

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2010-0054
(Revised July 13, 2010)

REQUIRING TECHNICAL INFORMATION
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

Safari West Wildlife Preserve
3115 Porter Creek Road
WDID NO. 1B10027CNSO

Sonoma County

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

1. Safari West Animal Preserve (hereinafter Facility) is located at 3115 Porter Creek Road in Santa Rosa California. It is owned and operated by Mr. Peter Lang. The Facility occupies approximately 400 acres in the upper Russian River watershed, and permanently houses 400 or more animals at any given time. The property drains to Mark West Creek through natural and constructed swales, gravity flows, and a tributary creek that flows through the facility. The facility offers tours by truck, overnight accommodations, and meal service to guests and staff on site.
2. Mark West Creek is a tributary to the Russian River and is considered a water of the State and United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed the Russian River under Clean Water Act Section 303(d) as impaired for sediment, temperature, and pathogens.
3. On Thursday August 20, 2009, in response to a citizen complaint, Regional Water Board staff inspected the Facility, accompanied by representatives from California Department of Fish and Game, and Sonoma County Permit and Resource Management Department (PRMD). Facility maintenance manager, Bill Scheffler, accompanied agency staff during the inspection.
4. The citizen complaint alleged that Facility waste management practices adversely impact the beneficial uses of Mark West Creek and the tributary creek that flows through the facility.

During the inspection, staff observed the following:

- a. Various sources of animal wastes were present in close proximity to the braided series of swales and a tributary creek that bisect the Facility.

- Drainages run directly through animal enclosures, allowing livestock to stand directly within the waterway;
- b. Safari West does not collect and treat its animal wastes, other than composting a relatively small volume of barn bedding wastes and animal solid wastes;
 - c. Hydrocarbon sources located in the storage area (engines, drive trains, stored oil) are exposed to the environment, as well as metal and wood wastes in areas adjacent to the tributary;
 - d. A storage area dumpster and a waste oil barrel were actively leaking at the time of inspection, within a few yards of the creek ;
 - e. Water from the Flamingo Pond and Lake Watusi was leaking into adjacent drainage ways. Water in the ponds appeared to be stagnant, overheated and contained sediment and other waste materials. The steady seepage from both dams into tributary water bodies is resulting in offsite discharges that may adversely impact Mark West Creek with sediments, nutrients and bacteria ;
 - f. Storm water runoff was concentrated and comingling with animal wastes and sediments prior to discharge into state waters, as evidenced by observations of the culvert draining from the Giraffe Barn/veterinarian building that was ~80% filled with dirt and animal wastes;
 - g. The facility relies on various onsite domestic wastewater systems. Inspections of leachfield areas identified standing septic tank effluent was observed at approximately 5 inches from the ground surface.
 - h. The main tributary creek that drains the site showed an overabundance of Duckweed, indicative of high levels of nutrients in the water column;
5. This Order is an amended version of the same order that was issued to the Facility on May 12, 2010 and extends the deadline for submission of technical reports from July 12, 2010 to October 1, 2010 under the following conditions:
- a. Early implementation of range management and storm water Best Management Practices (BMPs) to avoid further unpermitted discharges.
 - b. Immediate implementation of proper storage and containment of waste materials and chemicals onsite to prevent the contamination of soils or contact with storm water.
 - c. Elimination of all surfacing effluent from the onsite wastewater disposal system.
 - d. Implementation of flow/pollutant controls to minimize discharges of polluted water from onsite ponds to downstream waters of the state.

- e. Conditions a. through d. shall be determined complete upon inspection by Regional Water Board Staff.
- f. The Facility owners shall set up a meeting with the consultants hired to develop the technical reports and with Regional Water Board staff to facilitate communication in the development of a comprehensive report.
6. The Regional Water Board's Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan, at page 2-1, states that the beneficial uses of any specifically identified water body generally apply to its tributary streams. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which establishes state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Thus, beneficial uses applicable to area groundwater and Mark West Creek are as follows:

Table 1. Basin Plan Beneficial Uses

Beneficial Use (s)	Receiving Water Name Discharge Points	
	Mark West Creek	Groundwater
Municipal and Domestic Water Supply (MUN)	Existing	Existing
Agricultural Supply (AGR)	Existing	Existing
Industrial Service Supply (IND)	Existing	Existing
Industrial Process Supply (PRO)	Potential	Potential
Groundwater Recharge (GWR)	Existing	---
Freshwater Replenishment (FRESH)	Existing	Existing
Navigation (NAV)	Existing	---
Hydropower Generation (POW)	Potential	---
Water Contact Recreation (REC-1)	Existing	---
Non-contact Water Recreation (REC-2)	Existing	---
Commercial and Sport Fishing (COMM)	Existing	---
Warm Freshwater Habitat (WARM)	Existing	---
Cold Freshwater Habitat (COLD)	Existing	---
Wildlife Habitat (WILD)	Existing	---
Preservation of Rare, Threatened or Endangered Species (RARE)	Existing	---
Spawning, Reproduction, and/or Early Development (SPWN)	Existing	---
Shellfish Harvesting (SHELL)	Existing	---
Aquaculture (AQUA)	Existing	Potential
Native American Culture (CUL)	---	Existing

7. Runoff from this facility has the potential to transport fecal bacteria, excessive nutrients, sediment, inadequately treated wastewater and various leaks of hydrocarbon pollutants into waters of the State, and the United States. Fecal bacteria, when introduced into a water body, pose a risk both to human and animal health. The Russian River watershed is impaired due to excessive sediment and all human caused sources of excess sediment require control. Excessive nutrients in surface waters can stimulate growth of undesirable plants, and algae, or eutrophication, which in turn has a detrimental effect on water quality (e.g., dissolved oxygen) and aquatic species. Likewise, the improper storage/containment/cleanup of hydrocarbons may introduce toxic substances, as well as potential carcinogens, into drinking water supplies, and otherwise adversely impact the beneficial uses downstream of the Site.
8. The following sections of the California Water Code authorize the Regional Water Board Executive Officer to impose requirements upon persons suspected of discharging waste that could affect the quality of waters within this region:
 - a. Section 13260 (a) – *“All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.”*
 - b. Section 13267(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 its region.”*
 - c. Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste 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.”*
 - d. Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public*

health or safety, an inspection may be performed without consent or the issuance of a warrant.”

9. Technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. More detailed information is available in the Regional Water Board's public file on this matter.
10. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with Section 15321, Chapter 3, title 14, California Code of Regulations.
11. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to clean up or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section 13385, subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged. Any person discharging waste into navigable waters of the United States without waste discharge requirements is, pursuant to Water Code Section 13385(c), subject to administrative civil liabilities of up to ten thousand dollars (\$10,000.00) per day in which the discharge occurs plus ten dollars (\$10.00) per gallon of waste discharged, and may also be subject to criminal prosecution pursuant to Water Code Section 13387.
12. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30 day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b), the Discharger shall:

By October 1, 2010 submit a technical report to the Executive Officer, which shall include, but not be limited to, the following technical information:

1. Animal Operations:
 - a. Identification and enumeration of each animal species on site
 - b. Information pertaining to animal feeding operations for each animal species including measures to prevent feed material from impacting ground or surface waters
 - c. Manure management procedures for each enclosure to prevent such wastes from impacting ground or surface waters.

2. Facility Operations:
 - a. Restaurant;
 - i. Maximum number of guests and staff that can be served on site
 - ii. Maximum number of meals provided per day
 - b. Bathrooms
 - i. Number of toilets and sinks on site
 - ii. Number of kitchen sinks on site
 - iii. Number of tent cabins, and facilities within tent cabins (i.e. toilets, sinks, showers)
 - c. Septic System
 - i. Location and capacity of all tanks and grease traps onsite
 - ii. Identification of waste sources entering each tank
 - iii. Location and size of all leach fields on site

3. Land Use Operations:
 - a. Erosion control measures for each enclosure
 - b. Storm water conveyance and pollution control practices for each enclosure and public areas (including parking lots)
 - c. Surface drainages, both man made and natural
 - d. Standard Operating Procedures (SOP) for cleaning on site ponds including, but not limited to, lemur area pond, and flamingo pond.
 - e. SOP's for cleaning of all barns, and other animal shelters
 - f. Identification of all paved areas

4. Industrial Operations:
 - a. Identification of material storage and maintenance areas
 - b. SOP's for hydrocarbon containment
 - c. Vehicle repair, and vehicle waste dumping practices

5. A complete schematic map of the facility. Include at a minimum all enclosure areas, building locations, pond locations, areas of natural and man made

surface drainage, underground pipe drainage, and location of existing septic tanks and leach fields.

If the Discharger is unable to perform any activity or to submit any documentation in compliance with the deadlines in this Order, the Discharger may submit a written request to the Executive Officer for an extension of the time schedule. The written extension request shall explain why the delay is beyond the reasonable control of the Discharger and must be received by the Regional Water Board no less than 15 calendar days prior to the respective deadline. An extension may be granted by the Executive Officer, for good cause, in which case this Order will be accordingly revised.

All information provided in response to this Order must include the following signed certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The foregoing report is needed to address the potential ongoing water quality threats at Safari West. The report required by this Order will allow Regional Water Board staff to determine the mitigation and other measures that are needed to protect water quality and ensure that similar violations do not recur. In addition, the information within the required report may be used to determine if Waste Discharge Requirements, or a Waiver of Waste Discharge Requirements, is necessary or for further enforcement actions taken against Safari West.

Ordered by _____

Catherine Kuhlman
Executive Officer

July 13, 2010