



# California Regional Water Quality Control Board Central Valley Region

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## Attachment A

2 December 2010

Timothy A. Shearer, City Administrator  
City of Angels  
P.O. Box 667  
Angels Camp, CA 95222

**CERTIFIED MAIL**  
**7008 1140 0002 8805 2871**

### ***NOTICE OF VIOLATION AND WATER CODE SECTION 13267 ORDER FOR TECHNICAL REPORT, CITY OF ANGELS WASTEWATER TREATMENT FACILITY, CALAVERAS COUNTY***

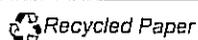
The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Waste Discharge Requirements (WDRs) Order 98-110 for the City of Angels wastewater treatment facility (WWTF). The WDRs regulate the discharge of reclaimed water on 61 acres of land via spray irrigation. The discharge of reclaimed water to surface water and to areas outside the permitted area is prohibited. The City is also required to comply with Cleanup and Abatement Order (CAO) 5-01-535, which requires (among other items) that the discharge of wastewater to Six Mile Creek and Angels Creek cease immediately.

Between September 2008 and April 2010, over 3 million gallons of reclaimed water were spilled from the spray irrigation area, resulting in discharges of waste in violation of the WDRs. As reported by the City, five of these spills reached surface water as described below.

- a. 7 April 2010: 450,000 gallons to surface water; caused by an electrical outage to the upper plant which resulted in loss of automatic on/off controls to pumps.
- b. 27 October 2009: 111,600 gallons to surface water; caused by irrigation pipe failure near an isolation valve.
- c. 26 July 2009: 2.5 million gallons to surface water; caused by failure of an 8-inch PVC tee on the recycled water force main.
- d. 30 December 2008: 7,000 gallons spilled to the irrigation area; caused by a goat that damaged a valve box and solenoid valve at an irrigation field.
- e. 24 October 2008: 25,000 gallons to surface water; caused by a broken pipe tee at sprayfield.
- f. 12 September 2008: 1,000 gallons to surface water; caused by a broken riser in the irrigation fields.

Based on the City's reports, the City has violated the following:

***California Environmental Protection Agency***



- a. WDRs Discharge Prohibition A.1, which prohibits the discharge of waste to surface waters or surface water drainage courses;
- b. General Provision A.7 of the Standard Provisions and Monitoring Requirements, which states that the City shall maintain in good working order and operate as efficiently as possible any facility, control system, or monitoring device installed to achieve compliance with the WDRs. The six spills indicate that the control system for the sprayfields is not in good working order;
- c. General Provision A.12 of the Standard Provisions and Monitoring Requirements, which requires that the reclaimed water remain within the designated disposal area at all times. For five of the six spill events, the City did not keep the reclaimed water within the designated disposal areas; and
- d. General Reporting Requirements B.1 of the Standard Provisions and Monitoring Requirements, which states that in the event the discharger does not comply with or will be unable to comply with any prohibition of the WDRs, then verbal and written notification shall be provided to the Central Valley Water Board. The City provided the verbal notification for each of the six spills. However, the written notifications were inadequate because they did not include the required timetable for corrective actions.
- e. CAO 5-01-535, Item No. 1, which states "*...the Discharger shall stop the discharge of wastewater to Six Mile Creek and Angels Creek forthwith*" and CAO Item No. 2, which states "*...the Discharger shall comply with all requirements of WDRs Order No. 98-110, except as described in Item No. 10 (below) forthwith.*"

The spills cited herein are serious violations of the WDRs and CAO. The Discharger's spill reports were not adequate for the following reasons:

- a. The root cause of these spills was not provided,
- b. Actions to prevent future spills were not described; and
- c. A plan and schedule for physical and operational improvements was not provided.

The City of Angels' failure to fully comply with the reporting requirements has prevented staff from completing its investigation of the spills.

### **Water Code Section 13267 Request for Technical Reports**

Based on review of the spill events, the Central Valley Central Valley Water Board requires that a technical report be submitted, as allowed under Section 13267 of the California Water Code.

Section 13267 of the California Water Code 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of 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.*

Section 13268 of the California Water Code states, in part:

*(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).*

*(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.*

In order to ensure that staff has sufficient information to determine whether further enforcement action is appropriate, and to ensure compliance with applicable laws and regulations, the City of Angels is hereby directed to submit the technical report described below. The City of Angels owns and operates the facility cited herein and is responsible for all waste generated at the facility. This request is made pursuant to Section 13267 of the California Water Code.

By **31 December 2010**, the City of Angels shall submit a *Recycled Water Spill Assessment and Control Plan* that includes the following information:

- a. A detailed explanation of the cause of each spill and why discovery was delayed.
- b. A detailed estimate of the volume spilled to the irrigation area and to surface water for each of the six spill events, including assumptions, formulas, and calculations.
- c. A site plan that shows the irrigation system, failure locations, and the flow paths for each of the six spill events.
- d. A detailed description of how the sprayfields are monitored and how identified deficiencies are corrected, including the following:
  - i. The frequency of, and procedures for, the inspections of the sprayfields;
  - ii. The frequency of, and procedures for, inspections of the pipes, risers, fittings, valves, and appurtenances;
  - iii. Procedures to repair any deficiencies identified from above inspections; and
  - iv. A comparison of any existing operation and maintenance procedures for the sprayfields and procedures that were actually followed between September 2008 and April 2010.
- e. An explanation of the existing SCADA and fail-safe systems, including:
  - i. Why the sprayfield pumps, sump water levels, and flow monitoring are not part of the SCADA system;

- ii. How the sprayfield pumps, sump water levels, and flow monitoring could be incorporated into the SCADA system;
  - iii. Where and how pressure, level, or other cutoff switches could be installed for automatic pump shutoff in the event of an emergency; and
  - iv. Whether alternatives to the SCADA system could be used to communicate alarms and/or automatic call-outs.
- f. A plan and schedule to evaluate and repair or retrofit the irrigation system to prevent future spills, including the irrigation system alarms and fail-safe controls.
  - g. A specific plan and schedule for site improvements to keep the reclaimed water within the designated disposal area at all times.
  - h. Revised spill reporting procedures, which shall include all information required by General Reporting Requirement B.1 of the Standard Provisions.

All technical reports that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. Failure to submit the report described above may result in further enforcement action, including civil liabilities of up to \$1,000 per day for late or inadequate reports.

Please note that the six spills cited herein were logged into the State Water Board's Sanitary Sewer Overflow (SSO) database in error. The SSO reporting requirements are limited to spills from sewer systems, which do not include reclaimed water conveyance systems. Please contact Victor Lopez at the State Water Resources Control Board at (916) 323-5511 to remove any spills of reclaimed water from the SSO database.

If you have questions or wish to meet to discuss this matter, please contact Mary Boyd at [mboyd@waterboards.ca.gov](mailto:mboyd@waterboards.ca.gov) or (916) 464-4676.

*Frederick L. Moss*

PAMELA CREEDON  
Executive Officer

cc: Victor Lopez, State Water Board, Sacramento  
Brian Moss, Calaveras County Environmental Health, San Andreas  
Gary Ghio, Weber, Ghio & Associates, San Andreas  
Garrett Walker, City of Angels, Angels Camp

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CIWQS Violations: 884405, 884406, 884407, 884408, 884409, 884410