

Central Valley Regional Water Quality Control Board

30 June 2015

J. Price, Warden
Deuel Vocational Institution
California Department of Corrections
P.O. Box 400
Tracy, CA 95378-0004

NOTICE OF VIOLATION OF CLEANUP AND ABATEMENT ORDER R5-2015-0704 REPORTS, CALIFORNIA DEPARTMENT OF CORRECTIONS, DEUEL VOCATIONAL INSTITUTION, SAN JOAQUIN COUNTY

The California Department of Corrections and Rehabilitation (Discharger) discharges treated wastewater from its Deuel Vocational Institution (Facility) to Deuel Drain and is regulated by Waste Discharge Requirements (WDRs) Order R5-2014-0014 (NPDES CA0078093). On 30 March 2015, the Central Valley Regional Water Quality Control Board (Board) issued Cleanup and Abatement Order (CAO) R5-2015-0704.

CAO R5-2015-0704 requires that the Discharger make Facility improvements and submit technical and progress reports. The following violations of CAO R5-2015-0704 occurred since its issuance on 30 March 2015, as listed in Table A below.

Table A. Violations of CAO R5-2015-0704

Report Title	Due Date	Status	CIWQS ID
First Quarter 2015 Progress Report	30 April 2015	11 days late	990645 ¹
RO Plant Spare Parts Status Report	1 May 2015	Incomplete	990646 ²
MBR Modules Replacement Time Schedule	1 May 2015	Incomplete	990647 ²
O&M manual and SOPs	1 June 2015	Incomplete	992564

¹ Violation cited in 8 May 2015 Notice of Violation (NOV).

² Board staff incorrectly identified these violations as late reporting violations in the 8 May NOV letter. These CIWQS violations have been modified to reflect that the reports were submitted on time; however, materially deficient and marked incomplete.

A review of our records shows that these technical reports are materially deficient for the following reasons:

- RO Plant Spare Parts Status Report:** CAO R5-2015-0704 required the Discharger to submit a report identifying if the reverse osmosis (RO) plant has adequate spare parts available for continuous operation and include an action plan containing a schedule to prevent chronic toxicity when the RO plant is taken off-line for maintenance. However, the report the Discharger submitted states \$250,000 in funding has been secured to purchase parts but fails to explain which spare parts are available now, which need to be purchased and when, the cost of the parts, or if adequate parts are on-site if repairs are

necessary to properly run and maintain the RO plant. The Discharger failed to properly evaluate and discuss if the RO plant currently has adequate spare parts and/or a plan in place for continuous operation of the RO plant as required by CAO R5-2015-0704.

- *MBR Modules Replacement Time Schedule:* CAO R5-2015-0704 required the Discharger to submit a timeline for replacing the membrane bioreactor (MBR) modules. The schedule should have included the process for all contracting actions necessary to complete replacement of the MBR modules no later than 31 March 2016. The report the Discharger submitted indicates the Discharger has requested quotes for the purchase of MBR modules and the replacement will be completed prior to 31 March 2016. The Discharger failed to provide a schedule that includes necessary tasks to complete the MBR module replacement by 31 March 2016.
- *Operation and Maintenance (O&M) Manual and Standard Operating Procedures (SOPs):* CAO R5-2015-0704 required the Discharger to update its existing O&M manual to maximize efficiency of the MBR under current operating conditions such that wastewater treatment plant effluent complies with all requirements of the WDRs. However, the O&M report the Discharger submitted failed to identify O&M manual modifications or steps taken to maximize efficiency of the MBR under current operating conditions. It appears to Board staff that the O&M manual is the existing manufacturer's O&M manual submitted when the MBR was added to the Facility. Board staff was made aware at the 18 February 2015 site inspection that the operators must operate the Facility in a manner that is not consistent with the manufacturer's O&M manual in order to optimize treatment and meet the requirements of the WDRs. Please resubmit with actual O&M practices and standard operating procedures (SOPs) carried out by operating staff at the Facility.

Water Code section 13267, states the following: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of 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..."*

Due to Water Code section 13267, our next step is to recommend that civil liabilities be assessed against the California Department of Corrections and Rehabilitation. As of 30 June 2015, **the maximum liability for late and incomplete reports is \$160,000**, as shown in Table B below. However, Board staff may recommend that an administrative civil liability complaint not be issued if the Discharger submits the completed reports **forthwith**.

Table B: Potential Maximum Liability – CWC Section 13268 Liability Assessment

Due Date	Report Title	Liability Assessment Date	Date Late/Incomplete	Maximum Liability	Item Status
30 April 2015	First Quarter 2015 Progress Report	30 June 2015	11	\$11,000	Late Reporting

Due Date	Report Title	Liability Assessment Date	Date Late/Incomplete	Maximum Liability	Item Status
1 May 2015	RO Plant Spare Parts Status Report	30 June 2015	60	\$60,000	Incomplete
1 May 2015	MBR Modules Replacement Time Schedule	30 June 2015	60	\$60,000	Incomplete
1 June 2015	O&M manual and SOPs	30 June 2015	29	\$29,000	Incomplete
Total			160	\$160,000	

We will evaluate the adequacy of your response to this letter and your report submittals in considering whether to propose issuance of an administrative civil liability complaint. Be advised that continued failure to comply fully with reporting requirements may result in staff recommending additional enforcement, which may include the issuance of an increased administrative civil liability complaint of up to an additional \$1,000 per day for each late or inadequate report.

If you have any questions, please contact Mohammad Farhad at (916) 464-1181 or mfarhad@waterboards.ca.gov.

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