
Central Coast Regional Water Quality Control Board

February 27, 2015

Jerry Gruber, General Manager
Cambria Community Services District
jgruber@cambriacsd.org

VIA ELECTRONIC AND CERTIFIED MAIL
Certified Mail No. 7008 1140 0003 4708 8902

Bob Gresens, District Engineer
Cambria Community Services District
bgresens@cambriacsd.org

Dear Mr. Gruber and Mr. Gresens:

NOTICE OF VIOLATION AND WATER CODE SECTION 13267 REQUEST FOR INFORMATION: CAMBRIA COMMUNITY SERVICES DISTRICT

The Central Coast Water Board regulates the Cambria Community Services District's (CCSD) Emergency Water Supply Project via several permits, most notably Waste Discharge Requirements and Water Recycling Requirements Order No. R3-2014-0050, the General Permit for Discharges with Low Threat to Water Quality (NPDES Order No. R3-2011-0223), and Waste Discharge Requirements for Class II Surface Impoundment Order No. R3-2014-0047. The Water Board has determined the CCSD violated numerous provisions of these three permits, as discussed below.

Following a complaint received from the public on the afternoon of February 9, 2015, Water Board staff observed a discharge of water originating from the Cambria Emergency Water Supply project into Van Gordon Creek. The pipe discharging water to Van Gordon Creek had been moved from its original permitted location to the west, where it had been connected to a diffuser intended to facilitate overland flow into the San Simeon Creek. Van Gordon Creek was dry upstream of the observed discharge point, and we estimated that a flow of approximately 100 gallons per minute (gpm) was discharging into the dry creek bed. A sample of the discharge into Van Gordon Creek contained 0.61 mg/L residual chlorine (sampled collected by Water Board staff and analyzed at ELAP certified laboratory Moore Twining Associates, Inc.). Also, we observed extensive erosion in the location of the Van Gordon discharge as a result of the discharge.

On February 20, 2015, Water Board staff conducted a site inspection at the CCSD Class II surface impoundment. Water Board staff observed brine drift from the blower system operation extending outside of the surface impoundment lined area.

While on the site, Water Board staff asked to review the daily log book of surface impoundment available freeboard. The log book contained information from February 10th up to the February 20th inspection, but no information from plant start-up on January 20th to February 9th.

Also on February 20, 2015, Water Board staff asked the site operator if the leachate collection and recovery system (LCRS) and the vadose zone monitoring system (VZMS) had been inspected for the presence of liquid. The onsite operator did not know if the LCRS or VZMS had been inspected for the presence of liquid. On February 26, 2015, CCSD contract staff verified that the LCRS and VZMS had not been inspected prior to February 10th. WDR Order No. R3-2014-0047 requires weekly LCRS and VZMS inspections when brine is present in the surface impoundment.

Specific violations relative to each Order are described below.

WDR Order No. R3-2014-0050

Section VI of WDR Order No. R3-2014-0050, entitled STATE WATER RESOURCES CONTROL BOARD DIVISION OF DRINKING WATER (DDW) REQUIREMENTS, states in part:

“The CCSD must operate the treatment facility in compliance with an OMMP approved by the DDW and the Water Board.”

The OMMP approved by both DDW and the Water Board states in relevant parts:

Section 5.1 “A new conveyance pipeline will be routed southwest to a surface discharge structure at San Simeon Creek.”

Section 18.3.5 “Significant changes in the approved OMMP must be approved by the DDW and the RWQCB prior to instituting changes. The CCSD is responsible for ensuring that the OMMP is, at all times, representative of the current operations, maintenance, and monitoring of the Cambria AWTP.”

Because the location of the discharge was moved without the express approval or knowledge of DDW and the RWQCB, this constitutes a violation of WDR Order No. R3-2014-0050 Section VI.

NPDES Order No. R3-2011-0223

On December 8, 2014, the Water Board sent the CCSD a Notice of Applicability for the CCSD's enrollment in the NPDES Order No. R3-2011-0223 for the discharge of membrane filtration (MF) product water to San Simeon Creek. A monitoring and reporting program (MRP) specific to the CCSD's project, as described in the application package (Notice of Intent), was transmitted with the Notice of Applicability.

The CCSD's Notice of Intent described discharging up to 100 gpm to San Simeon Creek to maintain fresh water conditions in San Simeon Creek Lagoon. The Notice of Intent (Section 2.1 Technical Memorandum dated November 25, 2014) also specifically states, “[t]here will not be chemicals added into the MF feed water nor in the MF filtrate stream that will be discharged in the San Simeon Creek. Sodium hypochlorite and aqueous ammonia will be added only in the MF filtrate stream that will be further treated through RO to protect the RO membranes from bio-fouling.” During a site inspection on February 24, 2015, CCSD staff and representatives told Water Board staff that reverse osmosis treated water had been discharged to the creek. No waste stream, other than the MF product water, is permitted to be discharged to the creek. Furthermore, the CCSD cannot use reverse osmosis treated water in an attempt to dilute

concentrations to meet effluent or receiving water limitations under NPDES Order No. R3-2011-0223. These diluted waste streams are specifically prohibited from enrollment in the Order.

The CCSD has violated the following sections of NPDES Order No. R3-2011-0223 and the CCSD-specific MRP:

1. NPDES Order Section B.1 Discharge Prohibitions: "The discharge of any waste at a location or in a manner different from that described in the approved NOI or regulated by this General Permit is prohibited."
2. NPDES Order Section B.7 Discharge Prohibitions: "The discharge shall cause no scouring or erosion at the point of discharge into the receiving waters."
3. NPDES Order Section C.1 Effluent Limitations: "Effluent shall not have detectable chlorine residual greater than or equal to 0.02 milligrams per liter (mg/L)."
4. MRP Section D.1 Start-up Phase Monitoring and Reporting: "Notification: The Discharger shall notify Executive Officer in writing of the start-up date 7 to 14 days prior to start up beginning."
5. MRP Section D.2 Start-up Phase Monitoring and Reporting: "Monitoring: During the initial effluent discharge, sampling of the effluent must occur on the first day... Prior to receipt of the results of the initial samples, all effluent shall be discharged into a holding tank (that is contained, not discharged to the receiving water) until the results of the analyses show the discharge to be within the effluent limits established in this Order and/or in the authorization letter."
6. MRP Section E.3 Discharge Monitoring: "The Discharger will perform monitoring within the first 24 hours of the wastewater discharge system startup and thereafter as directed by the following table." (Table 1, MRP)
7. MRP Section G.1 Reporting: "A report on the start-up phase shall be submitted to the Central Coast Water Board no more than 15 days after the end of the start-up phase."
8. MRP Section G.6 Reporting: "If the Discharger introduces chemical additives in a manner that will change effluent characteristics originally not reported in the NOI then the Discharger shall submit to the Central Coast Water Board a report describing the need, method of chemical application and disposal. The Discharger shall submit a Chemical Additives Report at least 30 days before the use of any chemicals in the operation and maintenance of the wastewater discharge system."

WDR Order No. R3-2014-0047

The CCSD violated the following sections of WDR Order No. R3-20145-0047:

1. WDR Discharge Prohibition B.1: "Discharge of waste to areas outside the approved and permitted Class II surface impoundment as illustrated in Figure 3 is prohibited, unless approved by the Executive Officer. This includes drift from mechanical blowers designed to increase surface impoundment evaporation efficiency. No material from the surface impoundment shall be allowed to drift, drain, or otherwise discharge to any area other than within the surface impoundment."

2. MRP Section D.1.ii: "Daily – Measure and record freeboard, as measured from the top of the lowest part of the berm to the brine surface. Observations and measurements must be recorded in a permanent log book kept onsite."
3. MRP Section D.2.i: "Weekly - Inspect all systems for the presence of liquid and collection system integrity, record volume of leachate collected (gallons)."

Technical Report Requirements

Water Board staff has received differing reports regarding the length of time the discharge to Van Gordon Creek occurred. In order to assess the potential impacts to Van Gordon Creek, Water Board staff needs to know the date, duration, volume, and quality of any and all of the discharges that have occurred. Therefore pursuant to Section 13267 of the California Water Code, you are required to provide a technical report to the Water Board **by March 27, 2015**, addressing the following:

1. Document the dates, durations and volumes of all discharges to Van Gordon Creek or any other surface water body, and provide all monitoring data for all pollutants collected during those discharges, from all sources of water (MF filtered water and RO product water) that were discharged to Van Gordon Creek or any other surface water body. The documentation is to include copies of the actual data logged by the facility's SCADA and other automated monitoring systems. Such data shall include pump run times and flow rates for the full 24 hour periods of the days when the subject discharges occurred. All data are to be clearly labeled so as to easily allow the reader to understand where and when each data point was collected.
2. Provide information detailing how and when you intend to resolve the issue of the San Simeon Creek water supply augmentation potentially interfering with monitoring well 16D1. Please note that you will need DDW and Regional Board approval before deviating from the discharge methodology described in the OMMP and NPDES Permit NOI.
3. Provide information regarding measures the CCSD will take to prevent brine drift outside of the surface impoundment liner system and how the CCSD is verifying brine drift is not occurring. The blowers were in operation since January 20th; provide data, observances, or other measures utilized by CCSD to verify whether brine drift was occurring prior to the February 20th site inspection and how or if those measures were adjusted to ensure brine drift is no longer occurring. Provide specific examples of the measures previously employed by the CCSD to determine brine drift and measures currently employed to verify brine drift is not occurring.

Pursuant to section 13268 of the California Water Code, a violation of a California Water Code section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. If the Water Board elects to refer the matter to the Attorney General, the superior court may impose civil liability for up to \$5,000 per day for each violation (California Water Code section 13268(b)(2)). Days of violation and the associated potential civil liability continue to accrue for each day of non-compliance. The Water Board reserves its right to take any enforcement action authorized by law.

We realize and appreciate that the CCSD has been working diligently to design, build, and test this new system in an emergency situation, and that you are dealing with multiple challenges simultaneously. Some of the enforcement actions we take are mandatory per the California Water Code, while others are more discretionary. Our discretionary enforcement actions beyond this Notice of Violation will be determined based on your responses to this Notice of Violation and your future compliance with Orders regulating this facility.

Any person aggrieved by this action of the Central Coast 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 of the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided on request, or may be found on the internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

If you have any questions regarding this Notice of Violation, please contact Thea Tryon at 542-4776 or by email at thea.tryon@waterboards.ca.gov.

Sincerely,

Michael Thomas
Assistant Executive Officer

cc: Jeff Densmore, DDW
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ECM: CW-809684