

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2010-0705
FOR
SUTTER COUNTY PUBLIC WORKS DEPARTMENT
ROBBINS WASTEWATER TREATMENT FACILITY
SUTTER COUNTY

This Order is issued to the Sutter County Public Works Department based on provisions of California Water Code (CWC) section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region, (hereafter "Central Valley Water Board" or "Board") to issue a Cleanup and Abatement Order (CAO), and CWC section 13267, which requires the submittal of technical reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Sutter County Public Works Department (hereafter "Discharger") owns and operates the Robbins Wastewater Treatment Facility (WWTF), which serves the rural agricultural service community of Robbins in Sutter County. The WWTF consists of a STEP (septic tank effluent pumping) system, four re-circulating sand filters with two zones per filter, four dosing tanks and three clay lined evaporation ponds.
2. The WWTF is in Section 24, T12N, R2E, MDB&M, with surface water drainage to Sacramento Slough, which is tributary to the Sacramento River.
3. On 3 May 1996, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order 96-137, which prescribes requirements for the treatment and disposal of 30,000 gallons per day (as a 30-day dry weather average) of domestic wastewater from the community of Robbins.
4. On 11 June 2010, Board staff received a letter from the Discharger reporting operational problems with the wastewater treatment facility. Specifically, the letter stated that:
 - a. The fiberglass dosing tanks have been damaged (cracked) by buoyancy effects caused by high groundwater, and seasonal high groundwater is infiltrating into the dosing tanks;
 - b. The cracks in the dosing tanks may allow partially treated waste to be discharged directly to groundwater;
 - c. Seasonal high groundwater entering the dosing tanks contains silt and clay particles, which are subsequently discharged to the re-circulating sand filters;
 - d. Sediment-laden water discharged from the dosing tanks to the re-circulating sand filters is clogging the filters, reducing their treatment capacity and causing wastewater to surface; and
 - e. The existing sand filters do not have a back flushing system to restore the hydraulic and treatment capacity of the filters;

5. According to the Discharger, funding for the facility improvements project is being sought through federal and state grants and loans. At this time, funding is anticipated to come from the Clean Water State Revolving Fund and the Community Development Block Grant Program. Funding may be made available as early as April 2011.
6. On 7 July 2010, Board staff inspected the WWTF and made the following observations:
 - a. Dosing Tank 1 has been bypassed because of groundwater infiltration into the tank;
 - b. Re-circulating sand filter No.1 (Zones 1 and 2) had been taken out of service due to surfacing wastewater;
 - c. Sand filter Nos. 2 and 3 showed evidence of previously surfacing wastewater in zones 3, 5, and 6;
 - d. Wastewater was surfacing at sand filter No. 4 (Zones 7 and 8);
 - e. Dosing Tank 2 was flooded and no longer operating on a float switch due to groundwater infiltrating into the tank. In order to minimize surfacing of wastewater from the sand filters associated with Dosing Tank 2, the discharge of wastewater (groundwater and wastewater) from the dosing tank to the re-circulating sand filters is controlled by a timer; and
 - f. Dosing Tank 3 had a visible crack and separation between the riser and the body of the tank.
7. Surfacing of waste from the re-circulating sand filters is a violation of Discharge Prohibition A.2 of Order 96-137, which states, "Bypass or overflow of untreated or partially treated waste is prohibited".
8. On 12 August 2010, Board staff issued a Notice of Violation for violations observed during staff's 7 July 2010 inspection.
9. In 2010 the Discharger conducted an inflow and infiltration investigation and submitted a copy of the investigation report to Board staff. The results of the investigation suggested that a local trailer park was a major contributor of I/I to the community collection system. Based on a review of the water supply records and wastewater generation rates for the mobile home park, the Discharger calculated peak wet weather return flows from the parks wastewater collection system approximately twice that of the water supplied to the park. The owner of the mobile home park subsequently completed the necessary repairs identified by the inflow and infiltration investigation. The Discharger estimates the I/I repairs will reduce peak wet weather flows to the wastewater treatment system by approximately 4,000 gallons per day.

10. The facility has four groundwater monitoring wells, which are monitored for groundwater elevation, total coliform, nitrate, and electrical conductivity (EC). Monitoring data for March 2008 through December 2009 indicates elevated levels of nitrates (<1.0 mg/l to 30 mg/l) and EC (800 μ mhos/cm to 1,800 μ mhos/cm) in groundwater beneath the facility. However, the current monitoring program is not adequate to determine if the water quality chemistry differences are naturally occurring, due to the wastewater treatment facility, or caused by surrounding land use practices. Therefore, this Order requires the Discharger to evaluate the monitoring well network and comply with a Revised Monitoring and Reporting Program.
11. The Second Quarter 2010 quarterly monitoring report which was submitted in July 2010 reported elevated coliform levels in three of the facility's groundwater monitoring wells. The report states that irrigation water from adjacent rice fields accumulated around the monitoring wells and may have entered the groundwater monitoring wells. The Discharger does not have as-built records for the monitoring wells. The Discharger prefers to replace the existing wells as part of the overall facility improvements project rather than attempt to evaluate the condition of the monitoring wells. Therefore this Order requires that the existing monitoring wells be abandoned and new wells be constructed.
12. Potable water service to the community of Robbins is provided by the Sutter County Water Works District No. 1, which utilizes groundwater for domestic supply. Based on monitoring data for the community water supply well, the electrical conductivity of the water supply is approximately 3,000 μ mhos/cm.
13. In summary, the Discharger has implemented operational changes to stop the surfacing of wastewater from the recirculating sand filters. However, because of groundwater infiltration into the facility's dosing tanks and the inability to back flush the sand filters, wastewater continues to surface, and the discharge continues to violate Order 96-137. Additionally, the potential for minimally treated wastewater to be discharged from the cracked dosing tanks directly to groundwater poses an unacceptable risk to water quality.

REGULATORY CONSIDERATIONS

14. As described above, the bypass of partially treated or untreated waste violates WDRs Order 96-137, and threatens to cause pollution or nuisance. The Discharger, by failing to control the discharge, has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that it threatens to cause a threat to public health and/or create a condition of pollution or nuisance. Therefore, the Discharger is subject to this Order pursuant to CWC section 13304.
15. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Board. Pursuant to CWC section 13263(a), waste discharge requirements must implement the Basin Plan.

16. Surface water drainage is to the Sacramento Slough and the Sacramento River. The beneficial uses of the Sacramento River are municipal and domestic supply; agricultural supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development, and wildlife habitat.
17. The beneficial uses of the underlying groundwater are municipal, domestic, agricultural supply, and industrial service and process supply.
18. CWC section 13304(a) states, in relevant part, that: *“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”*
19. CWC section 13267(b) states, in relevant part, that: “In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional 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.
20. The technical reports required by this Order are necessary to ensure compliance with this CAO and WDRs Order 96-137, and to ensure the protection of water quality and public health. The Discharger is subject to these requirements because the Discharger owns and operates the facility that discharges waste subject to this Order.
21. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to California Code of Regulations, Title 14, section 15321(a)(2).

IT IS HEREBY ORDERED that, pursuant to CWC sections 13304 and 13267, the Sutter County Public Works Department shall cleanup and abate the Robbins Wastewater Treatment Facility in accordance with the scope and schedule set forth below and shall ensure full compliance with WDRs Order 96-137.

Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

1. **Effectively immediately**, and continuing until the *Facility Construction Completion Report* required by Item 9 below has been submitted, the Discharger shall submit quarterly progress reports describing the work completed to date to comply with each of the requirements described below. The Quarterly Progress Reports shall be submitted by the **15th day of the month following the end of the quarter** (e.g. the First Quarter report is due by 15 April).
2. **Effective 1 February 2011**, the Discharger shall comply with Revised Monitoring and Reporting Program No. 96-137.
3. **By 1 February 2010**, the Discharger shall submit an *Interim Wastewater Management Plan* that describes how surfacing wastewater from the sand filters will be controlled and managed to ensure that surfacing wastewater, if any, is confined to the site. Additionally, the plan shall describe how storm water that contacts the sand filters and/or surfacing wastewater will be contained and disposed of on-site.
4. **By 1 March 2011**, the Discharger shall submit a *Preliminary Wastewater Facility Design Report*. The *Design Report* shall describe all modifications that will be made to the Robbins Wastewater Treatment Facility to bring the facility into full compliance with Order 96-137.
5. **By 1 July 2011**, the Discharger shall submit a *Preliminary Wastewater Facilities Financing Plan* that describes the items listed below. **By 1 January 2012**, the Discharger shall submit a *Final Wastewater Facilities Financing Plan* that describes the following:
 - a. The estimated cost associated with completion of the wastewater treatment facility improvement project and additional compliance monitoring as described in this Order;
 - b. All mechanisms available to including, but not limited to low interest loans, grants, user fees, special assessments, and bonds;
 - c. A detailed plan and schedule for obtaining funding for completion of the wastewater facility improvement projects as defined by the *Wastewater Facility Design Report* required by this Order.
6. **By 1 October 2011**, the Discharger shall submit a *Groundwater Monitoring Well Installation Workplan* prepared in accordance with, and including the items listed in, the first section of Attachment A: *"Requirements for Monitoring Well Installation Workplans and Monitoring Well Installation Reports."* The workplan shall describe installation of at least three new groundwater monitoring wells designed to ensure that background water quality is adequately characterized and any potential water quality impacts from the discharge are

7. By **1 December 2013**, the Discharger shall submit a Facility Construction Completion Report that certifies that construction and start-up testing has been completed and the new/improved wastewater treatment facility is fully operational at design capacity.
8. By **1 December 2013**, the Discharger shall submit a *Monitoring Well Installation Report* prepared in accordance with, and including the items listed in, the second section of Attachment A: "*Monitoring Well Workplan and Monitoring Well Installation Report Guidance.*" The report shall describe the installation and development of all new monitoring wells, describe abandonment of the existing wells, and explain any deviation from the approved workplan.

In addition to the above, the Discharger shall comply with existing WDRs Order 96-137 and all applicable provisions of the California Water Code that are not specifically referred to in this Order. **As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional.**

If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer.

If the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to the CWC sections 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday or furlough day, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of

the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

-Original Signed By-

PAMELA C. CREEDON, Executive Officer

17 December 2010

(Date)

Attachment A: Requirements for Monitoring Well Installation WorkPlans and Reports
Revised Monitoring and Reporting Program No. 96-137

BPK: 15 December 2010