CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER R7-2019-0019-01

REQUIRING

MT. SAN JACINTO WINTER PARK AUTHORITY
PALM SPRINGS AERIAL TRAMWAY
MOUNTAIN STATION WASTEWATER TREATMENT
AND DISPOSAL SYSTEM
RIVERSIDE COUNTY

TO CEASE AND DESIST FROM DISCHARGING WASTE
CONTRARY TO REQUIREMENTS

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

1. Mt. San Jacinto Winter Park Authority, also known as the Palm Springs Aerial Tramway (Discharger), owns and operates a septic tank-based wastewater treatment and disposal system (WWTF) used to treat restaurant and restroom wastewater generated by the Aerial Tramway Mountain Station, located at One Tramway Road, Palm Springs, California

2. The Mountain Station is within the Coachella Hydrologic Subunit. The Mountain Station receives water from the Valley Station to supply the restaurant, drinking water fixtures, bathrooms and other consumptive uses.

3. The Regional Water Board's Water Quality Control Plan, last amended in 2017, designates beneficial uses for groundwater in the Coachella Hydrologic Subunit as Municipal and Domestic Supply (MUN)[1] , Industrial Service Supply (IND)[2], and Agricultural supply (AGR)[3].

4. On November 19, 2008, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R7-2008-0038 to regulate discharges of treated wastewater from the Mountain Station. The WDRs specify effluent limitations, prohibitions, specifications and provisions necessary to protect the beneficial uses of

[1] Municipal and Domestic Supply (MUN): Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.
[2] Industrial Service Supply (IND): Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
[3] Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.

5. ground waters in the Coachella Hydrologic Subunit and to prevent nuisance conditions.

6. On May 27, 2020, the Discharger submitted a letter requesting a one-year time extension for Requirements 2.b and 2.c due to delays and disruption caused by the COVID-19 crisis. The Tramway Mountain Station has been closed since mid-March 2020 with no visitors to the area. The COVID-19 crisis has limited the Discharger's ability to secure a consultant and to procure the necessary equipment to complete installation of the wastewater treatment facility. The Regional Water Board finds the extension request to be reasonable and therefore amends this Order to provide the requested one-year time extension for Requirements 2.b and 2.c.

Wastewater Treatment Facility and Site Conditions

7. The Mountain Station consists of a 10,500-gallon grease interceptor, a 4,200-gallon recirculation tank, two (2) AdvanTex AX100 and four (4) AX20 pods (manufacturers term) for secondary treatment, and a 2,500 gallon dosing/denitrification tank. Effluent from the Mountain Station is sent to the existing up-gradient leach field via pressure distribution. The WWTF is currently permitted to discharge a 30-day average of 7,100 gallon per day. The four (4) leach fields serving the Mountain Station are in a shallow alluvial floodplain with a depth of soil ranging from three (3) to nine (9) feet that overlies fractured granite bedrock, and all are located up-gradient of Long Valley creek.

Relevant Provisions of WDRs Order No. R7-2008-0038

8. WDRs Order No. R7-2008-0038 states, in relevant part, that:

"[B.1] The 30-day monthly average daily discharge flow from the WWTF shall not exceed 7,100 gpd. The flow limit shall be applied to the flow leaving the WWTF.

"[B.7] Effluent from the WWTF shall not exceed the following effluent limits:

Constituents	Units	Monthly Average	Weekly Average	Daily Maximum
BOD_5[1]	mg/L	30	45	65
Total Suspended Solis	mg/L	30	45	65
Nitrogen (as Total Nitrogen)	mg/L	10	15	20
Total Dissolved Solids (TDS)	mg/L	tbd[1]	--	--

1. 5-day biochemical oxygen demand at 20°C
2. Appropriate TDS limits to be determined (tbd) after studies of source control and management practices have been completed.

9. "[E.1] The Discharger shall comply with Monitoring and Reporting Program (MRP) No. R7- 2008-0038, and future revisions thereto, as specified by the Regional Water Board's Executive Officer.

10. "[E.8] The Discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of Porter-Cologne Water Quality Control Act (Cal. Water Code Section §13000 et seq.), and is grounds for enforcement action.

11. "[E.13] The Discharger shall at all times properly operate and maintain all systems and components of collection, treatment and control, installed or used by the Discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance includes effective performance, adequate process controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this Board Order. All systems in service or reserved shall be inspected and maintained on a regular basis. Records of inspection results and maintenance performed shall be kept and made available to the Executive Officer upon demand."

12. Monitoring and reporting Program No. R7-2008-0038, under "Water Supply to the Facility" states that:

    "The Discharger shall monitor influent to the WWTF according to the following schedule:

Constituents	Units	Sampling Frequency
TDS	mg/L	Monthly
pH	pH units	Monthly
Standard Minerals[1]	mg/L	Annually

[1] Standard Minerals shall include, at a minimum, the following elements/compounds: Barium, Calcium, Magnesium, Nitrogen, Potassium, Sulfate, Total Alkalinity (including alkalinity series), and Hardness

13. Monitoring and reporting Program No. R7-2008-0038, under "Secondary Effluent Monitoring for Mountain Station WWTF" states that:

    "A sampling station shall be established at the point of discharge from the WWTF and the effluent shall be sampled as follows:

Constituents	Units	Type of Sample	Sampling Frequency[1]	Reporting Frequency
Flow	gpd[2]	Calculation[3]	Weekly	Monthly
pH	pH units	Grab	Monthly	Monthly
20°C BOD5	mg/L	Grab	Monthly	Monthly

Constituents	Units	Type of Sample	Sampling Frequency[1]	Reporting Frequency
Suspended Solids	mg/L	Grab	Monthly	Monthly
Total Nitrogen	mg/L	Grab	Monthly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
VOCs	µg/L	Grab	Annually	Annually

[1] When analysis show noncompliance with the limitations prescribed by Discharge Specification No. B.7, the Discharger shall increase the sampling frequency, for the constituents that are in noncompliance, to one (1) sample per week, and continue sampling at that minimum frequency until either (a) the sampling shows compliance for two consecutive months or (b) it is notified by the Executive Officer that it can resume the normal sampling schedule.

[2] Gallons per day

[3] Average daily flow calculated from weekly meter readings.

Alleged Violations of WDRs Order No. R7-2008-0038

14. Self-monitoring reports submitted by the Discharger show that since November 19, 2008, the Discharger had a significant number of alleged violations of effluent limits and reporting requirements. Appendices A through G, attached hereto and made part of this Order, detail these alleged violations.

15. In addition, Regional Water Board staff conducted an inspection of the Mountain Station on March 16, 2016. The Inspection Report indicated the following violations:

    a. Secondary treatment unit filter media was clotted with oil and grease.
    b. Missing, late, and incomplete monitoring reports.

16. As a follow up to the initial inspection, State Water Board staff from the Office of Enforcement also conducted an inspection of the Mountain Station on March 13, 2018 and indicated the following violations in their Inspection Report:

    a. Chronic violations of discharge specifications (excessive flows, effluent violations) and non-discharge violations.
    b. Significant maintenance deficiencies and failure to follow maintenance schedules provided by the wastewater system manufacturer.
    c. Significant buildup of solids and corrosion at ST-1.
    d. Calibration of wastewater flowmeters was not up to date.

Legal, Technical, and Other Considerations

17. The Discharger has been in violation of the effluent limits specified by WDRs Order No. R7-2008-0038. The Discharger has made and continues to make alterations to the system to try and maintain compliance and reduce or correct the magnitude and

frequency of the violations, detailed in Appendix H. While the alterations have not eliminated non-compliant discharges, the number of exceedances has been reduced over time.

18. Section 13301 of the Water Code states, in relevant part, that:

"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…Cease and desist orders may be issued directly by a board, after notice and hearing."

19. Section 13267 of the Water Code states, in part, that:

"(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within this region."

"(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any ... citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, ... or who proposes to discharge wastes 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."

20. The technical reports required by this Order are necessary to assure compliance with this Cease and Desist Order and WDRs Order R7-2008-0038. The Discharger owns the facility that discharges the waste subject to this Order and Order R7-2008-0038.

21. Section 13320(a) of the Water Code states:

"Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act. The state board may, on its own motion, at any time, review the regional board's action or failure to act."

Public Participation and Compliance with CEQA

22. The Regional Water Board has notified the Discharger and all known interested agencies and persons of its intent to issue this Order and has provided it with an opportunity to submit comments.

23. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

24. This enforcement action is exempt from the provisions of CEQA, pursuant to section 15321 (Enforcement Actions by Regulatory Agencies), article 19, chapter 3, division 6, title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that, pursuant to Water Code sections 13301 and 13267, the Discharger shall:

1. Cease and desist discharging wastes in violation of WDRs Order No. R7-2008-0038 by implementing corrective actions in accordance with the tasks and time schedules specified in Item 2, below.

2. Investigate non-compliance, its potential adverse impacts on water quality, and modify/upgrade the WWTF to bring its discharge into compliance with WDRs Order No. R7- 2008-0038:

    a. **By July 13, 2019**, the Discharger shall submit a technical report in the form of a work plan to the Executive Officer (EO) of the Regional Water Board for review and approval to identify WWTF deficiencies, including but not limited to construction and O&M deficiencies, which are causing and/or contributing to violations and threatened violations of Discharge Specification No. B.7 of WDRs Order No. R7-2008-0038. The work plan shall contain a description of the key tasks, milestones, and deadlines to complete this investigation by February 15, 2020;

    b. **By February 17, 2020,** the Discharger shall submit a technical report in the form of a work plan for review and approval by the Executive Officer to correct the deficiencies and bring the discharge from the WWTF in full compliance with WDRs Order No. R7-2008-0038. The technical report will also include an analysis of daily discharge volume data and projections to inform potential revisions to the flow limits in WDRs. This work plan shall contain a description of the key tasks, milestones, and deadlines to complete the required WWTF operational changes and/or upgrades based on the results of the investigation conducted pursuant to Item 2.a, above; and shall be based on bringing the discharge from the WWTF in full compliance with WDRs Order No. R7-2008-0038 by December 31, 2021.

    c. **By January 30, 2022**, the Discharger shall submit a technical report in the form of a revised Operation and Maintenance Manual (OMM) for its WWTF that reflects the operational changes and upgrades implemented pursuant to Item 2.b, above. The OMM shall include a flow diagram for all critical unit treatment and disposal

components and:

i. A written work order system that tracks all corrective maintenance;
ii. An equipment history file for each major piece of equipment such as pumps, motors, generators, etc.;
iii. A written schedule of preventive maintenance broken down into weekly, monthly and annual inspections;
iv. A written schedule of the prescribed monitoring and reporting requirements of WDRs Order No. R7-2008-0038;
v. A written summary or check sheet documenting at least the date and type of preventive maintenance work actually performed;
vi. A calibration schedule and records for all instruments and flow measuring devices;
vii. Written emergency response guidelines;
viii. A logbook for the operators and maintenance workers in which to document both the routine tasks and any unusual observations;
ix. A system to track the time and cost for major repairs;
x. A list of backlogged work orders; and
xi. Periodic specialized tests or analyses performed on the critical or expensive pieces of WWTF equipment/components; and

d. **By July 31, 2019**, the Discharger shall submit a technical report in the form of a work plan for review and approval by the Executive Officer for the design, installation, development, and operation of a groundwater monitoring well network to assess the groundwater quality impacts from its disposal operations. The work plan shall:

i. Ensure that the network consist of a minimum one upgradient and two downgradient wells, with the upgradient well located far enough away from the discharge area to not be within the area of influence of the discharged water;
ii. Specify the proposed drilling and well development methods for and construction features of the groundwater monitoring wells, including soil sampling methods and intervals, laboratory testing procedures (if any), and documentation methods;
iii. Specify and describe the rationale for the proposed location of the monitoring wells, and include a map to scale (1 inch = 200 feet or better) showing their location;
iv. Include a diagram showing the key construction features of the groundwater monitoring wells, including screened interval, sanitary seals, etc;
v. Describe the contents of the report to be prepared to document well installation activities;
vi. Propose a monitoring and reporting schedule for constituents of concern, including pathogen-indicator bacteria, nitrates, TDS and 'general minerals' (including pH, calcium, magnesium, sodium, potassium, bicarbonate/carbonate, sulfate and chloride), and describe the contents of monitoring reports;

vii. Include methods to monitor the depth to groundwater and evaluate the groundwater gradient during each monitoring episode;
viii. Ensure the monitoring network is designed to assess the threat to water quality of upper most groundwater in the area of the discharge; and
ix. Include a description of the key tasks and milestones to ensure the groundwater monitoring network is operational by **December 31, 2019**.

e. **By October 15, 2019,** the Discharger shall submit to the Regional Water Board the first quarterly report of quarterly progress reports regarding its status of compliance with Items 2.a through 2.d, as applicable, above. The reports shall describe overall progress and key milestones achieved/implemented. Subsequent quarterly reports shall be due on the 15th day of January 2020, April 2020, July 2020, and October 2020 unless the 15th falls on a weekend or holiday, in which case the quarterly report will be due on the next business day.

3. Submit all technical reports certified by the licensed professionals. In accordance with 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 California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans, 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 contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.

4. The Discharger's obligation to implement the corrective actions in accordance with the time schedule specified in Item 2 above shall be excused or deferred if compliance, or a delay in compliance, is caused by an event or circumstance beyond the reasonable control of Discharger, and which event or circumstance could not have been reasonably foreseen and prevented by the exercise of due diligence by Discharger. This shall include, but not be limited to, any inability or failure to obtain required regulatory permits or approvals (expressly including but not limited to approvals from the California Department of Parks and Recreation), compliance with the California Environmental Quality Act, court orders, or other laws, regulations or procedures governing discretionary actions by Discharger. Where implementation of an action required by this Order within the deadlines prescribed becomes unachievable, despite timely good faith effort, Discharger shall notify the executive officer in writing within thirty (30) days of the date that the District obtains knowledge of the events or circumstance precluding compliance.

If in the opinion of the Executive Officer, the Discharger violates this Order, allows the magnitude or frequency of violations to increase, or fails to timely implement corrective measures as specified herein, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

I, Paula Rasmussen, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 13, 2019 and amended on September 3, 2020.

original signed by
PAULA RASMUSSEN
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

In the matter of: **CEASE AND DESIST ORDER R7-2019-0019 (PROPOSED) REQUIRING PALM SPRINGS AERIAL TRAMWAY MOUNTAIN STATION RIVERSIDE COUNTY TO CEASE AND DESIST FROM DISCHARGING WASTE CONTRARY TO REQUIREMENTS**	)))))))))))	**STIPULATION FOR ENTRY OF CEASE AND DESIST ORDER R7-2019-0019A (PROPOSED)**

Section I: INTRODUCTION

This Stipulation for Entry of Cease and Desist Order R7-2019-0019A (PROPOSED) (Stipulation) and Cease and Desist Order R7-2019-0019 (PROPOSED) (Proposed CDO) is entered into by and between the Assistant Executive Officer of the Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board), on behalf of the Regional Water Board Prosecution Team (Prosecution Team) and Palm Springs Aerial Tramway (Palm Springs Aerial Tramway or Discharger) (collectively Parties).

Section II: RECITALS

1. Mt. San Jacinto Winter Park Authority, also known as the Palm Springs Aerial Tramway (Discharger), owns and operates a wastewater treatment and disposal system (WWTF) used to treat restaurant and restroom wastewater generated by the Aerial Tramway Mountain Station, located at One Tramway Road, Palm Springs, California. The Discharger is regulated by Waste Discharge Requirements (WDRs) Order No. R7-2008-0038.

2. Palm Springs Aerial Tramway is alleged to have violated the effluent limits specified by WDRs Order No. R7-2008-0038. The specific alleged violations are described in the Proposed CDO, which is attached hereto and incorporated by reference.

3. Section 13301 of the Water Code states, in relevant part, that: “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…Cease and desist orders may be issued directly by a board, after notice and hearing."

4. The Parties have engaged in settlement negotiations and agree to present this Stipulation and Proposed CDO to the Regional Water Board for adoption as decision by settlement, pursuant to Government Code section 11415.60.

Section III: STIPULATIONS

The Parties stipulate to the following:

1. **Jurisdiction:** The Parties agree that the Regional Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulation.

2. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13301, and hereby waives its right to a hearing before the Regional Water Board.

3. **Attorney's Fees and Costs:** Each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

4. **Interpretation:** This Stipulation and Proposed CDO shall be construed as if the Parties prepared each jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Discharger is represented by counsel in this matter.

5. **Advocating for Adoption of the Proposed CDO:** The Parties expect the Regional Water Board to consider adoption of the Proposed CDO within 90 days of execution of this Stipulation. The Parties agree to advocate in support of the Proposed CDO to the Regional Water Board by having a representative appear in person before the Regional Water Board at the public meeting to consider adoption of the Proposed CDO, and to speak in support of the Proposed CDO, as allowed.

6. **Matters Covered:** This Stipulation and Proposed CDO resolves only the issuance of a Cease and Desist Order pursuant to Water Code section 13301. This Stipulation and Proposed CDO does not preclude the Regional Water Board or any other state, local or federal agency from seeking to impose civil liability for any of the violations alleged in the proposed CDO or any future violations. In addition, this Stipulation and Proposed CDO does not preclude the Regional Water Board or any other state, local or federal agency from requiring cleanup pursuant to Water Code section 13304, or from taking any other action to abate the effects of the discharge, as allowed by law.

7. **Modification:** This Stipulation shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in

writing, and signed by all Parties. The Parties acknowledge that the Regional Water Board may make minor, non-substantive amendments to the Proposed CDO prior to adoption and without approval by the Parties, including assignment of a final order number. The Parties agree that any substantive revisions to the Proposed CDO must be agreed to by all Parties and approved by the Regional Water Board.

8. **If the Proposed CDO Does Not Take Effect:** In the event that the Proposed CDO does not take effect because it is not approved by the Regional Water Board, or is vacated in whole or in part by the State Water Board or a court, the Parties agree that this Stipulation will be void and acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to issue a Cease and Desist Order, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

    a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter, except that Discharger may object to members of the Prosecution Team serving as advisors to the Regional Water Board in any such subsequent administrative or judicial proceeding or hearing and may object to the Regional Water Board members or their advisors participation in contested evidentiary hearing on grounds not related to the settlement process addressed in this paragraph, or;

    b. Laches or delay or other equitable defenses based on the time-period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

9. **Waiver of Right to Petition:** The Discharger hereby waives its right to petition the Regional Water Board's adoption of the Proposed CDO for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

10. **The Discharger's Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by this Stipulation or Proposed CDO.

11. **Authority to Bind:** Each person executing this Stipulation in a representative capacity represents and warrants that he or she is authorized to execute this Stipulation on behalf of and to bind the entity on whose behalf he or she executes the Stipulation.

12. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulation may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulation may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

13. **Effective Date**: This Stipulation is effective and binding on the Parties upon execution. The Proposed CDO, as may be modified in accordance with Paragraph 9, shall be effective upon issuance by the Regional Water Board.

IT IS SO STIPULATED.

California Regional Water Quality Control Board,
Palm Desert Region Prosecution Team

Date: 4-30-2019

By: *Original signed by Abdi Haile for*
Frank Gonzalez
Assistant Executive Officer

Palm Springs Aerial Tramway

Date: 04/30/19

By: *Original signed by*
Nancy Nichols
General Manager

Attachment 1: Proposed CDO No. R7-2019-0019

Appendix A: WWTF Effluent Total Nitrogen Violations for 2009-2018

WWTF Effluent Total Nitrogen

Year (Total Violations)	Month	Monthly Avg. Limit=10 mg/L	Weekly Avg. Limit=15 mg/L	Daily Max. Limit=20 mg/L	Date Violation Occurred
2009 (27)	APRIL	77.5	77.5	77.5	04/01/2009
	MAY	53	53	53	05/06/2009
	JUNE	69	69	69	06/10/2009
	JULY	66	66	66	07/01/2009
	AUGUST	69	69	69	08/12/2009
	SEPTEMBER	56	56	56	09/10/2009
	OCTOBER	59	59	59	10/14/2009
	NOVEMBER	58	58	58	11/11/2009
	DECEMBER	90	90	90	12/09/2009
2010 (27)	JANUARY	72	72	72	01/13/2010
	MARCH	110	110	110	03/17/2010
	APRIL	100	100	100	04/16/2010
	JUNE	86	86	86	06/10/2010
	JULY	64	64	64	07/14/2010
	AUGUST	56	56	56	08/11/2010
	OCTOBER	47	47	47	10/31/2010
	NOVEMBER	80	80	80	11/29/2010
	DECEMBER	188	188	188	12/23/2010
2011 (12)	JANUARY	94	94	94	01/20/2011
	OCTOBER	48	48	48	10/28/2011
	NOVEMBER	89	89	89	11/30/2011
	DECEMBER	86	86	86	12/22/2011
2012 (9)	OCTOBER	63	63	63	10/30/2012
	NOVEMBER	49	49	49	11/27/2012
	DECEMBER	87	87	87	12/30/2012
2013 (11)	JANUARY	91	91	91	01/29/2013
	FEBRUARY	77	77	77	02/25/2013
	MARCH	120	120	120	03/28/2013
	APRIL	69	69	69	04/28/2013
	MAY	72	72	72	05/29/2013
	JUNE	73	73	73	06/30/2013
	AUGUST	49	49	49	08/31/2013
	SEPTEMBER	27	27	27	09/30/2013
	OCTOBER	30	30	30	10/27/2013
	NOVEMBER	34	34	34	11/24/2013
	DECEMBER	27	27	27	12/22/2013
	JANUARY	61	61	61	01/26/2014
	FEBRUARY	81	81	81	02/26/2014
	MARCH	49	49	49	03/30/2014
	APRIL	58	58	58	04/30/2014

Year (Total Violations)	Month	Monthly Avg. Limit=10 mg/L	Weekly Avg. Limit=15 mg/L	Daily Max. Limit=20 mg/L	Date Violation Occurred
	MAY	52	52	52	05/28/2014
	JUNE	92	92	92	06/29/2014
2014 (36)	JULY	27	27	27	07/31/2014
	AUGUST	21	21	21	08/29/2014
	SEPTEMBER	51	51	51	09/30/2014
	OCTOBER	24	24	24	10/29/2014
	NOVEMBER	24	24	24	11/25/2014
	DECEMBER	91	91	91	12/29/2014
2015 (33)	JANUARY	88	88	88	01/25/2015
	FEBRUARY	59	59	59	02/26/2015
	MARCH	68	68	68	03/29/2015
	APRIL	54	54	54	04/27/2015
	MAY	54	54	54	05/31/2015
	JUNE	38	38	38	06/29/2015
	JULY	49	49	49	07/29/2015
	SEPTEMBER	54	54	54	09/30/2015
	OCTOBER	52	52	52	10/29/2015
	NOVEMBER	87	87	87	11/30/2015
	DECEMBER	86	86	86	12/20/2015
2016 (30)	JANUARY	92	92	92	01/28/2016
	FEBRUARY	81	81	81	02/28/2016
	MARCH	110	110	110	03/13/2016
	APRIL	87	87	87	04/30/2016
	MAY	110	110	110	05/31/2016
	JULY	59	59	59	07/28/2016
	AUGUST	60	60	60	08/31/2016
	SEPTEMBER	74	74	74	09/11/2016
	OCTOBER	68	68	68	10/31/2016
	DECEMBER	160	160	160	12/29/2016
2017 (30)	JANUARY	130	130	130	01/31/2017
	FEBRUARY	97	97	97	02/27/2017
	MARCH	97	97	97	03/31/2017
	APRIL	110	110	110	04/30/2017
	MAY	120	120	120	05/31/2017
	JUNE	120	120	120	06/30/2017
	JULY	120	120	120	07/05/2017
	AUGUST	138	138	138	08/29/2017
	SEPTEMBER	41	41	41	09/30/2017
	OCTOBER	88	88	88	10/29/2017
	JANUARY	110	110	110	01/12/2018
	MARCH	100	100	100	03/02/2018
	APRIL	140	140	140	04/06/2018
	MAY	76	76	76	05/11/2018

Year (Total Violations)	Month	Monthly Avg. Limit=10 mg/L	Weekly Avg. Limit=15 mg/L	Daily Max. Limit=20 mg/L	Date Violation Occurred
2018 (21)	JUNE	101	101	101	06/08/2018
	JULY	92	92	92	07/06/2018
	AUGUST	64	64	64	08/03/2018

Appendix B: Total Suspended Solids Violation for 2009-2018

WWTF Effluent TSS

Year (Total Violations)	Month	Monthly Avg. Limit=30 Mg/L	Weekly Avg. Limit=45 Mg/L	Daily Max. Limit=65 Mg/L	Date Violation Occurred
2009 (26)	APRIL	80	80	80	04/01/2009
	MAY	76	76	76	05/06/2009
	JUNE	75	75	75	06/10/2009
	JULY	62	62	62	07/01/2009
	AUGUST	46	46	--	08/12/2009
	OCTOBER	150	150	150	10/14/2009
	NOVEMBER	84	84	84	11/11/2009
	DECEMBER	92	92	92	12/09/2009
2010 (16)	JANUARY	94	94	94	01/13/2010
	MARCH	140	140	140	03/17/2010
	APRIL	76	76	76	04/16/2010
	JUNE	250	250	250	06/10/2010
	AUGUST	42	--	--	08/11/2010
	NOVEMBER	74	74	74	11/29/2010
2011 (11)	JANUARY	120	120	120	01/20/2011
	OCTOBER	48	48	--	10/28/2011
	NOVEMBER	94	94	94	11/30/2011
	DECEMBER	80	80	80	12/22/2011
2012 (8)	OCTOBER	62	62	62	10/30/2012
	NOVEMBER	68	68	68	11/27/2012
	DECEMBER	56	56	--	12/30/2012
2013 (8)	MARCH	41	--	--	03/28/2013
	APRIL	70	70	70	04/28/2013
	MAY	130	130	130	05/29/2013
	JUNE	40	--	--	06/30/2013
2014 (3)	FEBRUARY	44	--	--	02/26/2014
	DECEMBER	48	48	--	12/29/2014
2015 (8)	JANUARY	60	60	--	01/25/2015
	FEBRUARY	36	--	--	02/26/2015
	APRIL	46	46	--	04/27/2015
	NOVEMBER	40	--	--	11/30/2015
	DECEMBER	46	46	--	12/20/2015
2016 (22)	JANUARY	48	48	--	01/28/2016
	FEBRUARY	82	82	82	02/28/2016
	MARCH	86	86	86	03/13/2016
	APRIL	41	--	--	04/30/2016
	MAY	52	52	--	05/31/2016
	JULY	66	66	66	07/28/2016
	AUGUST	39	--	--	08/31/2016

Year (Total Violations)	Month	Monthly Avg. Limit=30 Mg/L	Weekly Avg. Limit=45 Mg/L	Daily Max. Limit=65 Mg/L	Date Violation Occurred
	SEPTEMBER	65	65	65	09/11/2016
	OCTOBER	42	--	--	10/31/2016
	DECEMBER	76	76	76	12/29/2016
2017 (16)	JANUARY	130	130	130	01/31/2017
	FEBRUARY	100	100	100	02/27/2017
	MARCH	33	--	--	03/31/2017
	APRIL	49	49	--	04/30/2017
	MAY	31	--	--	05/31/2017
	JULY	220	220	220	07/05/2017
	OCTOBER	62	62	62	10/29/2017
2018 (15)	JANUARY	66.5	66.5	66.5	01/12/2018
	MARCH	32.3	--	--	03/02/2018
	APRIL	102	102	102	04/06/2018
	MAY	121	121	121	05/11/2018
	JUNE	141	141	141	06/08/2018
	JULY	30.7	--	--	07/06/2018
	AUGUST	40.5	--	--	08/03/2018

1. Note that "- -"represents a compliant value reported, not a missing data value.

Appendix C: Total Biochemical Oxygen Demand Violations for 2009-2018

WWTF Effluent BOD

Year (Total Violations)	Month	Monthly Avg. Limit=30 mg/L	Weekly Avg. Limit=45 mg/L	Daily Max. Limit=65 mg/L	Date Violation Occurred
2009 (27)	APRIL	262.5	262.5	262.5	04/01/2009
	MAY	150	150	150	05/06/2009
	JUNE	120	120	120	06/10/2009
	JULY	150	150	150	07/01/2009
	AUGUST	150	150	150	08/12/2009
	SEPTEMBER	120	120	120	09/10/2009
	OCTOBER	330	330	330	10/14/2009
	NOVEMBER	280	280	280	11/11/2009
	DECEMBER	250	250	250	12/09/2009
	JANUARY	140	140	140	01/13/2010
	MARCH	360	360	360	03/17/2010
	APRIL	180	180	180	04/16/2010

Year (Total Violations)	Month	Monthly Avg. Limit=30 mg/L	Weekly Avg. Limit=45 mg/L	Daily Max. Limit=65 mg/L	Date Violation Occurred
2010 (21)	JUNE	260	260	260	06/10/2010
	JULY	180	180	180	07/14/2010
	AUGUST	71	71	71	08/11/2010
	NOVEMBER	210	210	210	11/29/2010
2011 (12)	JANUARY	250	250	250	01/20/2011
	OCTOBER	70	70	70	10/28/2011
	NOVEMBER	260	260	260	11/30/2011
	DECEMBER	290	290	290	12/22/2011
2012 (6)	OCTOBER	68	68	68	10/30/2012
	NOVEMBER	180	180	180	11/27/2012
2013 (14)	JANUARY	35	--	--	01/29/2013
	FEBRUARY	46	46	--	02/25/2013
	MARCH	36	--	--	03/28/2013
	APRIL	85	85	85	04/28/2013
	MAY	210	210	210	05/29/2013
	JUNE	70	70	70	06/30/2013
	JULY	37	--	--	07/31/2013
	AUGUST	41	--	--	08/31/2013
2014 (10)	FEBRUARY	62	62	62	02/26/2014
	MARCH	50	50	--	03/30/2014
	APRIL	38	--	--	04/30/2014
	SEPTEMBER	63	63	63	09/30/2014
	NOVEMBER	34	--	--	11/25/2014
2015 (20)	JANUARY	140	140	140	01/25/2015
	FEBRUARY	63	63	63	02/26/2015
	MARCH	100	100	100	03/29/2015
	APRIL	84	84	84	04/27/2015
	SEPTEMBER	45	--	--	09/30/2015
	OCTOBER	36	--	--	10/29/2015
	NOVEMBER	89	89	89	11/30/2015
	DECEMBER	150	150	150	12/20/2015
2016 (27)	JANUARY	160	160	160	01/28/2016
	FEBRUARY	210	210	210	02/28/2016
	MARCH	370	370	370	03/13/2016
	APRIL	65	65	65	04/30/2016
	MAY	140	140	140	05/31/2016
	JULY	78	78	78	07/28/2016
	AUGUST	54	54	--	08/31/2016
	SEPTEMBER	200	200	200	09/11/2016
	OCTOBER	38	--	--	10/31/2016
	DECEMBER	250	250	250	12/29/2016

Year (Total Violations)	Month	Monthly Avg. Limit=30 mg/L	Weekly Avg. Limit=45 mg/L	Daily Max. Limit=65 mg/L	Date Violation Occurred
2017 (17)	JANUARY	200	200	200	01/31/2017
	FEBRUARY	280	280	280	02/27/2017
	MARCH	130	130	130	03/31/2017
	APRIL	90	90	90	04/30/2017
	AUGUST	50	50	--	08/29/2017
	OCTOBER	84	84	84	10/29/2017
2018 (21)	JANUARY	73	73	73	01/12/2018
	MARCH	215	215	215	03/02/2018
	APRIL	200	200	200	04/06/2018
	MAY	150	150	150	05/11/2018
	JUNE	464	464	464	06/08/2018
	JULY	69	69	69	07/06/2018
	AUGUST	63	63	63	08/03/2018

Appendix D: Effluent Flow Violation for 2009-2018

WWTF Effluent Flow

Year (Total Violations)	Month	Monthly Avg. Limit=1750 GPD
	March	7282
2018 (3)	July	7105
	August	7808

Appendix E: Missing Report Violation for 2009-2018

Year	Due item	Due date	Status
2010 (1)	Sep SMR	10/15/2010	Not submitted
2011 (1)	Feb SMR	3/15/2011	Not submitted
2016 (1)	June SMR	7/15/16	Not submitted

Appendix F: Incomplete Report Violation for 2009-2018

Year	Month	Missing Constituent
2009 (4)	January	Effluent Flow, pH
	February	Effluent Flow, pH
	March	Effluent Flow, pH
	April	Effluent pH, Water supply TDS and pH
2010 (3)	April	Water Supply TDS, pH
	October	Water Supply TDS, pH
	December	Water Supply TDS, pH
2011 (1)	December	Water Supply TDS, pH
2012 (3)	October	Water Supply TDS, pH
	November	Water Supply TDS, pH
	December	Water Supply TDS, pH
2013 (12)	January	Effluent pH, Water supply TDS, pH
	February	Effluent pH, TDS Water supply pH
	March	Effluent pH, Water supply pH
	April	Effluent pH, Water supply pH
	May	Effluent pH, Water supply pH
	June	Effluent pH, Water supply pH
	July	Effluent pH, Water supply pH
	August	Effluent pH, Water supply pH
	September	Effluent pH, Water supply pH
	October	Effluent pH, Water supply pH
	November	Effluent pH, Water supply pH
	December	Effluent pH, VOC, Water supply pH, Water supply Mineral analysis
2014 (11)	January	Effluent pH, Water supply pH
	February	Effluent pH, Water supply pH
	March	Effluent pH, Water supply pH
	April	Effluent pH, Water supply pH
	May	Effluent pH, Water supply pH
	June	Effluent pH, Water supply pH
	July	Water supply pH
	August	Water supply pH
	September	Effluent pH, Water supply pH
	October	Effluent pH, Water supply pH
	November	Effluent pH, Water supply pH
	January	Effluent pH, Water supply pH
	February	Water supply pH
	March	Effluent pH, Water supply pH
	April	Water supply pH
	May	Effluent pH, Water supply pH

Year	Month	Missing Constituent
2015 (12)	June	Effluent pH, Water supply pH
	July	Effluent pH, Water supply pH
	August	Effluent pH, Water supply pH
	September	Effluent pH, Water supply pH
	October	Effluent pH, Water supply pH
	November	Effluent pH, Water supply pH
	December	Effluent pH, BOD
2016 (9)	January	Effluent pH, Water supply pH and TDS
	February	Effluent pH
	March	Effluent pH and Water supply pH
	April	Water supply pH
	May	Water supply pH
	July	Water supply pH
	August	Water supply pH
	September	Water supply pH
	October	Water supply pH
2017 (6)	January	Water supply pH
	February	Water supply pH
	March	Water supply pH
	April	Water supply pH
	May	Water supply pH
	June	Water supply pH

Appendix G: Late Report Violation for 2009-2018

Year	Due item	Due date	Date Submitted	Days Late
2009 (6)	APRIL	05/15/2009	06/30/2009	46
	MAY	06/15/2009	07/01/2009	16
	JUNE	07/15/2009	07/22/2009	7
	JULY	08/15/2009	08/18/2009	3
	AUGUST	09/15/2009	11/25/2009	71
	SEPTEMBER	10/15/2009	11/24/2009	40
2010 (6)	MARCH	04/15/2010	04/19/2010	4
	JULY	08/15/2010	08/17/2010	2
	AUGUST	09/15/2010	09/29/2010	14
	OCTOBER	11/15/2010	05/23/2011	189
	NOVEMBER	12/15/2010	05/23/2011	159
	DECEMBER	01/15/2011	05/23/2011	128

Year	Due item	Due date	Date Submitted	Days Late
2011 (4)	JANUARY	02/15/2011	05/23/2011	97
	OCTOBER	11/15/2011	01/17/2012	63
	NOVEMBER	12/15/2011	01/17/2012	33
	DECEMBER	01/15/2012	01/17/2012	2
2012 (3)	OCTOBER	11/15/2012	02/04/2013	81
	NOVEMBER	12/15/2012	02/04/2013	51
	DECEMBER	01/15/2013	02/04/2013	20
2013 (12)	JANUARY	02/15/2013	03/04/2016	1113
	FEBRUARY	03/15/2013	03/04/2016	1085
	MARCH	04/15/2013	03/04/2016	1054
	APRIL	05/15/2013	03/04/2016	1024
	MAY	06/15/2013	03/04/2016	993
	JUNE	07/15/2013	03/04/2016	963
	JULY	08/15/2013	03/04/2016	932
	AUGUST	09/15/2013	03/04/2016	901
	SEPTEMBER	10/15/2013	03/04/2016	871
	OCTOBER	11/15/2013	03/04/2016	840
	NOVEMBER	12/15/2013	03/04/2016	810
	DECEMBER	01/15/2014	03/04/2016	779
2014 (12)	JANUARY	02/15/2014	03/04/2016	748
	FEBRUARY	03/15/2014	03/04/2016	720
	MARCH	04/15/2014	03/04/2016	689
	APRIL	05/15/2014	03/04/2016	659
	MAY	06/15/2014	03/04/2016	628
	JUNE	07/15/2014	03/04/2016	598
	JULY	08/15/2014	03/04/2016	567
	AUGUST	09/15/2014	03/04/2016	536
	SEPTEMBER	10/15/2014	03/04/2016	506
	OCTOBER	11/15/2014	03/04/2016	475
	NOVEMBER	12/15/2014	03/04/2016	445
	DECEMBER	01/15/2015	03/04/2016	414
2015 (12)	JANUARY	02/15/2015	03/04/2016	383
	FEBRUARY	03/15/2015	03/04/2016	355
	MARCH	04/15/2015	03/04/2016	324
	APRIL	05/15/2015	03/04/2016	294
	MAY	06/15/2015	03/04/2016	263
	JUNE	07/15/2015	03/04/2016	233
	JULY	08/15/2015	03/04/2016	202
	AUGUST	09/15/2015	03/04/2016	171
	SEPTEMBER	10/15/2015	03/04/2016	141

Year	Due item	Due date	Date Submitted	Days Late
	OCTOBER	11/15/2015	03/04/2016	110
	NOVEMBER	12/15/2015	03/04/2016	80
	DECEMBER	01/15/2016	03/04/2016	49
2016 (9)	JANUARY	02/15/2016	03/04/2016	18
	FEBRUARY	03/15/2016	03/17/2016	2
	MARCH	04/15/2016	04/19/2016	4
	APRIL	05/15/2016	06/29/2016	45
	MAY	06/15/2016	07/14/2016	29
	AUGUST	09/15/2016	09/20/2016	5
	SEPTEMBER	10/15/2016	10/17/2016	2
	OCTOBER	11/15/2016	11/29/2016	14
	DECEMBER	01/15/2017	01/31/2017	16
2017 (9)	JANUARY	02/15/2017	02/28/2017	13
	FEBRUARY	03/15/2017	04/03/2017	19
	MARCH	04/15/2017	04/30/2017	15
	APRIL	05/15/2017	05/31/2017	16
	MAY	06/15/2017	07/08/2017	23
	JUNE	07/15/2017	08/03/2017	19
	AUGUST	09/15/2017	09/30/2017	15
	SEPTEMBER	10/15/2017	10/31/2017	16
	OCTOBER	11/15/2017	11/30/2017	15

Appendix H: Alterations and Corrective Actions Taken by Discharger

April 2010

Discharger pumped out grease trap and ST-1 to address non-

compliance. March 2011

Installing filters in the kitchen sink to catch more grease, making changes to the existing grease interceptor to catch more grease.

Constructed a new 9000-gallon tank to allow grease, oils, TSS and TDS to be separated from the effluent prior to the main septic system.

April 2016

Contacted an outside firm to review the existing system and make recommendations to bring the system into compliance

July 2016

Inspection report for Mountain Station provided by consultant Quicy pointing out the reason of non-compliance, recommendation to make changes to the grease interceptor to reduce the FOG carryover.

August 2016

The media in the ax100s at the Mountain station were cleaned of grease that was bridging across them.

September 2017

Upgrades to pre-treatment system; pumping out ST1; re piping of the st3 discharge, replacement of the pumps and all appurtenances in ST3; re-insulating the advantec pods in Long Valley; replacement of 2 recirculation pumps (spare pumps for all treatment tanks are in stock); deep cleaning of all the media in the advantec pods and replacement of the Mountain Station WWTF Control Cabinet.

July 2018

Contracted with Consultant Geosyntec detailing future steps to implement a newly designed WWTF for Mountain Station.