
Central Valley Regional Water Quality Control Board

18 November 2014

CERTIFIED MAIL
7013 2250 0000 3465 4408

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

CALIFORNIA WATER CODE 13267 ORDER TO SUBMIT TECHNICAL REPORTS, DEUEL VOCATIONAL INSTITUTION, SAN JOAQUIN COUNTY

You are legally obligated to respond to this Order. Please read this Order carefully.

The discharge of waste brine from the water treatment system at the California Department of Corrections and Rehabilitation (CDCR) Deuel Vocational Institution in San Joaquin County is regulated by Waste Discharge Requirements (WDRs) Order R5-2007-0005. CDCR owns and operates the facility.

Failure to Monitor

On 4 September 2014, CDCR received a Notice of Violation (NOV) for the failure to submit the 2013 Second Semi-annual Monitoring Report or the 2014 First Semi-annual Monitoring Report. The maximum discretionary penalty for these violations is over \$250,000. The NOV requested a meeting to discuss how CDCR will ensure that future monitoring is conducted as required. The NOV also requested that CDCR submit bi-weekly reports describing the progress toward returning to compliance. However, CDCR has not submitted bi-weekly reports.

On 21 October 2014, Central Valley Water Board staff met with CDCR. At the meeting the Discharger indicated that the monitoring and reporting violations occurred due to a lapse in contracts between the Discharger and the environmental consultant. The Discharger stated that a new contract has been approved and a Notice to Proceed would be issued shortly.

In a 17 November email, the Discharger stated that the groundwater monitoring contract would be in place by 1 December 2014. Please be aware that the failure to collect groundwater samples during the 2014 second semi-annual monitoring period (i.e., prior to 31 December 2014) or to submit the report by the 1 February 2015 due date will result in monetary penalties.

Release from Surface Impoundment No. 1

On 18 September 2014, CDCR staff verbally informed Water Board staff that leachate was found in the unsaturated zone monitoring system of Surface Impoundment No. 1 (SI No. 1), indicating a leak in the liner. Discharge Specification B.18 of the WDRs states that if leachate is detected in the vadose zone monitoring system, then the Discharger shall immediately cease the discharge of waste to the unit, verbally notify staff within 72 hours, and submit written notification within seven days (including a schedule for repair). In addition, waste cannot be

discharged again into the surface impoundment until Water Board staff agree that it has been repaired.

CDCR has violated the WDRs because (a) it did not submit written notification of the release until the meeting on 21 October 2014 --26 days beyond what is allowed by the WDRs, and (b) the written notification does not contain any discussion of the timing for repairing the liner. The written notification does comply with the WDRs by stating that brine will not be discharged into SI No. 1.

During the meeting on 21 October, Water Board staff asked for the schedule to repair the liner. CDCR stated that it could take a year or more for repairs, and that the process had not yet begun. Staff stated that wastewater cannot be discharged into SI No. 1 until it is repaired, and requested that CDCR submit weekly progress reports describing the status of contracting for repairs, the volume of waste in the ponds, and the monitoring results for the eight lysimeters.

On 23 October, 3 November, and 17 November 2014, the Discharger submitted status updates. The reports state that the Discharger has not yet hired a professional to determine the location of the leak(s) in SI No. 1 and the Discharger anticipates that the process for contract development and solicitation of bid for the leak investigation may take six to nine months. Repair of the surface impoundment will subsequently follow.

The monitoring data shows that, contrary to the WDRs, CDCR discharged wastewater to SI No. 1 between 18 October and 31 October 2014. This is a violation of Discharge Specification B.18 of the WDRs.

A review of the monitoring data also finds that water has now been detected in the pan lysimeter of SI No. 3. The water was detected on 18 October 2014 and has continued to be detected in the pan lysimeter ever since. However, no notification (verbal or written) has been received by Regional Board staff. The failure to notify staff is a violation of Discharge Specification B.18 of the WDRs.

This letter reiterates the provisions of the WDRs: namely, that wastewater may not be discharged into any surface impoundment for which leachate has been detected in a vadose zone monitoring system (i.e., pan lysimeter). Therefore, waste may no longer be discharged to surface impoundments #1 or #3.

Water Code Section 13267 Order for Technical Reports

Section 13267 of the California Water Code states, in part:

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...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. 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.

Section 13268 of the California Water Code states, in part:

(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267...or falsifying and information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board ... in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

In order to ensure that water quality is protected, and to ensure compliance with applicable laws and regulations, CDCR is hereby directed to submit the following reports. This request is made pursuant to Section 13267 of the California Water Code. CDCR owns and operates the facility cited herein and is responsible for all waste generated at the facility.

Effective immediately, in accordance with Discharge Specification B.18 of WDRs Order R5-2007-0005, CDCR shall cease the discharge of waste to waste management units SI No.1 and SI No. 3. The discharge shall not resume until Regional Board staff has determined that repairs to the liners are complete. Additionally, no free liquid (wastewater or storm water) shall be allowed in surface impoundments SI No.1 and SI No. 3 until repairs are complete.

Effective immediately, CDCR shall comply with all reporting requirements contained in WDRs Order R5-2007-0005.

In order to demonstrate compliance, CDCR shall submit the following technical reports:

1. By **1 December 2014**, CDCR shall submit a technical report containing the following:
 - a. A report stating why CDCR failed to provide timely verbal and written notification of the release from surface impoundments SI No.1 and SI No. 3. The report shall include a copy of CDCR's revised notification policy to ensure timely notification of all violations to Regional Board staff in accordance with Order R5-2007-0005.
 - b. A plan and time schedule (not to exceed 14 days) for removing and disposing of residual waste (brine water and storm water) in both SI No.1 and SI No. 3, while maintaining the required two feet of freeboard in surface impoundments Nos. 2 and 4. The plan may include off-site disposal of waste at East Bay MUD or another appropriately permitted facility. Once the water is removed from SI No.1 and SI No. 3, any storm water shall be removed within 72 hours following a rain event.
 - c. A proposed timeline and schedule for determining the sources of the leak(s) and repairing the liners of SI No.1 and SI No. 3.
2. By **15 December 2014**, CDCR shall submit a technical report containing a water balance showing whether or not the remaining two surface impoundments have enough capacity to retain all brine wastewater and storm water until SI No.1 and SI No. 3 are repaired, which is assumed to be in June 2016. The water balance shall contain the information listed below. If the water balance assumes that the RO plant will be off-line for any of the time period until the liners are repaired, then the technical report shall contain an evaluation as to whether or

not the effluent from CDCR's wastewater treatment plant will comply with the limitations in WDRs Order R5-2014-0014, including chronic toxicity. If the water balance shows that the capacity required by WDR Discharge Specification B.10 is not available, then CDCR shall include an interim disposal plan.

The water balance shall be prepared by, or under the supervision of, a California Registered Engineer, and signed/stamped by the registered engineer. The water balance shall include:

- Rainfall based on the 1,000-year, 24-hour precipitation event of 9.94 inches return period total annual precipitation and the 100 year annual precipitation as reported by the California Department of Water Resources in its Depth-Duration-Frequency Tables for the Tracy Carbona station.
 - Return period ratio calculated from the abovementioned 100-year return period total annual precipitation, which is divided by the average annual precipitation for the Tracy Carbona station.
 - Rainfall distributed over the months of the year using the Tracy Carbona's monthly average precipitation multiplied by the return period ratio.
 - The monthly evaporation, precipitation, and percolation rates.
 - The depth of each pond shall be based on the volume of solids (i.e. operations layer, and brine waste solids) currently in the pond.
3. Beginning **21 November 2014** and continuing until further notice, CDCR shall submit weekly monitoring reports via e-mail every Friday. The reports shall contain:
- Daily inflow and freeboard monitoring for each surface impoundment. Freeboard levels shall be reported to 0.1 feet as required by MRP R5-2007-0005 (i.e., a report of ">2' freeboard" is not acceptable).
 - Volume of water measured in each lysimeter.
 - Volume of water removed from each lysimeter.
 - Volume of water in SI No.1 and SI No. 3, and whether any stormwater is present.
 - Volume of wastewater pumped from any surface impoundment, and where it was pumped to.
 - If wastewater is hauled off-site, a copy of the hauling receipt.
 - The status of the repair of SI No.1 and SI No. 3.

Failure to submit the above technical reports, or submittal of inadequate or incomplete technical reports, will subject CDCR to discretionary penalties of up to \$1,000 per day per late or inadequate report. In addition, Regional Board staff will continue to evaluate CDCR's non-compliance with its WDRs and the need for additional enforcement actions. If you have any questions, please contact Brendan Kenny at (916) 464-4635 or at bkenny@waterboards.ca.gov.

-Original Signed By-

ANDREW ALTEVOGT
Assistant Executive Officer
Central Valley Regional Water Control Board, Sacramento

cc: Terry Bettencourt, Correctional Plant Manager, Deuel Vocational Institution
Rodney Estrada, San Joaquin Environmental Health Department, Stockton

Farhad, Mohammad@Waterboards

From: Reyes, Pedro@CDCR <Pedro.Reyes@cdcr.ca.gov>
Sent: Thursday, December 18, 2014 3:32 PM
To: Farhad, Mohammad@Waterboards
Cc: Stanley, Jeff@CDCR; Engleheart, Robert@CDCR; Bettencourt, Miles (Terry)@CDCR; Madia, Teri@CDCR
Subject: DVI Pond Freeboard Drawing,
Attachments: DVI Freeboard Drawing C-12.pdf; DVI Freeboard Elevation Letter.pdf

Mohammad,

During our meeting with the Water Board last Tuesday, December 16, 2014, a clarification and a Fire Marshal approved drawing was needed to verify the freeboard for the Brine Ponds. Attached please find the clarification and a copy of the drawing. The request was made by Wendy Wyels but I not sure if you need to review it first.

Regulatory Program	NPDES
Unit	Compliance
Regulated Party Name	Deuel Vocational Institution
County	San Joaquin
CIWQS Place ID	219701

Pedro B. Reyes
California Department of Corrections & Rehabilitation
Departmental Construction & Maintenance Supervisor
Facilities Planning, Construction, and Management
Facilities Asset Management Branch
Phone: (916) 255-0516
Fax: (916) 255-3022

FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT

P.O. Box 942883
Sacramento, CA 94283-0001



December 17, 2014

Mr. Bob Engleheart
California Department of Corrections and Rehabilitation
Facilities Asset Management Branch
9838 Old Placerville Road
Sacramento, CA 95827

Subject: Freeboard Elevation
Water Plant Evaporation Ponds
Duel Vocational Institution (DVI)
Tracy, California

Dear Mr. Engleheart:

As requested I have gathered information regarding the elevation of the freeboard area designated for the evaporation ponds for the DVI Reverse Osmosis water plant built in 2008.

Design of the water plant was performed by Carollo Engineers in 2006 and was managed by this Branch. Part of the design included an evaporation pond divided into four sub-ponds by interior roadway embankments. The ponds receive waste water from the brine concentrator after it is treated by the reverse osmosis plant. As required by the Regional Water Quality Control Board, Carollo's design included designation of a "freeboard" area extending two feet above the operating water levels in the ponds.

In order to establish the top and bottom elevation of the freeboard zone, project documentation was reviewed. Sheet C-12 from the construction drawings is attached to this letter for reference. This sheet is signed by the design engineer from Carollo and the State Fire Marshal. A copy of the same sheet from the as-built drawings is also attached to show that no changes were made to those elevations during construction. As shown on both drawings on the left-hand side of Section H, the top of the freeboard zone is elevation 113.25. The bottom of the freeboard zone is two feet below that - elevation 111.25. Elevation 111.25 is also the elevation of the top of the interior roadway embankments and represents the upper limit of the normal operating water level. If I can be of any further assistance, please do not hesitate to contact me.

Mr. Bob Engleheart
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Sincerely,



Daniel J. Koelzer, CE, GE
Senior Civil Engineer
Project Management Branch



Attachments: Sheet C-12, Construction Drawings, Groundwater Treatment and Non-Potable
Water Distribution System Project, Carollo Engineers, June 2006.

Sheet C-12, As-Built Drawings, Groundwater Treatment and Non-Potable
Water Distribution System Project, Carollo Engineers, 1/29/09.

cc: Jeff Stanley
Fred Cordano

Farhad, Mohammad@Waterboards

From: Miles Bettencourt <miles.bettencourt@cdcr.ca.gov>
Sent: Friday, December 19, 2014 4:28 PM
To: Kenny, Brendan@Waterboards
Cc: Vasconcellos, Edward@CDCR; Engleheart, Robert@CDCR; Reyes, Pedro@CDCR; Clardy, Chris@CDCR; Bettencourt, Miles (Terry)@CDCR
Subject: FW: ponds
Attachments: Copy of Brine Ponds Daily Monitoring Dec2014(3) (3).xls

Hello Mr. Kenny, attached is Deuel Vocational Institution (DVI) weekly monitoring data as outlined in 13267 Order dated November 18, 2014. At the December 16, 2014 meeting the Board ask that additional information be added to the weekly update.

- No wastewater was pump from any surface impoundment.
- No wastewater was hauled off-site.
- Facility Planning, Construction and Management provided Engineer stamped drawings of the brine ponds to the NPDES Compliance and Enforcement Unit (Mohammad Farhad) for review (12/18/14).
- TRE action plan submitted to the NPDES Compliance and Enforcement Unit for review (12/18/14).
- The Scope of Work for the Brine and Brine waste solids removal/disposal was modified to reflect the Boards direction to allow DVI to start up the R/O Plant. All Brine waste will be pumped into portable storage tanks then hauled off site to an approved facility.
- Bids were required to be revised to address the changes in the Scope of Work.
- Samples of the Brine waste solids were sent to the contract lab for profiling as requested by disposal site.
- Revision to Emergency Declaration completed and signed.
- CDCR Contracts should issue Notice to Proceed before the end of next week.

Terry Bettencourt
Correctional Plant Manager II
Deuel Vocational Institution
23500 Kasson Road
Tracy CA, 95376
209.830.3932

From: Cyr, Christopher L.@CDCR
Sent: Friday, December 19, 2014 2:38 PM
To: Bettencourt, Miles (Terry)@CDCR
Cc: Clardy, Chris@CDCR; Cordua, Matthew@CDCR; Heard, Eric@CDCR; Fleischer, Robert@CDCR; Rodriguez, Jaime (DVI)@CDCR
Subject: ponds

Deuel Vocational Institution Surface Impoundment Pond # 1						DEC / 2014			
		Pond		LCRS Monitoring Sump		Unsaturated Zone Monitoring Sump (Pan Lysimeter)			
	Parameter	Flow	Freeboard	Flow	Liquid Level	Flow	Liquid Level	Liquid Present	
	Units	Gals/day	Feet	Gals/day Removed	Liquid visible in sump/inches	Gals /Day Removed	Liquid visible in sump/inches	Volume in Gallons	
Date	Frequency	Daily	Daily	Daily	Daily	Daily	Daily	Daily	Op
1		0		0.00		0.00			CJC
2	Rain	0	1.9	564.32		5.63			CJC
3	Rain	0	1.8	170.61		0.00			CJC
4	Clear	0	1.7	270.22	8	0.00	7	3.4	CJC
5	windy	0	1.73	189.90	7	0.00	2	0.99	CC
6	sun, partly cloudy	0	1.75	242.77	11	0.00	7	3.4	CC
7	fog,clouds	0	1.7	5.46	16.25	1.53	9	4.4	MC
8	Fog	0	1.7	402.12	23.5	2.69	8.25	4.04	MC
9	Fog	0	1.7	331.32	23	1.09	7	3.42	CJC
10	Fog, Windy	0	1.7	275.10	20	1.88	8	3.9	CJC
11	Windy, Storm	0	1.7	206.42	17.5	0.00	5.75	2.8	CJC
12	Rain	0	1.44	223.80	22	0.00	6.5	3.18	CJC
13	Cool, Foggy	0	1.42	287.93	24	2.00	8	3.9	CC
14	Cold, Foggy	0	1.4	211.80	22.75	0.00	6	2.9	MC
15	Rain	0	1.37	296.57	13.69	0.00	6	2.9	MC
16	Windy,Clear	0	1.29	274.72	24.5	1.78	8	3.93	MC
17	Light Rain	0	1.29	310.47	8.25	0.00	5.25	2.57	CJC
18	P. Cloudy, Breeze	0	1.25	274.68	23	0.00	6	2.9	CJC
19	Cloudy,windy	0	1.25	266.65	23.5	0.00	6	2.9	CC
20		0		0.00		0.00			CJC
21		0		0.00		0.00			CJC
22		0		0.00		0.00			CJC
23		0		0.00		0.00			CJC
24		0		0.00		0.00			CJC
25		0		0.00		0.00			CJC
26		0		0.00		0.00			CJC
27		0		0.00		0.00			CJC
28		0		0.00		0.00			CJC
29		0		0.00		0.00			CJC
30		0		0.00		0.00			CJC
31		0		0.00		0.00			CJC
Total Flow for Month		0		4804.86		16.60			
Remaining Capacity / gals		353,655							
Observations / Comments:									
Remaining capacities (Elev 111') are approximate calculations using known elevations, as no staff gages were installed at this site.									
Freeboard measurement is taken from known elevations.									
12/1/14 Morris Engineering on site to assess surveying.									
12/6/14 CESS on site to assess pond dewatering project.									
12/9/14 Ford Construction on site to assess dewatering project. Also, Ground Zero here sampling monitoring wells, ponds and sumps									
12/11/14 Storm event All surface impoundments rose approximately .25' with a total of ~265,000 gallons of storm water captured.									
12/12-19/14 Rain events for this week decreased the FB by ~.45' in each pond with a total of ~458,000 gallons captured.									
12/18/14 Sediment samples taken and sent to lab for CAM17 metals and VOC's									
Completed by Chris J. Clardy									

Deuel Vocational Institution Surface Impoundment Pond # 2						DEC / 2014			
		Pond		LCRS Monitoring Sump		Unsaturated Zone Monitoring Sump (Pan Lysimeter)			
	Parameter	Flow	Freeboard	Flow	Liquid Level	Flow	Liquid Level	Liquid Present	
	Units	Gals/day	Feet	Gals/day Removed	Liquid visible in sump/inches	Gals /Day Removed	Liquid visible in sump/inches	Volume in Gallons	
Date	Frequency	Daily	1/Week	Daily	Daily	Daily	Daily	Daily	Op
1		0		0.00		0.00			CJC
2	Rain	0	2	16.72		0.00			CJC
3	Rain	0	1.9	12.41		0.00			CJC
4	Clear	0	1.9	8.21	5	0.00	3.5	1.7	CJC
5	windy	0	1.9	0.00	8	0.00	3	1.47	CC
6	sun, partly cloudy	0	1.92	0.00	11	0.00	3	1.47	CC
7	fog,clouds	0	1.87	0.00	14	0.00	2.75	1.35	MC
8	Fog	0	1.87	5.83	15.75	0.00	3	1.47	MC
9	Fog	0	1.92	2.50	9	0.00	2	0.98	CJC
10	Fog, Windy	0	1.9	1.66	8	0.00	2	0.98	CJC
11	Windy, Storm	0	1.9	1.06	8	0.00	3	1.47	CJC
12	Rain	0	1.625	1.63	6	0.00	3	1.47	CJC
13	Cool, Foggy	0	1.61	1.58	8	0.00	3	1.47	CC
14	Cold, Foggy	0	1.61	1.47	8	0.00	2.75	1.35	MC
15	Rain	0	1.37	1.54	8	0.00	3	1.46	MC
16	Windy, Clear	0	1.5	1.73	8.5	0.00	3.5	1.71	MC
17	Light Rain	0	1.5	1.59	8.25	0.00	3.5	1.71	CJC
18	P. Cloudy, Breeze	0	1.46	2.20	9	0.00	3.5	1.71	CJC
19	cloudy, windy	0	1.46	3.21	11	0.00	2.75	1.35	CC
20		0		0.00		0.00			CJC
21		0		0.00		0.00			CJC
22		0		0.00		0.00			CJC
23		0		0.00		0.00			CJC
24		0		0.00		0.00			CJC
25		0		0.00		0.00			CJC
26		0		0.00		0.00			CJC
27		0		0.00		0.00			CJC
28		0		0.00		0.00			CJC
29		0		0.00		0.00			CJC
30		0		0.00		0.00			CJC
31		0		0.00		0.00			CJC
Total Flow for Month		0		63.34		0.00			
Remaining Capacity / gals		413,068							
Observations / Comments:									
Remaining capacities (Elev 111') are approximate calculations using known elevations, as no staff gages were installed at this site.									
Freeboard measurement is taken from known elevations.									
12/5/14 PL sump lid opened to check liquid level. 3" of standing water. Used modified bailer to collect sample. Sent to lab.									
12/1/14 Morris Engineering on site to assess surveying.									
12/6/14 CESS on site to assess pond dewatering project.									
12/9/14 Ford Construction on site to assess dewatering project. Also, Ground Zero here sampling monitoring wells, ponds and sumps									
12/11/14 Storm event All surface impoundments rose approximately .25' with a total of ~265,000 gallons of storm water captured.									
12/12-19/14 Rain events for this week decreased the FB by ~.45' in each pond with a total of ~458,000 gallons captured.									
12/18/14 Sediment samples taken and sent to lab for CAM17 metals and VOC's									
Completed by Chris J. Clardy									

Deuel Vocational Institution Surface Impoundment Pond # 3							DEC / 2014			
		Pond		LCRS Monitoring Sump		Unsaturated Zone Monitoring Sump (Pan Lysimeter)				
	Parameter	Flow	Freeboard	Flow	Liquid Level	Flow	Liquid Level	Liquid Present		
	Units	Gals/day	Feet	Gals/day Removed	Liquid visible in sump/inches	Gals /Day Removed	Liquid visible in sump/inches	Volume in Gallons		
Date	Frequency	Daily	1/Week	Daily	Daily	Daily	Daily	Daily	Op	
1		0		0.00		0.00			CJC	
2	Rain	0	1.9	12.03		0.00			CJC	
3	Rain	0	1.8	11.94		0.00			CJC	
4	Clear	0	1.75	29.71	6.5	0.80	8	3.9	CJC	
5	windy	0	1.73	12.44	7	0.00	6	2.93	CC	
6	sun, partly cloudy	0	1.83	24.43	10	0.00	6	2.93	CC	
7	fog,clouds	0	1.75	16.93	16.5	0.00	6	2.93	MC	
8	Fog	0	1.75	14.25	23	0.00	6	2.93	MC	
9	Fog	0	1.7	14.81	23	0.00	3.5	1.71	CJC	
10	Fog, Windy	0	1.75	14.52	11	0.00	3.5	1.71	CJC	
11	Windy, Storm	0	1.75	13.79	22	0.00	4	1.96	CJC	
12	Rain	0	1.5	27.38	21.5	0.00	6	2.94	CJC	
13	Cool, Foggy	0	1.5	15.30	23	0.00	6	2.94	CC	
14	Cold, Foggy	0	1.46	15.80	23.5	0.00	6.5	3.18	MC	
15	Rain	0	1.37	4.94	8	0.00	4	2.47	MC	
16	Windy,Clear	0	1.33	23.13	22	0.00	6.25	3.05	MC	
17	Light Rain	0	1.33	38.10	23	0.00	6.25	3.05	CJC	
18	P. Cloudy, Breeze	0	1.29	63.09	23.25	0.00	6.25	3.05	CJC	
19	cloudy,windy	0	1.31	16.78	16.5	0.00	7.5	3.64	CC	
20		0		0.00		0.00			CJC	
21		0		0.00		0.00			CJC	
22		0		0.00		0.00			CJC	
23		0		0.00		0.00			CJC	
24		0		0.00		0.00			CJC	
25		0		0.00		0.00			CJC	
26		0		0.00		0.00			CJC	
27		0		0.00		0.00			CJC	
28		0		0.00		0.00			CJC	
29		0		0.00		0.00			CJC	
30		0		0.00		0.00			CJC	
31		0		0.00		0.00			CJC	
Total Flow for Month		0		369.37		0.80				
Remaining Capacity / gals		364,971								
Observations / Comments:										
Remaining capacities (Elev 111') are approximate calculations using known elevations, as no staff gages were installed at this site.										
Freeboard measurement is taken from known elevations.										
12/4/14 PL sump lid opened to check liquid level 8" of standing water. Used pump to collect sample. Sent to lab.										
12/1/14 Morris Engineering on site to assess surveying.										
12/6/14 CESS on site to assess pond dewatering project.										
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12/11/14 Storm event All surface impoundments rose approximately .25' with a total of ~265,000 gallons of storm water captured.										
12/12-19/14 Rain events for this week decreased the FB by ~.45' in each pond with a total of ~458,000 gallons captured.										
12/18/14 Sediment samples taken and sent to lab for CAM17 metals and VOC's										
Completed by Chris J. Clardy										

Deuel Vocational Institution Surface Impoundment Pond # 4						DEC / 2014			
		Pond		LCRS Monitoring Sump		Unsaturated Zone Monitoring Sump (Pan Lysimeter)			
	Parameter	Flow	Freeboard	Flow	Liquid Level	Flow	Liquid Level	Liquid Present	
	Units	Gals/day	Feet	Gals/day Removed	Liquid visible in sump/inches	Gals /Day Removed	Liquid visible in sump/inches	Volume in Gallons	
Date	Frequency	Daily	1/Week	Daily	Daily	Daily	Daily	Daily	Op
1		0		0.00		0.00			CJC
2	Rain	0	1.9	52.60		0.00			CJC
3	Rain	0	1.8	11.71		0.00			CJC
4	Clear	0	1.7	23.60	13	0.00	1	0.47	CJC
5	windy	0	1.73	13.22	6	0.00	2	0.94	CC
6	sun, partly cloudy	0	1.75	24.94	6	0.00	1	0.47	CC
7	fog,clouds	0	1.67	17.35	18.25	0.00	1	0.47	MC
8	Fog	0	1.69	12.75	23	0.00	1	0.47	MC
9	Fog	0	1.7	14.70	23	0.00	1	0.47	CJC
10	Fog, Windy	0	1.7	12.82	18	0.00	1	0.47	CJC
11	Windy, Storm	0	1.7	12.78	23	0.00	1	0.47	CJC
12	Rain	0	1.42	13.12	23	0.00	1	0.47	CJC
13	Cool, Foggy	0	1.4	14.21	23.5	0.00	1	0.47	CC
14	Cold, Foggy	0	1.5	14.52	23	0.00	1	0.47	MC
15	Rain	0	1.29	14.68	23	0.00	1	0.47	MC
16	Windy, Clear	0	1.29	14.24	23.5	0.00	1	0.47	MC
17	Light Rain	0	1.29	14.17	23	0.00	1	0.47	CJC
18	P. Cloudy, Breeze	0	1.25	16.14	23.5	0.00	1	0.47	CJC
19	cloudy, windy	0	1.25	13.40	23	0.00	2	0.94	CJC
20		0		0.00		0.00			CJC
21		0		0.00		0.00			CJC
22		0		0.00		0.00			CJC
23		0		0.00		0.00			CJC
24		0		0.00		0.00			CJC
25		0		0.00		0.00			CJC
26		0		0.00		0.00			CJC
27		0		0.00		0.00			CJC
28		0		0.00		0.00			CJC
29		0		0.00		0.00			CJC
30		0		0.00		0.00			CJC
31		0		0.00		0.00			CJC
Total Flow for Month		0		310.95		0.00			
Remaining Capacity / gals		353,654							
Observations / Comments:									
Remaining capacities (Elev 111') are approximate calculations using known elevations, as no staff gages were installed at this site.									
Freeboard measurement is taken from known elevations.									
12/5/14 PL sump lid opened to check liquid level. 1" of standing water. Unable to draw sample.									
12/1/14 Morris Engineering on site to assess surveying.									
12/6/14 CESS on site to assess pond dewatering project.									
12/9/14 Ford Construction on site to assess dewatering project. Also, Ground Zero here sampling monitoring wells, ponds and sumps									
12/11/14 Storm event All surface impoundments rose approximately .25' with a total of ~265,000 gallons of storm water captured.									
12/12-19/14 Rain events for this week decreased the FB by ~.45' in each pond with a total of ~458,000 gallons captured.									
12/18/14 Sediment samples taken and sent to lab for CAM17 metals and VOC's									
Completed by Chris J. Clardy									

TIME SENSITIVE MATERIAL

TO: THE ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE SECRETARY
1001 I STREET, 25 TH FLOOR
SACRAMENTO, CA 95812-4015
ATTENTION: WATER RESOURCES CONTROL BOARD.

FROM: LEVAR EMERSON JONES #T-92176
DEUEL VOCATIONAL INSTITUTION
P.O. BOX 600
TRACY, CA 95378

DECEMBER 21, 2014

RE: **D.V.I. PRISON WATER PROBLEMS**

TO WHOM IT MAY CONCERN,

THIS LETTER IS TO INFORM YOUR OFFICE REGARDING THE WATER HERE AT D.V.I. AND THE NUMEROUS EFFECTS IT IS HAVING ON THE INMATES. ATTACHED IS A COPY CONSUMER CONFIDENCE REPORT CERTIFICATION FORM FOR D.V.I. WHICH IS FOR THE WATER QUALITY REPORT FOR 2013, AS WELL AS AN MEMORANDUM REAGRDNIG THE MAINTENANCE AND REPAIRS OF THE REVERSE OSMOSIS (RO) PLANT WHICH RUNS THE "GOOD WATER" THAT IS DRINKABLE, AND ABLE TO SOAP UP IN THE SHOWER, ETC..

DUE TO THE FACT THAT THIS PLANT IS DOWN AND PENDING REPAIRS AND THERE'S NO PROJECTED DATE OF COMPLETION, THE INMATES HERE AT D.V.I. ARE **FORCED** TO CONSUME WATER THAT HAS A FUNNY TASTE, DARKER COLOR, AND NASTY SMELL WHICH IN TURNS CAUSE MANY INMATES TO HAVE HEADACHES, STOAMCH PROBLEMS, DIARRHEA, SKIN PROBLEMS AND EVEN NAUSEA AND LIGHTHEADEDNESS.

D.V.I HAS A NUMEROUS AMOUNT OF INMATES WHO ARE INDIGENT AND CANNOT AFFORD TO GO TO THE INSTITUTION'S CANTEEN TO PURCHASE WATER WHICH IS AT A **ELEVATED** PRICE OF 75 CENTS A BOTTLE THAT TOTALS \$18.00 FOR A CASE OF 24, AND HAS LIMITED THE AMOUNT OF WATER INMATES CAN RECEIVE IN THE FOOD SALES PROVIDED BY OTHER VENDORS TO 2 CASES PER INMATE, WHEN STAFF HERE **KNOWS** THAT THE WATER IS BAD.

PROGRESS IS BEING MADE TO RETREIVE A MEMORANDUM THAT IS POSTED IN THE FRONT ENTRANCE FOR THE VISITORS INFORMING THEM **NOT TO DRINK THE WATER**, BUT THE MEMORANDUM FOR THE INMATES STATES THAT THE WATER MEETS ALL PRIMARY DRINKING WATER STANDARDS, DESPITE IT'S DIFFERENT COLOR, SMELL, AND TASTE.

STAFF STATES THAT AN INDEPENDENT AGENCY CAME AND TESTED THE WATER IN THE "PAST" BUT AS CAN BE SEEN ON THE WATER QUALITY DATA SHEET IT STATES "D.V.I. TESTS THE WATER FOR MANY DIFFERENT CONTAMINANTS. IT CAN BE BELIEVED THAT THE WATER IS CAUSING MANY AILMENTS TO THE INMATES WHICH CAN IN TURN BE CONSIDERED AN VIOALTION OF THE 8TH AMENDMENT TO THE UNITED STATES SONSTITUTION PROHIBITING "CRUEL AND UNUSAL PUNISHMENT."

WATER IS A NECESSITY AND WE ARE BEING DEPRIVED OF THAT RIGHT TO HAVE CLEAN DRINKING WATER. TO MY UNDRSTANDING THE ENVIRONEMTLAL PROTECTION AGENCY HAS FINED



EITHER DEUEL VOCATIONAL INSTITUTION OR CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (**CDCR**) WITH REGARDS TO THE WATER THIS PAST MONDAY (DECEMBER 15,2014) FOR A VIOLATION WHICH HAS YET TO BE CONFIRMED.

IT IS REQUESTED THAT YOUR OFFICE CONDUCT AN INDEPENDENT INVESTIGATION INTO THE WATER GIVEN TO THE INMATES HERE AT D.V.I. EVEN STAFF STATE WON'T DRINK THE WATER DESPITE HIGHER RANKING OFFICALS INFORMING THEM THAT THE WATER IS OK TO DRINK. IT IS THE STATE'S OBLIGATION TO TAKE CARE OF THE INMATES THEY IMPRISON WHETHER IT BE THROUGH THE MEDICAL CARE THEY GIVE, OR THE WATER THAT THEY PROVIDE. FOR ANY INMATE HAVING AN OUT OF POCKET EXPENSE TO BUY WATER WHERE THE STATE IS REQUIRED BY LAW TO PROVIDE FOR THEM WITH THAT FREE RESOURCE IS UTTERLY ABSURD.

EITHER THE STATE SHOULD SHIP WATER INTO THE PRISON FROM OTHER ALTERNATIVE METHODS TO HAND OUT TO THE INMATES UNTIL THE REVERSE OSMOSIS PLANT IS **FULLY** OPERATIONAL, OR REPAIR THE REVERSE OSMOSIS PLANT THAT PROVIDE THE WATER THAT IS DRINKABLE FORTHWITH!

AS OF DATE PRISON STAFF, KNOWINGLY AND UNREASONABLY DISREARDS AN OBJECTIVE INTOLERABLE RISK OF HARM AND THEY WILL CONTINUE TO DO SO INTO THE FUTURE. BEING FORCED TO DRINK THIS WATER BECAUSE WATER IS A NECESSITY FOR LIFE, RESULTS IN INHUMANE PRISON CONDITIONS, AND THIS CONDITION IS LONG STANDING, PERVASIVE, WELL-DOCUMENTED AND EXPRESLY NOTED BY PRISON OFFICALS IN THE PAST, THESE OFFICIALS HAD BEEN EXPOSED TO INFORMATION CONCERNING THE WATER AND "KNEW ABOUT IT" AND FAILED TO CORRECT THE PROBLEM WITHIN A TIMELY MANNER.

THE PRISON STAFF HERE AT D.V.I. WILL NOT DRINK THE WATER HERE, AND IT IS IMPERATIVE THAT AN OUTSIDE AGENCY COME INTO THE INSTITUTION TO SEE THE WATER FROM THE WATER FAUCT IN THE HOUSING UNITS, AND TEST IT FROM THERE, AND EVEN HAVE A TASTE FOR THEMSELVES TO SEE IF ANY TYPE OF CONDITON WOULD FORM FROM DRINKING THAT WATER.

IF YOUR OFFICE HAS ANY RECOLLECTION INTO DEUEL VOCATIONAL INSTITUTION BEING FINED FOR THE WATER CONDITION THAT DOCUMENT(S) WILL BE HELPFUL FOR LITIGATION PURPOSES, IN THE NEAR FUTURE. YOUR HELP IS HIGHLY APPRECIATED AND A **URGENT RESPONSE** TO THIS MATTER IS REQUESTED AT YOUR EARLIEST CONVENIENCE.

THANK YOU FOR YOUR TIME AND CONSIDERATION INTO THIS "SUBSTANTIAL RISK OF HARM" AND PRISON OFFICIALS FAILING TO ACT TO ABATE THE PROBLEM ONCE THEY WERE NOTIFIED OF IT'S EXISTENCE.

RESPECTFULLY,

LEVAR EMERSON JONES

cc. consumer confidence report certification form
memorandum dated 12-11-14

Farhad, Mohammad@Waterboards

From: RR Waste <rrwaste@ebmud.com>
Sent: Monday, February 09, 2015 3:29 PM
To: Hold, Howard@Waterboards
Cc: Kenny, Brendan@Waterboards; Stanley, Jeff@CDCR; Jim Murray; Tami Bradshaw; Vern Silva; Wyels, Wendy@Waterboards
Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Any time! EBMUD is expeditiously working quickly as possible to facilitate resolution of DVI's situation.

--

Danny Pham, Resource Recovery Program at EBMUD
Main: (510) 287-1336 | Alternate: (510) 287-1662 | dpham@EBMUD.com

From: Hold, Howard@Waterboards [mailto:Howard.Hold@waterboards.ca.gov]
Sent: Monday, February 09, 2015 3:25 PM
To: RR Waste
Cc: Kenny, Brendan@Waterboards; Stanley, Jeff@CDCR; Jim Murray; Tami Bradshaw; Vern Silva; Wyels, Wendy@Waterboards
Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Danny, thank you for your update. This is very helpful. Howard

From: RR Waste [<mailto:rrwaste@ebmud.com>]
Sent: Monday, February 09, 2015 2:47 PM
To: Wyels, Wendy@Waterboards
Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards; Stanley, Jeff@CDCR; Jim Murray; Tami Bradshaw; Vern Silva
Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Greetings Wendy,

We received updated analytical data, and reviewed with process engineers/operators. We have approved the waste stream permit for accepting the pond water – currently at the conservative rate of 2 truckloads (5000 gallons each)/day starting tentatively this Wednesday. We'll monitor our plant processes for at least a week before deciding whether we can ramp up and by how much.

I'll await when DVI is ready to start sending its RO Daily Effluent. I have a waste stream permit standing by.

--

Danny Pham, Resource Recovery Program at EBMUD
Main: (510) 287-1336 | Alternate: (510) 287-1662 | dpham@EBMUD.com

From: Wyels, Wendy@Waterboards [<mailto:Wendy.Wyels@waterboards.ca.gov>]
Sent: Monday, February 02, 2015 10:30 AM
To: RR Waste
Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards; Stanley, Jeff@CDCR; Jim Murray; Tami Bradshaw; Vern Silva
Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Danny,

Thanks for the update. Please continue to keep us in the loop as EBMUD makes its decision about the conditions for accepting the DVI brine waste.

Wendy

From: RR Waste [<mailto:rrwaste@ebmud.com>]

Sent: Friday, January 30, 2015 3:48 PM

To: Wyels, Wendy@Waterboards

Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards; Stanley, Jeff@CDCR; Jim Murray; Tami Bradshaw; Vern Silva

Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Greetings Wendy,

I'd like to take a moment update and map out a rough schedule. We are still currently awaiting the new lab data – anticipating within two weeks. Once received, within one week, EBMUD staff will assess quickly as we can our permitting restriction on amount of loads we can receive. We will still likely continue assume the approach that we will start slow and ramp up from there. I'll push for more loads than the previous conservative 1-2 loads/day since I was able to find similar waste profiles we have accepted previously without issue.

Furthermore, with current data available, I reasonably expect we would be able to accept the daily effluent of the RO plant once operational again – without any issue.

--

Danny Pham, Resource Recovery Program at EBMUD

Direct: (510) 287-1336 | Alternate: (510) 287-1662 | dpham@EBMUD.com

From: Wyels, Wendy@Waterboards [<mailto:Wendy.Wyels@waterboards.ca.gov>]

Sent: Tuesday, January 20, 2015 8:35 AM

To: RR Waste

Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards

Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Hi Danny,

Thanks for the update.

Wendy

From: RR Waste [<mailto:rrwaste@ebmud.com>]

Sent: Tuesday, January 20, 2015 8:30 AM

To: Wyels, Wendy@Waterboards

Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards

Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Hi Wendy,

DVI's contractor was under the impression testing was already under way and that results were going to be ready last Thursday. Upon clarification, testing was *beginning* last Thursday. Also, we found out the suite of comprehensive tests were both cost-prohibitive and time consuming. We narrowed down the list to the following – the typical turnaround time for lab result testing is about 3 weeks. We decided to scrap the other tests, because at this time it's too early to consider a tail end discharge point at EBMUD.

1. pH
2. Total Solids
3. CAM 17 Metals (there's some overlap with RO order)
4. Electrical Conductivity
5. Monitoring parameter from Table 1 of the RO plant's WDR Order. **(The method used should be appropriate for wastewater discharge, not the method required for groundwater as in the order).**
 - a. Total Dissolved Solids
 - b. Chloride
 - c. Carbonate
 - d. Bicarbonate
 - e. Nitrate – Nitrogen
 - f. Sulfate
 - g. Calcium
 - h. Magnesium
 - i. Potassium
 - j. Sodium
 - k. Iron
 - l. Barium
 - m. Strontium
 - n. Aluminum
 - o. Manganese
 - p. Boron
 - q. Volatile Organic Compounds

--

Danny Pham, Resource Recovery Program at EBMUD
Direct: (510) 287-1336 | Alternate: (510) 287-1662 | dpham@EBMUD.com

From: Wyels, Wendy@Waterboards [<mailto:Wendy.Wyels@waterboards.ca.gov>]
Sent: Thursday, January 15, 2015 8:23 AM
To: RR Waste
Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards
Subject: RE: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Danny,
Thanks for the update. Please let us know when you receive DVI's analytical data.

Wendy Wyels
Supervisor, Compliance and Enforcement Section
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite A
Rancho Cordova, CA 95670
(916) 464-4835
wwyels@waterboards.ca.gov

From: RR Waste [<mailto:rrwaste@ebmud.com>]
Sent: Wednesday, January 14, 2015 4:45 PM
To: Kenny, Brendan@Waterboards; Wyels, Wendy@Waterboards
Cc: Vern Silva (vsilva@ford-construction.com); Jim Murray (jmurray@ford-construction.com); Engleheart, Robert@CDCR
Subject: EBMUD Resource Recovery Program Update for DVI RO Plant Wastewater

Greetings CV Regional Water Board staff,

At your request, I'll be sending you updates in regarding resolution of DVI's RO Plant Wastewater situation.

Again, I like to reiterate the realization it was the fault of our program staff (myself included) in overestimating that we could handle 20-30 trucks a day of the pond wastewater, and therefore throwing off the contractor's timelines. We discovered our modeling program used was flawed. The pond wastewater is saltier than seawater, and due to the very large volumes, our process engineers are very concern with potential plant upset.

At your request to get the RO plant operational again, EBMUD staff agreed it would be our own preference to 'pilot' collection of this waste stream first with collection of new sample data. However, we currently understand the RO plant is in need of parts and cannot start operation yet.

So, in focusing on the pond water, we've asked DVI & Ford Construction Company to collect a new sample of the pond water for comprehensive suite of parameters not limiting to the 126 items in the Priority Pollutant scan, parameters listed as required its WDR, and more. I was told lab results will be available shortly. Once received, I'll regroup with my staff to assess the waste stream. Hopefully, there are no new red flags from the new data and we can begin to determine how many truckloads of the pond water we can initially receive. We may start off as slow as one to a few trucks initially to assess its salt impact, then ramp up from there. Depending on the new data, we'll concurrently explore whether we can develop an alternative discharge point at the tail end of our plant – which will require coordination with SF Bay Regional Water Board's NPDES staff Robert Schliff.

Ambitiously, it may be at least another week before truck loads can start – but in my opinion, it could still be two weeks out or more. This has been a very unique and challenging waste stream to say the least, but overall I believe disposal at our facility makes the most feasible sense in light of other options.

I'll send additional updates as substantive information becomes available.

Danny Pham
Resource Recovery Program
East Bay Municipal Utility District
Direct: (510) 287-1336 | Alternate: (510) 287-1662
Fax: (510) 287-1530 | dpham@ebmud.com
Web: www.ebmud.com/truckedwaste