

California Regional Water Quality Control Board
North Coast Region

CEASE AND DESIST ORDER NO. R1-2006-0003
(Revising Cease and Desist Order Nos. 87-27 and 88-153)
ID No. 1A84118ODN

REQUIRING KLAMATH COMMUNITY SERVICES DISTRICT
TO CEASE AND DESIST FROM DISCHARGING AND
THREATENING TO DISCHARGE WASTE CONTRARY TO
WASTE DISCHARGE REQUIREMENTS ORDER NO. 84-118
PRESCRIBED BY THE NORTH COAST REGIONAL WATER
QUALITY CONTROL BOARD

Del Norte County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Klamath Community Services District (hereinafter the discharger) owns and operates wastewater collection, treatment, and disposal facilities that serve the New Klamath Town Site located adjacent to Highway 101 near the mouth of the Klamath River. The New Klamath Town Site consists of a total of ninety lots, primarily residential with some commercial development to serve the community.
2. Wastewater treatment consists of a large septic tank having 20,000 gallons per day treatment capacity followed by disposal in two large leachfields adjacent to the Klamath River. The Regional Water Board adopted Waste Discharge Requirements Order No. 84-118 for the discharger on September 27, 1984. The leachfield experienced solids carryover from the septic tank and surfacing effluent soon after its construction.
3. On February 25, 1987, the Regional Water Board adopted Cease and Desist Order No. 87-27 requiring the discharger to cease and desist from discharging and threatening to discharge waste in violation of Waste Discharge Requirements. Cease and Desist Order No. 87-27 contained a list of tasks and a corresponding time schedule for the discharger to complete them.
4. Inspections by Regional Water Board staff and reports from the discharger revealed incomplete sewer system infiltration analysis, intermittent leach-field failure, surfacing effluent, and service charge revenues insufficient to operate and maintain the wastewater system. The discharger proposed constructing a third leachfield and increasing revenues.
5. On December 1, 1988, the Regional Water Board adopted Cease and Desist Order No. 88-153, revising Cease and Desist Order No. 87-27 and requiring the discharger to cease and desist from discharging and threatening to discharge in violation of Waste Discharge Requirements. Cease and Desist Order No. 88-153 contains a list of tasks and a corresponding time schedule for the discharger to complete.

6. Recent inspections by Regional Water Board staff and reports from the discharger reveal that the required sewer system infiltration analysis was not conducted, septic tank effluent was discharged to the Klamath River for a prolonged period following flood damage, Klamath River flood damage resulted in loss of a portion of one of the leachfields, monitoring wells and instruments to monitor the discharge of waste are not being maintained, leachfields are not being maintained, and service charge revenues are insufficient to operate and maintain the wastewater system.
7. Inspection of the leachfield areas after the New Year's Day 2006 flood revealed that most of the northerly leachfield had been eroded away by the Klamath River. The northerly leachfield is no longer usable. Further erosion of the leachfield areas by the Klamath River threatens to reduce setback distances of the two remaining leachfields from the Klamath River. A distance of at least 100 feet must be maintained between a leachfield and a perennially flowing stream as set forth in the *Policy on the Control of Water Quality with Respect to On-site Waste Treatment and Disposal Practices*, which is contained in the Water Quality Control Plan for the Klamath River Basin
8. Portions of Waste Discharge Requirements Order No. 84-118 that currently are being violated or threaten to be violated are as follows:

“A. DISCHARGE SPECIFICATIONS

- “1. There shall be no discharge of waste to the Klamath River or its tributaries.”
- “2. The discharge of waste shall be kept underground at all times.”
- “6. The mean daily waste flow shall not exceed 20,000 gallons averaged over a period of thirty days.”

“B. PROVISIONS

- “2. The discharger shall comply with the Monitoring and Reporting Program No. 84-118 and Contingency Planning and Notification Requirements No. 74-151 and any modifications to this document as specified by the Executive Officer.
 - “3. Neither the treatment nor the disposal of waste shall cause a pollution or nuisance as defined in Section 13050 of the California Water Code.”
 - “8. The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.”
9. The discharger is in violation of Cease and Desist Order Nos. 87-27 and 88-153 as follows:

- a) prepare and implement a revenue program which provides sufficient funds to operate and maintain the District's wastewater system;
 - b) conduct infiltration/inflow (I/I) analysis, propose and implement repairs to reduce excessive I/I;
10. Since the notice of this public hearing was issued, and before the January 25, 2006 hearing, the Klamath Community Services District has taken initial steps to comply with some aspects of the order, as proposed. In recognition of those efforts, the Regional Board finds it appropriate to grant the Klamath Community Services District's request, as articulated at the January 25, 2006, hearing, to exempt five (5) dwelling unit equivalents (DUEs) (three-bedroom residence) connections from the connection ban at the outset.
 11. Pursuant to Section 15321, Title 14 of the California Administrative Code, this is an enforcement action and as such is exempt from the requirements of the California Environmental Quality Act.
 12. On January 25, 2006, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing at which the discharger was heard and evidence received concerning this matter.

THEREFORE, IT IS HEREBY ORDERED that:

1. The addition of new flows of wastewater to the wastewater treatment facility from new residential, commercial, industrial, and/or governmental connections is prohibited until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of Waste Discharge Requirements Order No. 84-118 [Title 23, California Code of Regulations, Section 2244]. Notwithstanding the foregoing, the Klamath Community Services District may allow up to, but no more than, five (5) DUE connections (1600-1800 gallons per day, total flow).
2. If the Klamath Community Services District can demonstrate to the satisfaction of the Executive Officer that the existing septic tank and available leachfields (leachfields located greater than 100 feet away from the Klamath River) have excess capacity above current wastewater flows (seasonal dry weather and wet weather), the Executive Officer may authorize new connections to the Klamath WWTF up to, but no more than, the demonstrated available capacity.
3. The Klamath Community Services District shall cease and desist from discharging wastes contrary to Waste Discharge Requirements Order No. 84-118 and Cease and Desist Order Nos. 87-27 and 88-153 in accordance with the following time schedule:

- a. Cease discharging wastewater into the northerly leachfield forthwith and cease discharging wastewater into any other leachfield that is located less than 100 feet from the Klamath River as soon as the District has knowledge that the River has come within 100 feet of any of the remaining leachfields. Submit a report to the Regional Water Board Executive Officer within five days of its completion that describes when and how this task was completed.
- b. By March 1, 2006, install an operational flow measuring device or cause the existing flow measuring device to give credible flow data in order to report the daily volume of wastewater discharged into the leachfield disposal system. Submit a report of completion to the Regional Water Board by March 15, 2006, and thereafter, continue to report wastewater flows in conformance with Monitoring and Reporting Program No. 84-118 and any revisions to the Monitoring and Reporting Program.
- c. By March 1, 2006, submit a map prepared, stamped, and signed by a California Registered Civil Engineer or Land Surveyor that shows the location of all wastewater transmission and disposal facilities, including pressure transmission and distribution lines, distribution boxes, leachlines, leachfields, existing monitoring wells, Klamath River, parking and traveled areas, property boundaries, and any other improvements on the property. The map also shall indicate the location of all proposed monitoring wells that must be installed in order to comply with Monitoring and Reporting Program No. 84-118.
- d. By April 1, 2006, install all monitoring wells necessary to comply with Monitoring and Reporting Program No. 84-118. Submit a report of completion to the Regional Water Board by April 15, 2006, that describes well construction technique and materials, well locations, and well depths. Thereafter, continue to report water level observations in conformance with Monitoring and Reporting Program No. 84-118 and any revisions to the Monitoring and Reporting Program.
- e. By June 1, 2006, submit an operation and maintenance manual for the Klamath Community Services District wastewater treatment system. The manual shall include a list of all routine maintenance required and the weekly schedule, including estimated hours needed, to operate and maintain the wastewater collection, treatment and disposal system. The manual must be prepared, stamped, and signed by a California Registered Civil Engineer.
- f. By September 1, 2006, submit a Klamath Community Services District revenue program to meet the cost of the complete operation, maintenance, and expansion of the wastewater system.
- g. By May 1, 2007, submit a WWTF capacity report evaluating current and projected wastewater flows and treatment facilities. The report shall be prepared by a

California Registered Civil Engineer and shall evaluate:

- i. Capacity of the existing septic tank and available leachfields (leachfields located greater than 100 feet away from the Klamath River) and the current wastewater flows (seasonal dry weather and wet weather) to the septic tank and leachfield system.
 - ii. Projected wastewater flows for complete buildout of the New Klamath Town Site and alternatives for treatment facilities to treat and dispose of the projected flows. Evaluate long-term viability of using the County-owned property west of Highway 101 for wastewater disposal in view of the encroaching Klamath River.
- h. By July 1, 2007, submit an infiltration/inflow evaluation report for the wastewater collection system. The report shall be prepared by a California Registered Civil Engineer and shall contain recommendations for repairs necessary to eliminate excessive I/I.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 25, 2006.

Catherine E. Kuhlman
Executive Officer