Attachment A

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. R1-2011-0045
And
Water Code Section 13267 Order

For

Larry and Margaret Barcellos

Trinity Dam Mobile Home Park
Lewiston, California

Trinity County

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

1. Larry and Margaret Barcellos (hereinafter Dischargers) own the Trinity Dam Mobile Home Park located at 4720 Trinity Dam Boulevard in Lewiston (hereinafter the Park). The Park is located in Lewiston Valley, Trinity County, California (APN 025-350-25) and contains 21 dwelling units. An intermittent stream runs adjacent to the Park that is tributary to the Trinity River. A map of the site is included as Attachment A.

2. The Park is located outside of a municipal service district and therefore septic disposal and domestic water supply is provided by individual or combined systems at the Park. Domestic water supply is provided by Lewiston Valley Mutual Water Company. The existing septic disposal system was constructed in 1957 and consists of a collection system, a 43,000 gallon grouted cinder block septic tank, effluent pumps, and a 0.7 acre effluent treatment and disposal pond.

3. On January 6, 2011, Regional Water Board staff (hereinafter Staff) inspected the Park with staff of the Trinity County Environmental Health Department and the California Department of Housing and Community Development, in response to a neighbor's complaint regarding surfacing sewage and odors. During the inspection, staff observed surfacing sewage from the Park's septic system flowing across the property boundary and onto the neighbor's driveway and yard area. Additionally, staff observed surfacing sewage from the Park flowing between the two properties towards the roadside ditch, which flows to an intermittent stream and thence to the Trinity River. The pumps and piping associated with the septic tank were also leaking onto the ground. Staff observed an unfenced effluent treatment and disposal pond at the north end of the property containing undisinfected effluent from the Park. This pond is unlined and was built by constructing an earthfill embankment across an intermittent stream.

4. Current sewage disposal practices have caused and may continue to cause the surfacing of sewage and potential discharges to the adjacent property, intermittent streams and the Trinity River adversely impacting water quality and beneficial uses, and violating provisions of the California Water Code. In addition, these conditions constitute a threat to public health and safety.

5. The beneficial uses of the Trinity River and its tributaries, as designated in the Water Quality Control Plan for the North Coast Region (Basin Plan), include:

   a. municipal and domestic supply
   b. agricultural supply
   c. industrial service supply
   d. industrial process supply
   e. groundwater recharge
   f. freshwater replenishment
   g. navigation
   h. hydropower generation
   i. water contact recreation
   j. non-contact water recreation
   k. commercial and sport fishing
   l. cold freshwater habitat
   m. wildlife habitat
   n. preservation of rare, threatened or endangered species
   o. migration of aquatic organisms
   p. spawning, reproduction, and/or early development
   q. aquaculture

6. Existing and potential beneficial uses of groundwater as designated in the Water Quality Control Plan for the North Coast Region (Basin Plan), include:

   a. domestic water supply
   b. agricultural water supply
   c. industrial water supply
   d. industrial process supply

7. The Basin Plan contains specific standards and provisions for maintaining high quality waters of the State that provide for the beneficial uses listed above. The Implementation Plan for Onsite Waste Treatment and Disposal Practices included in the Basin Plan states,

   "*On-site waste treatment and disposal systems shall be located, designed, constructed, and operated in a manner to ensure that effluent does not surface at any time, and that percolation of effluent will not adversely affect beneficial uses of waters of the State.*"

8. As described above in paragraphs 1, 2 and 3, above, the Dischargers own and operate a facility that contains 21 dwelling units which utilize onsite septic disposal. Current waste disposal practices and their cumulative impacts have caused and threaten to cause discharges of sewage to the ground surface where it may enter into an intermittent tributary to the Trinity River and thence the Trinity River. These conditions constitute a condition of nuisance, wherein the improper disposal of waste is injurious to health and affects a number of persons living in the vicinity.

9. The conditions on the Site are therefore subject to cleanup and abatement under California Water Code (Water Code) section 13304. Water Code section 13304, subdivision (a) provides: "Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."

10. Water Code section 13267, subdivision (a) authorizes the Regional Water Board to investigate the quality of any waters of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. A full report on all sewage equipment and facilities; a work plan and report of waste discharge; and post project monitoring; as required by this Order, pursuant to Water Code section 13267, are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly assessed, abated and controlled. Due to the importance of protecting water resources as explained herein, the costs associated with developing a restoration work plan bear a reasonable relationship to the benefits that will be realized once the work plan is implemented.

11. This is an enforcement action by a regulatory agency, being taken for the protection of the environment, and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) in accordance with California Code of Regulations (CCRs), Title 14, Sections 15308 and 15321.

12. Failure to comply with the terms of this Order may subject the Dischargers to an enforcement action under the Water Code, including administrative civil liabilities under Water Code section 13385, subdivision (c), in an amount not to exceed the

sum of ten thousand dollars ($10,000) per day and ten dollars ($10) per gallon of waste discharged in excess of 1,000 gallons.

13. 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 CWC Section 13320 and Title 23, CCRs, Section 2050. The State Water Board must receive the petition 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 Water Board, any person affected by this Order may request the Executive Officer to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Executive Officer 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 CWC Sections 13267(b) and 13304 the Dischargers shall abate the discharges of waste and threatened discharge of waste to surface and groundwater in accordance with the following:

1. The discharge of treated and untreated sewage to the ground surface shall be **immediately and permanently** abated. Actions to be considered shall include construction of an approved sewage treatment and disposal system, reductions in wastewater generation and/or transporting wastewater to an approved offsite treatment and disposal facility.

2. By **April 29, 2011,** the Dischargers shall submit a report of all sewage disposal equipment associated with each dwelling unit at the Park. Locations of all components, including collection lines, pumps and piping shall be depicted on a site map. The submittal shall include the age and composition of all components of the sewage disposal system and determination of influent flow (wastewater, precipitation and infiltration/inflow).

3. By **May 31, 2011**, the Dischargers shall submit a workplan for construction of a sewage disposal system which conforms to the Standards and Provisions of the Basin Plan. The workplan shall be accompanied by an application, appropriate fee, and a complete Report of Waste Discharge. The workplan shall include and surface and groundwater sampling plan to determine the extent of contamination from the unauthorized sewage releases at the Park.

4. Following Assistant Executive Officer written concurrence, the Dischargers shall implement the workplan to construct a new onsite waste disposal system(s) and

groundwater well installation. All construction and related work shall be completed no later than **August 31, 2011**.

5. The Dischargers shall conduct all work under the direction of a California registered civil engineer or professional geologist experienced in surface water, soil, and groundwater investigation and remediation. All work plans and technical reports submitted to the Regional Water Board shall be signed and stamped by a licensed professional. All necessary permits shall be obtained.

The Dischargers shall submit monthly progress reports that fully document the implementation of specific abatement measures, describe the specific locations of those measures, and identify the locations including photographs, descriptions, and mapped locations of all abatement measures that have been implemented to abate sewage discharges to waters of the State. Monthly progress reports shall be submitted by the 15th of each month and continue until all long-term abatement measures have been completed and approved by the Regional Water Board.

This Order in no way limits the authority of this Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the Park consistent with the California Water Code, including referral to the Attorney General for the issuance of a temporary restraining order, temporary injunction, or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Section 13260 to comply therewith.

If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the schedule pursuant to this Order, the Dischargers may request, in writing to the Assistant Executive Officer, an extension of the time as specified. The written extension request shall include justification for the delay and shall be received by the Regional Water Board not less than 15 calendar days prior to the deadline sought to be extended. An extension may be granted for good cause by the Assistant Executive Officer, in which case this Order will be accordingly revised.

Ordered by _____

Luis G. Rivera
Assistant Executive Officer

April 7, 2011