

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2009-0046

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER R7-2008-0011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

PERMIT NO. CA0104264 FOR THE

BFD ASSET PARTNERS, LLC, AND COUNTRY LIFE MHRVP ASSET PARTNERS, LP, OWNER  
MUNOZ WASTEWATER MONITORING SERVICES, OPERATOR, COUNTRY LIFE MOBILE HOME  
AND R.V. PARK, WASTEWATER TREATMENT PLANT  
El Centro – Imperial County

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

**A. Background.**

1. On June 25, 2008, the Regional Water Board adopted Board Order R7-2008-0011, NPDES Permit No. CA0104264, prescribing Waste Discharge Requirements for BFD Asset Partners, LLC and Country Life Mobile Home and R.V. Park (MHRVP) Asset Partners, LP (Owner) and Munoz Wastewater Monitoring Services (Operator) are hereinafter collectively referred to as Discharger for the discharge of 0.15 million gallons per day (MGD) of secondary treated wastewater from Country Life MHRVP, hereinafter Facility, to the Alder Drain, a tributary Central Drain before entering the Alamo River, a water of the United States. Board Order R7-2008-0011 will expire on June 25, 2013.
2. Pursuant to California Water Code (CWC) Sections 13263(e) and 13381, and Title 40 Code of Federal Regulations (40 CFR) 122.41(f), 122.62, and 124.5, Board Order R7-2008-0011 may be modified, or rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. (40 CFR 122.41(f).) Causes for modification include, but are not limited to, the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan, or to correct technical mistakes or mistaken interpretations of law made in determining permit conditions. (40 CFR. (40 CFR 122.62(a), 122.62(a)(15).)
3. Previous Board Order R7-2008-0011 established Water Quality Based Effluent Limitations (WQBELs) for bacteria. The WQBELS established in Board Order R7-2008-0011 were based on New River Pathogen Total Maximum Daily Loads water quality objectives. E. Coli, Enterococci and Fecal Coliforms were included as effluent limitations. The New River Pathogen TMDL was mistakenly used in determining bacteria WQBELs in the Board Order R7-2008-0011. As stated in Finding 2 above, Board Order R7-2008-0011 can be modified to correct mistaken interpretation of law made in determining permit conditions. This statutory provision states that a permit may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant if “the Administrator determines that a technical mistake or mistake in interpretation of the law were made in issuing the permit...” The use of E. Coli for bacteria WQBEL is the standard used for the Alamo River and is protective of the WQOs for bacteria. This Special Board Order will use E. Coli as the established criteria for the bacteria WQBELs.

4. This Special Board Order revises Board Order R7-2008-0011 to delete effluent limitations for Enterococci and fecal Coliform and related provisions and monitoring requirements.
  5. Pursuant to 40 CFR 124.10(b) and CWC Section 13167.5, public notice of this draft revised Board Order must be provided to allow at least thirty (30) days for the public to comment on it, and public notice of a public hearing must also be given at least 30 days before the hearing. The two notices may be combined. These public participation requirements provide stakeholders potentially affected by this action with an opportunity to object to or comment on the proposed tentative approval and revised Board Order.
  6. Pursuant to 40 CFR 124.10(b) and CWC Section 13167.5, the Regional Water Board published Public Notice No. 7-09-09 for this proposed Board Order on March 10, 2009.
- B. Facility Description.** The Facility is operated by Munoz Wastewater Monitoring Services. The Facility consists of an extended aeration package plant. The treatment works consists of two lift stations, a manual bar screen, an aeration basin, a clarifier in the center of the package plant, and an ultraviolet (UV) disinfection system. Wastewater is discharged from Discharge Point 001 (see table on cover page) to the Alder Drain, a water of the United States, tributary to Central Drain before entering the Alamo River, within the Salton Sea Watershed..
- C. California Environmental Quality Act (CEQA).** This action to amend an NPDES permit is exempt from the provisions of Chapter 3 of CEQA (commencing with Section 21100) of Division 13 of the California Public Resources Code in accordance with Section 13389 of the CWC.
- D. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations (see Attachment A of this Order for full details on Public Participation).
- E. Consideration of Public Comment.** The Regional Water Board, in a public hearing, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that Board Order R7-2008-0011 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Special Board Order as well as with those portions of Board Order R7-2008-0011 that were not amended by this Special Board Order:

1. Page 11, IV.A.1.d, Bacteria. Replace this paragraph with the following (New items are underlined and deleted items are shown in ~~strikeout~~):
  - d. **Bacteria:** The bacterial density in the wastewater effluent discharged to the Alder Drain shall not exceed the following values, as measured by the following bacterial indicators:
    - i. E. coli. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126, nor shall any sample exceed the maximum allowable bacterial density of 400.

- ~~ii. Enterococci. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 33, nor shall any sample exceed the maximum allowable bacterial density of 100.~~
- ~~iii. Fecal Coliform. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 200, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.~~

2. Page 27, VII. M. Bacterial Effluent Limitations. Replace this paragraph with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

Compliance with the bacterial effluent limitations established in section IV.A.1.d. of this Board Order shall be determined as follows:

- 1. If the calculated geometric mean bacterial concentrations for *E. coli*, ~~enterococci, or fecal coliform~~ exceeds the 30-day geometric mean effluent limitations summarized in the Limitations and Discharge Requirements section IV.A.1.d. of this Board Order, this will represent a single violation of the water quality-based effluent limitation for bacteria and the Discharger will be considered out of compliance for the month in which the samples were collected.
- 2. If the bacterial concentrations for *E. coli* ~~or enterococci (when both samples are collected on the same day)~~ exceeds the maximum bacterial densities summarized in the Limitations and Discharge Requirements section, IV.A.1.d. of this Board Order, this will represent a single violation of the water quality-based effluent limitation for bacteria and the Discharger will be considered out of compliance for the day in which the samples was collected.
- ~~3. If more than ten percent of the bacterial concentrations for fecal coliform exceed 400 per 100 milliliters, this will represent a single violation of the water quality-based effluent limitation for bacteria and the Discharger will be considered out of compliance for the month in which the samples were collected.~~

3. Page E-2, Attachment E, I.C. Replace this paragraph with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

- ~~C. Unless otherwise approved by the Regional Water Board's Executive Officer, All~~ analyses shall be conducted at a laboratory certified for such analyses by the State Department of Public Health. Laboratories analyzing monitoring samples shall be certified by the Department of Public Health, in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the USEPA.

4. Page E-5, IV.A.1. Table E-3. Effluent Monitoring. Replace Table E-3 with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Analytical Method	Minimum Level
Daily Effluent Discharge	MGD <sup>1</sup>	Calculated	1x/Day <sup>2</sup>	See Footnote 3	N/A
Escherichia Coli	MPN <sup>4</sup> /100 ml	Grab	5x/Month <sup>5</sup>	See Footnote 3	N/A
Enterococci	<del>MPN/100 ml</del>	<del>Grab</del>	<del>5x/Month<sup>5</sup></del>	<del>See Footnote 3</del>	<del>N/A</del>
Fecal Coliform	<del>MPN/100 ml</del>	<del>Grab</del>	<del>5x/Month<sup>5</sup></del>	<del>See Footnote 3</del>	<del>N/A</del>
Total Suspended Solids (TSS)	mg/L	Grab	1x/Month	See Footnote 3	N/A
	lbs/day				N/A
Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	mg/L	Grab	1x/Month	See Footnote 3	N/A
	lbs/day				N/A
pH	pH units	Grab	1x/Month	See Footnote 3	N/A
Total Dissolved Solids	mg/L	Grab	1x/Quarter	See Footnote 3	N/A
Priority Pollutants <sup>6</sup>	µg/L	Grab	1x/Year	See Footnote 3	See Footnote 3

1 MGD = Million Gallons per Day

2 Reported for each day with average monthly flow calculated

3 Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, included as Attachment H. Where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Board.

4 MPN = Most Probable Number

5 Five samples equally spaced over a 30-day period with a minimum of one sample per week.

6 Priority Pollutants as defined by the California Toxics Rule (CTR) defined in Finding II.I of the Limitations and Discharge Requirements of this Board Order, and included as Attachment G. For priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP. Where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Board.

5. Page F-31, IV. C.4.a.ii. Replace this paragraph with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

ii. The Basin Plan states that any discharge to a water body with a REC1 designated use shall not have a bacterial densities in excess of the following:

**(a) *E. coli*.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 400 MPN per 100 milliliters.

**(b) ~~Enterococci.~~** ~~The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 33 MPN per 100 milliliters, nor shall~~

~~any sample exceed the maximum allowable bacterial density of 100 MPN per 100 milliliters.~~

~~(c) **Fecal Coliform.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 200 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.~~

The effluent limitations for ~~*E. coli*, enterococci and fecal coliform~~ are is incorporated in this Board Order. The bacterial indicators of ~~*E. coli*, enterococci and fecal coliform~~ are is used to estimate the presence of pathogens in the wastewater effluent discharged to Discharge Point EFF-001. The effluent limitations for ~~*E. coli*, enterococci and fecal coliform~~ shall be used as the indicator to determine the effectiveness of the municipal wastewater treatment facility's disinfection system.

The previous Board Order established effluent limitations for *E. coli*, TDS, total chlorine residual, copper, cyanide, mercury, selenium, and toxicity. The effluent limitations for *E. coli* and toxicity are carried over to the proposed Board Order. The numeric effluent limitations for TDS are revised and are now a narrative requirement, with numeric receiving water limitations established. Further, the effluent limitation for total chlorine residual is discontinued since the Discharger employs a UV disinfection system and chlorine is not used in the treatment system. Therefore, total chlorine residual is not expected to be present in the discharge from the Facility. In addition, as discussed in section IV.C.3, the effluent limitations for copper, cyanide, mercury, and selenium are discontinued.

6. Page F-33, IV. C.4.a.ii., Table F-9. Summary of Water Quality-based Effluent Limitations. Replace Table F-9 with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

**Table F-9. Summary of Water Quality-based Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Enterococci	<del>MPN/100ml</del>	<u>33<sup>1</sup></u>	--	100	--	--
Escherichia Coli (E. Coli)	MPN/ 100ml	126 <sup>1</sup>	--	400	--	--
<del>Fecal Coliform</del>	<del>MPN/100ml</del>	<u>200<sup>1</sup></u>	--	<u>400<sup>2</sup></u>	--	--

<sup>1</sup> Based on a minimum of not less than five samples for any 30-day period with a minimum sample of once per week.

<sup>2</sup> ~~No more than ten percent of the total fecal coliform samples collected during any 30-day period shall exceed 400 MPN per 100 milliliters.~~

7. Page F-35, IV. D. 2. d. Replace this paragraph with the following (new items are underlined and deleted items are shown in ~~strikeout~~):

**d. Bacteria:** The bacterial density in the wastewater effluent discharged to the Alder Drain shall not exceed the following values, as measured by the following bacterial indicators:

- i. ***E. coli***. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126, nor shall any sample exceed the maximum allowable bacterial density of 400.
- ii. ~~Enterococci. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 33, nor shall any sample exceed the maximum allowable bacterial density of 100.~~
- iii. ~~Fecal Coliform. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 200, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.~~

I, Robert E. Perdue, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 21, 2009.

  
\_\_\_\_\_  
ROBERT PERDUE, Executive Officer

## **ARTICLE II. ATTACHMENT A – PUBLIC PARTICIPATION**

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) is considering the amendment of Waste Discharge Requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Country Life MHRVP's Wastewater Treatment Plant. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

### **Section 2.01 A. Notification of Interested Parties**

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was published in the following newspaper: Imperial Valley Press. In addition, copies of the proposed permit were sent to interested agencies and persons.

### **Section 2.02 B. Written Comments**

The Regional Water Board staff's determinations are tentative. Interested persons are invited to submit written comments concerning this tentative Special Board Order. Comments should be submitted either in person or by mail to the Executive Officer at the Regional Water Board at the address above on the cover page of this Order.

Comments made in reference to the tentative Special Board Order should be directed to:

California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board office no later than 5:00 p.m. on April 22, 2009.

### **Section 2.03 C. Public Hearing**

The Regional Water Board will hold a public hearing on the tentative Special Board Order during its regular Board meeting on the following date and time and at the following location:

Date: May 21, 2009  
Time: 10:00 a.m.  
Location: City Council Chambers  
City of La Quinta  
78-495 Calle Tampico  
La Quinta, CA 92253

Interested persons are invited to attend. At the public hearing, the Regional Water Board will take testimony pertinent to the discharge and tentative Special Board Order. For accuracy of the record, however, a written copy of the proposed oral testimony to be given should be provided prior to or at the hearing.

Please be aware that dates and venues of the Regional Water Board's public meeting and hearing may change. The latest information concerning any scheduling changes can be found at the Regional Water Board's website: <http://www.waterboards.ca.gov/coloradoriver/>.

If you are disabled and require special accommodations to participate in this public meeting and hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled event.

#### **Section 2.04 D. Waste Discharge Requirements Petitions**

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 the 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, 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

#### **Section 2.05 E. Information and Copying**

Information related to the discharge facility and this proposed amendment, including any comments received on the proposed amendment, are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (760) 346-7491.

#### **Section 2.06 F. Register of Interested Persons**

Any person interested in being placed on the mailing list for information regarding this tentative Special Board Order should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.



**Section 2.07 G. Additional Information**

Requests for additional information or questions regarding this draft Special Board Order should be directed to John Carmona, Senior Water Resources Control Engineer, at (760) 340-4521.