reports required in conjunction with this Order are required pursuant to Sections 13267 and 13304 of the California Water Code. All such reports shall include a statement by the Discharger or an authorized representative, certifying under penalty of perjury under laws of the State of California, that the report is true, complete and accurate. Engineering reports and plans shall be prepared, signed and stamped by a qualified licensed/registered professional.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, including compliance with the above mentioned schedule, the Executive Officer may seek authorization to request the Attorney General to take appropriate enforcement action against the Discharger, including injunction and civil remedies, if appropriate; the Executive Officer is authorized to issue an Administrative Civil Liabilities Complaint; or refer Monarch Grove Homeowners Association back to the Board for further enforcement action. Nothing in this Order waives or otherwise prejudices the Board's jurisdiction to impose Administrative Civil Liabilities or take other enforcement actions related to past violations of Order No. R3-2002-0061 or MRP No. R3-2002-0061.



Executive Officer

6-10-05

Date

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File: Monarch Grove
Task: 126-01