CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER R7-2024-XXXX
FOR

TURTLE ROCK 29 HOA
TURTLE ROCK SUBDIVISION
WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEM
CITY OF TWENTYNINE PALMS, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region, (Regional Water Board) finds that:

1. Turtle Rock 29 HOA (Discharger) owns and operates a wastewater treatment and disposal system used to treat domestic wastewater generated from the Turtle Rock subdivision. The wastewater treatment facility is at the northeast corner of Castle Drive and Verenda Avenue in the City of Twentynine Palms.

2. The Discharger is regulated by Waste Discharge Requirements (WDRs) Order No. R7-2006-0036, adopted by the Regional Water Board on May 17, 2006. The WDRs state that the owner is Penca Capital, Inc. and the facility's name is Turtle Rock in 29, LLC, Turtle Rock Estates. On September 10, 2024, the Regional Water Board adopted Order No. R7-2024-XXXX to update the owner to Turtle Rock 29 HOA and the facility name to Turtle Rock Subdivision. The Discharger is also regulated by Revised Monitoring and Reporting Program (Revised MRP) Order No. R7-2006-0036-01, issued by the Executive Officer on December 8, 2022.

3. The WDRs contain effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the underlying groundwater and to prevent nuisance conditions from the discharge of waste.

DESCRIPTION OF FACILITY

4. According to the WDRs, domestic wastewater from the residential subdivision flows by gravity to a wastewater treatment facility (WWTF) which consists of an activated sludge package treatment plant that can operate in nitrification/denitrification mode. The facility is designed to treat 40,000 gallons per day (gpd) of wastewater. The WDRs state that effluent will be disposed of in 52 seepage pits (26 pits in use, 26 pits as replacement); however, as discussed in Findings 12 and 14, only seven seepage pits have been installed. Solids and sludge are removed by a licensed septage hauler.

RELEVANT PROVISIONS OF WDRS ORDER NO. R7-2006-0036

5. Discharge Prohibition A.6 states "Discharge of wastewater from [the] WWTF, other than into the seepage pits described in Findings No. 4 and 5, above, is prohibited." Finding No. 4 states, in part, "[…]A total of 52 seepage pits (including 26 replacement pits) are proposed as a disposal system. […]"

6. Provision E.10 states, in part, "The Discharger shall, at all times, properly operate and maintain all systems and components of collection, treatment, and control which are installed or used by the Discharger to achieve compliance with the conditions of this Board Order, […] This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance. […] All systems both in service and reserved, shall be inspected and maintained on a regular basis. […]"

7. Discharge Specification B.1 states "The 30-day monthly average daily discharge flow shall not exceed 40,000 gpd. The flow limit shall be applied to the flow entering the WWTF."

8. Discharge Specification B.2 states "Effluent from the WWTF shall not have a pH below 6.0 or above 9.0."

9. Discharge Specification B.6 states "All treatment, storage, and disposal areas shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-yr return frequency."

10. Discharge Specification B.7 states, in part, "WWTF effluent shall not exceed the following limits:

Constituent	Units	Monthly Average	Weekly Average	Daily Maximum
BOD_5[1]	mg/L	30	45	65
Total Suspended Solids	mg/L	30	45	65
Settleable Solids	mg/L	0.5	--	1.0
Nitrate (as Total Nitrogen)	mg/L	10	15	20
TDS	mg/L	350	--	--
[1]5-day biochemical oxygen demand at 20^0C				

HISTORY OF VIOLATIONS

11. On October 6, 2011, Water Board staff inspected the facility in response to an odor complaint. Staff found that the treatment facility was not being appropriately operated or maintained due to a lack of funding by the Homeowners Association. The bar screen holding tank was not pumped often enough, and therefore the tank was filled with solids which caused odors. Two of the four blower units were not operating, also causing odors. The facility had been inundated in the last storm which caused the flow meter to stop operating. The failure to properly operate and maintain the WWTF is a violation of Provision E.10 while inundation of the facility is a violation of Discharge Specification B.6.

12. A Water Board inspection on January 3, 2013, found that the fence around the facility was missing, and that multiple pieces of the treatment facility, such as the blowers, mixers, and lift crane, were also missing. A pumper truck was removing waste during the inspection. The failure to properly operate and maintain the WWTF is a violation of Provision E.10.

13. On July 21, 2015, Water Board staff inspected the wastewater treatment facility. Staff found that the fence had been replaced and that the treatment facility was operational except that the flow meter was not working. Staff also found that there were only seven seepage pits instead of the 26 pits described in the WDRs. Of the seven pits, two had damaged or broken covers. The inspection was followed by a compliance review which found that the flow meter had not been operational for years, and the TDS and total nitrogen effluent limits were regularly exceeded. The failure to have an operational flow meter and to maintain the seepage pits is a violation of Provision E.10 and failure to comply with effluent limits is a violation of Discharge Specification B.7.

14. On March 29, 2017, Water Board staff inspected the facility and observed seven seepage pits that had sunk below grade or had broken caps. The failure to maintain the seepage pits is a violation of WDR Provision E.10.

15. On May 9, 2022 Water Board staff inspected the wastewater treatment facility. Staff found that although the plant was designed to have water flow to two treatment trains, a valve was plugged and therefore, waste was only being treated in one of the extended aeration tanks and secondary clarifier. The flow meter was battery operated and the batteries were not routinely replaced, leading to a lack of flow reporting. The facility only had seven seepage pits instead of the 26 described in the WDRs. The seepage pits were covered by large shrubs so it was not possible to visually inspect them. The WWTF Operator stated that the facility should be able to treat waste to meet the effluent limits but was limited by worn-out parts. The failure to maintain the WWTP is a violation of Provision E.10.

16. On June 17, 2022, the Discharger was issued a Notice of Violation (NOV) for, among other items, (a) failing to properly maintain and operate the wastewater treatment facility, (b) failing to install the 26 seepage pits anticipated by the WDRs, and (c) failing to consistently comply with the effluent limits for biochemical oxygen demand, total suspended solids, settleable solids, total nitrogen, and total dissolved solids (TDS).

    The NOV directed the Discharger to hire a California Registered Engineer and to submit three reports: (a) documentation that all missing or non-operational components had been installed, (b) an evaluation of the disposal ability of the seven seepage pits versus the 26 pits described in the WDRs, and (c) a description of, and proposed timeline for, modifications to ensure that the effluent would consistently meet effluent limits.

17. Attachment A to this Cease and Desist Order summarizes the Discharger's effluent limit violations from January 2022 through July 2024.

RECENT ACTIONS BY THE DISCHARGER

18. In response to the NOV, the Discharger hired a California Registered Engineer who then evaluated the wastewater treatment facility and submitted three reports.

19. On September 1, 2022, the Engineer submitted a report that described an inspection of the wastewater treatment facility and the status of the missing/non-operational components. Four items had been resolved: the south side aeration tank's blockage had been cleared and it was now operational, the chlorine contact tank was now in use, the flow meter was operational, and the shrubs growing over the seepage pits had been removed. An assessment was in progress for the temporary pump at the anoxic tank.

20. On October 1, 2022, the Engineer submitted a report describing an evaluation of the seepage pits. The Engineer determined that there was insufficient information on the seepage pit configuration and construction to provide a technical evaluation of the disposal ability of the current seven pits versus the 26 pits described in the WDRs. The report listed potential next steps including a geophysical survey, a closed-circuit television (CCTV) inspection, and excavation of the seepage pit area. At a meeting on October 5, 2022, Water Board staff agreed that the Engineer would continue to search for as-builts or other documents and would conduct a CCTV investigation of the seepage pit pipes which were visible. The investigation results would be detailed in the report due November 1, 2022.

21. On November 1, 2022, the Engineer submitted a third report. Contrary to what had been agreed upon, it did not include any additional information regarding the seepage pits. However, the report did propose numerous modifications and a timeline to ensure

that waste would be treated to the WDR effluent limits. The report also stated that because the City of Twentynine Palms was planning a new regional POTW and the Turtle Rock subdivision will be one of the first areas served, the Discharger was hesitant to spend money on long-term improvements to the treatment plant[1].

22. On November 21, 2022, Water Board staff formally approved the Discharger's proposal and timeline for the modifications and requested that quarterly progress reports be submitted. The following tasks were approved:

Modification	Completion Date
1. Repair/replace the control panel and/or wiring of the mixer; clean or clear the mixed-liquor pipeline; repair the return activated sludge airline; and repair the north clarifier skimmer	January 31, 2023
2. Reconfigure the equalization tank airlift	April 30, 2023
3. Obtain a back-up aeration blower/motor	April 30, 2023
4. Conduct a CCTV investigation of accessible pipes in the seepage pit field	May 30, 2023
5. Obtain a back-up equalization tank blower/motor and a back-up mixer	September 30, 2023

23. Progress reports were submitted in January, April, July, October, and November 2023. While the earlier reports provide conflicting information, the final report states that all the above items were completed except for repairing the north tank, reconfiguring the equalization tank airlift, and the CCTV investigation of the seepage pits.

24. Since submittal of the November 2023 progress report, effluent quality has *declined* dramatically, as shown in Attachment A. Biochemical oxygen demand, suspended solids, total nitrogen, and total dissolved solids have exceeded the effluent limits 100% of the time while total suspended solids has exceeded the effluent limit 80% of the time. Beginning with January 2024, each monthly monitoring report states that the WWTF Operator is "working with the owner and a professional engineering firm to remedy the

[1] A year later, on December 12, 2023, the City of Twentynine Palms decided not to pursue a regional POTW. Therefore, the Discharger must timely upgrade its wastewater treatment facility to comply with the WDRs. [Exhibit 20]

treatment deficiencies." However, recent Water Board staff conversations with the previous engineer, WWTF Operator, and the owner's representative verified that no upgrades are currently planned.

25. In summary, despite being allowed two years to voluntarily upgrade the wastewater treatment facility, treated wastewater continues to significantly exceed the WDR effluent limits and the Discharger is no longer taking any steps to come into compliance.

REGULATORY CONSIDERATIONS

26. According to the WDRs, the wastewater treatment facility discharges waste to groundwater within the Twentynine Palms hydrologic unit. The WDRs list the beneficial uses of groundwater within the Joshua Tree hydrologic unit.

27. The beneficial uses of the groundwater are defined in the Water Quality Control Plan for the Colorado River Basin Region. The beneficial uses of the Joshua Tree hydrologic unit are municipal and domestic water supply and industrial service water supply. The failure to comply fully with the effluent limits of WDRs Order No. R7-2006-0036 threatens these beneficial uses.

28. Water Code section 13301 states, in part: "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action."

29. The Regional Water Board finds that a discharge of waste is taking place in violation of WDRs Order No. R7-2006-0036, as described in the Findings of this Order. This Order requires the Discharger to take appropriate remedial action and to comply in accordance with the time schedule set forth below.

30. Water Code section 13267, subdivision (b) states, in part: "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 […] that could affect the quality of waters 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."

31. The Discharger owns and operates the Turtle Rock Subdivision wastewater treatment and disposal facility which is subject to WDRs Order No. R7-2006-0036 and this Cease and Desist Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in WDRs Order No. R7-2006-0036 and with this Order to ensure prevention of degradation to groundwater. The cost to produce the reports required by this Order is estimated to be $8,000, based on statewide rates for a project engineer. The cost of reports is relatively minor given the need to protect the beneficial uses of the groundwater beneath the wastewater treatment and disposal facility; therefore, the burden of production of these reports is reasonable.

32. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

33. After due notice to the Discharger, and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider this Cease and Desist Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED that, pursuant to sections 13301 and 13267 of the Water Code, the Discharger shall implement the following measures in order to return to compliance with its WDRs:

1. By **November 1, 2024**, submit the name and contact information for the California Registered Engineer or Certified Engineering Geologist that has been retained to complete the tasks described below.

2. By **December 1, 2024,** submit a workplan, prepared by a California Registered Engineer or Certified Engineering Geologist, describing the tasks and equipment needed to upgrade the wastewater treatment facility so that it will consistently comply with the effluent limits for BOD, TSS, settleable solids, and total nitrogen. At a minimum, the workplan shall include the tasks that were not voluntarily completed, i.e., (a) repairing the north tank (including isolating and dewatering the tank, replacing the 10" inlet valve, adjusting the weirs and return lines, and general cleaning) and (b) reconfiguring the equalization tank airlift. The workplan shall also include any other tasks necessary to ensure compliance with the WDR effluent limits and shall describe how the influent wastewater will be properly diverted, treated, and disposed of (or hauled off) while the north tank is inoperable.

3. By **March 1, 2025**, submit a progress report, prepared by a California Registered Engineer or Certified Engineering Geologist, describing the steps taken to date toward upgrading the wastewater treatment facility. If additional steps are needed to bring the facility into compliance, the progress report shall identify the tasks and proposed timeline.

4. By **June 1, 2025**, submit a progress report, prepared by a California Registered Engineer or Certified Engineering Geologist, describing the steps taken to date toward upgrading the wastewater treatment facility. If additional steps are needed to bring the facility into compliance, the progress report shall identify the tasks and proposed timeline.

5. By **July 1, 2025**, submit a report, prepared by a California Registered Engineer or Certified Engineering Geologist, containing (a) the results of a CCTV investigation of the seepage pit field and (b) an evaluation of the disposal ability of the current seven seepage pits versus the 26 pits described in the WDRs. The report shall include field observations, measurements, and construction details for the current seepage pits, as well as a map showing the location of the current seepage pits and the area set aside for replacement pits. The report shall document whether the existing seepage pits have the ability to dispose of the permitted volume of waste (40,000 gpd) and whether additional seepage pits must be installed. If additional seepage pits are necessary, they shall be installed no later than **October 15, 2025**.

6. By **November 1, 2025**, submit a report, prepared by a California Registered Engineer or Certified Engineering Geologist, certifying that (a) all the wastewater treatment facility upgrades proposed in Item #2 have been completed and that (b) any additional seepage pits identified in Item #5 have been installed.

7. By **December 1, 2025**, the upgraded wastewater treatment facility shall consistently treat wastewater to meet the WDR's effluent limits for BOD, TSS, settleable solids, and total nitrogen. In addition, the Discharger shall take reasonable steps to reduce the TDS of the effluent, such that it is less than 200 mg/L over the TDS of the potable water supply.

8. The Regional Water Board has transitioned to a paperless office. Therefore, all technical reports required by this Order must be converted to searchable pdf files and submitted via email to the Regional Board's paperless mailbox at RB7-wdrs_paperless@waterboards.ca.gov.

9. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields

pertinent to the required activities. All technical reports specified herein that contain workplans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.

10. 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."

The Executive Officer or their delegee may extend the deadlines contained in this Order if the Discharger demonstrates that circumstances beyond the Discharger's control have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. The Discharger must obtain written approval from the Executive Officer or their delegee for any departure from the time schedule shown above. Failure to obtain written approval for any departures may result in further enforcement action.

If, in the opinion of the Executive Officer or their delegee, the Discharger fails to comply with the provisions of this Order, the Executive Officer or their delegee may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or the WDRs may result in the assessment of Administrative Civil Liability of up to $5,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268 and 13350. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code 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 that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, 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.

I, PAULA RASMUSSEN, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order issued by the California Regional Water Quality Control Board, Colorado River Basin, on October 15, 2024.

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PAULA RASMUSSEN, Executive Officer

Attachment A: Summary of Effluent Limit Violations

Attachment A to CDO R7-2024-XXXX
Turtle Rock 29 HOA, San Bernardino County

Monitoring results are collated from the Discharger's self-monitoring reports from January 2022 through June 2024. Constituents listed are those required to be monitored per the Monitoring and Reporting Program. WDR effluent limits are in (). Results in bold and yellow exceed the effluent limits. If multiple samples were collected within a month, the results are averaged for comparison to the monthly limits.

Month/ Year	Effluent Limits and Results							
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly / 65 max daily)	Settleable Solids, mg/l 0.5 monthly/ 1.0 daily)	Nitrate, as Total N, mg/L (10 monthly/ 15 weekly /20 daily)	pH (6-9)	TDS, mg/L (350 monthly)	Flow (40,000 gpd)	Potable water TDS, mg/l (no limit)
July 2024								
Jun 2024								
May 2024	**32.5**	**65**	0.1	**47.5**	7.6	**490**	Meter failed	370
April 2024	**76**	**57**	<0.1	**56**	7.7	**440**	Meter failed	460
Mar 2024	**46.5**	**54**	0.3	**48.5**	7.7	**550**	5,007	450
Feb 2024	**90**	**93**	<0.1	**31**	7.4	**585**	5,717	450
Jan 2024	**69**	24	<0.1	**37**	7.6	**475**	5,865	380
Dec 2023	**34**	**33**	<0.1	**33**	7.4	**550**	4,762	420

Month/ Year	Effluent Limits and Results							
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly / 65 max daily)	Settleable Solids, mg/l 0.5 monthly/ 1.0 daily)	Nitrate, as Total N, mg/L (10 monthly/ 15 weekly /20 daily)	pH (6-9)	TDS, mg/L (350 monthly)	Flow (40,000 gpd)	Potable water TDS, mg/l (no limit)
Nov 2023	<20	18	<0.1	**40**	**5.8**	**570**	5,566	340
Oct 2023	**63**	**37**	<0.1	**34**	7.7	**490**	5,308	300
Sep 2023	**122**	**31**	<0.5	**60**	7.6	**490**	4,815	Not sampled
Aug 2023	**71**	21	<0.5	**58**	7.9	**560**	4,565	350
July 2023	**120**	19	<0.5	**63**	7.5	**540**	4,015	470
Jun 2023	**123**	**38**	<0.5	**62**	7.7	**605**	Not recorded	330
May 2023	**101**	**44**	**1.3**	**32**	7.8	**600**	3,473	330
Apr 2023	30	**62**	<0.5	**43**	**5.1**	**570**	Not recorded	330
Mar 2023	<5	10	<0.1	**27**	6.8	**540**	3,014	Not sampled
Feb 2023	<5	13	<0.1	**27**	6.5	**530**	3,541	340

Month/ Year	Effluent Limits and Results							
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly / 65 max daily)	Settleable Solids, mg/l 0.5 monthly/ 1.0 daily)	Nitrate, as Total N, mg/L (10 monthly/ 15 weekly /20 daily)	pH (6-9)	TDS, mg/L (350 monthly)	Flow (40,000 gpd)	Potable water TDS, mg/l (no limit)
Jan 2023	<5	5	<0.1	**18**	7.1	**560**	4,868	Not sampled
Dec 2022	<10	9	<0.1	**31**	6.6	**350**	3,651	Not sampled
Nov 2022	22	8	<0.1	**11**	7.5	**500**	3,161	390
Oct 2022	**38**	18	<0.1	**40**	7.7	**600**	2,986	Not sampled
Sept 2022	<10	**31**	<0.1	**27**	7.3	**560**	1,925	Not sampled
Aug 2022	<10	10	<0.1	**34**	7.2	**580**	Not recorded	420
July 2022	Samples not collected							
Jun 2022	Samples not collected							
May 2022	21	2	<0.1	**22**	7.6	**610**	3,846	430
April 2022	<5	6	0.3	**20**	7.2	**540**	3,894	510

Month/ Year	Effluent Limits and Results							
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly / 65 max daily)	Settleable Solids, mg/l 0.5 monthly/ 1.0 daily)	Nitrate, as Total N, mg/L (10 monthly/ 15 weekly /20 daily)	pH (6-9)	TDS, mg/L (350 monthly)	Flow (40,000 gpd)	Potable water TDS, mg/l (no limit)
Mar 2022	**560**	15	<0.1	**45**	7.7	**540**	Not recorded	Not sampled
Feb 2022	<10	2	<0.1	**23**	7.5	**510**	Not recorded	380
Jan 2022	15	8	0.4	**20**	7.4	**550**	3,360	NR