

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION  
MEETING OF MAY 11, 2011  
Victorville**

**ITEM:** 4

**SUBJECT:** **CONSIDERATION OF AMENDMENT OF A CEASE AND DESIST ORDER ISSUED TO THE ADELANTO PUBLIC UTILITY AUTHORITY, SAN BERNARDINO COUNTY IN MARCH 2011 TO RESTRICT OR PROHIBIT THE VOLUME, TYPE OR CONCENTRATION OF WASTE PURSUANT TO WATER CODE 13301 AND SECTIONS 2244 – 2245**

**CHRONOLOGY:** September 11, 2002 – Waste Discharge Requirements adopted  
August 29, 2007 – Cease and Desist Order adopted  
June 10, 2009 – Waste Discharge Requirements adopted  
August 2, 2010 - Investigative Order issued  
November 1, 2010 – Cleanup and Abatement Order issued  
March 10, 2011 – Cease and Desist Order adopted

**ISSUES:** **Should the Water Board amend the cease and desist order issued March 10, 2011 to restrict or prohibit the volume, type, or concentration of waste that might be added to the system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order in March?**

If the Water Board believes that it is appropriate and can make the findings to support a prohibition on additional connections as part of an amendment to the cease and desist order, it must then determine the scope of application of the prohibition, including when it should take effect and to whom it should apply.

**DISCUSSION:** The Water Board, at its March 10, 2011 meeting, adopted a Cease and Desist Order (adopted CDO) (Enclosure 1) requiring the Adelanto Public Utility Authority (Authority) to meet several requirements. The Water Board also continued the hearing on the connection ban proposed by the prosecution team until its May 2011 meeting to consider additional evidence on the Authority's compliance with the requirements of the adopted CDO.

The adopted CDO requires the Authority to submit a Percolation Pond Restoration Plan by April 15, 2011. The Authority submitted this Plan (Enclosure 2) on schedule. On April 22, 2011, the Prosecution Team issued a Notice of Violation (Enclosure 3) indicating that the Plan did not comply with the adopted CDO requirement.

On March 21, 2011, the Authority submitted a letter to the Prosecution Team transmitting construction drawings and a preliminary soils infiltration investigation draft report for the 5<sup>th</sup> percolation pond. The Authority indicated that this submittal was not intended to satisfy any reports required by the adopted CDO. In a March 28, 2011 letter (Enclosure 4), the Prosecution Team advised the Authority of its concerns regarding construction of this proposed percolation pond.

The adopted CDO required the Authority to comply forthwith with a number of Water Board orders. On April 18, 2011, the Authority submitted a Spill Contingency Management Plan (Enclosure 5), which is being reviewed and has not yet been determined to be adequate by the Water Board Assistant Executive Officer.

The Hearing Procedures for the May 11, 2011 hearing provide opportunities for both the Authority and the Prosecution Team to submit additional evidence by May 2, 2011, and May 6, 2011, respectively. Any evidence submitted by the due dates will become part of the hearing record.

The Prosecution Team, in proposing a restriction on additional connections puts forth the claim that the Authority “does not have a plan to immediately correct its ongoing effluent, inflow and freeboard limitation violations.” As a basis for its position that the Authority may not be able to implement appropriate actions in a timely manner, it points to the Authority’s record of delayed compliance with numerous Water Board orders and the Water Board having to take additional informal and formal enforcement. It takes the position that additional discharges will increase the potential for violations and the threat of additional violations due to the lack of plans for both treatment and disposal of wastewater. The Authority responds by reiterating its plans to achieve and maintain compliance with both the treatment and disposal requirements. It further states that a restriction on additional connections is “not legally warranted” and will have a severe economic impact on the City in that it would affect both construction and permanent jobs that would be created if a number of planned projects are not allowed to proceed.

**RECOMMENDATION:**

At the close of the hearing, the Advisory Team will make a recommendation on the order the Prosecution Team had proposed at the Board’s March 10, 2011 hearing (Enclosure 6).

Enclosure:

1. Adopted Cease and Desist Order No. R6V-2011-15
2. Percolation Pond Restoration Plan
3. Notice of Violation dated April 22, 2011
4. Letter dated March 28, 2011
5. Spill Contingency Management Plan
6. Proposed Cease and Desist Order
7. Applicable sections: CA Water Code and CA Code of Regulations

**Item 4-May 2011  
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**CEASE AND DESIST ORDER NO. R6V-2011-15  
WDID NO. 6B369805001**

**REQUIRING ADELANTO PUBLIC UTILITY AUTHORITY TO CEASE AND DESIST FROM  
DISCHARGING OR THREATENING TO DISCHARGE WASTE IN VIOLATION OF WASTE  
DISCHARGE REQUIREMENTS SPECIFIED BY WATER  
BOARD ORDER NOS. R6V-2002-050 AND R6V-2009-0036  
AND IN VIOLATION OF  
CEASE AND DESIST ORDER NO. R6V-2007-24  
AND CLEANUP AND ABATEMENT ORDER NO. R6V-2010-0054  
FOR  
ADELANTO DOMESTIC WASTEWATER TREATMENT FACILITY  
AND  
ADELANTO WASTEWATER TREATMENT PLANT**

\_\_\_\_\_ San Bernardino County \_\_\_\_\_

This Cease and Desist Order for Adelanto Public Utility Authority institutes a ban for any new connections into the Adelanto Community Sewer System, Adelanto Domestic Wastewater Treatment Facility and Adelanto Wastewater Treatment Plant. This connection ban is supported by more than a six-year history of violations of effluent limitations, influent flow limitations, and percolation pond freeboard limitations.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) hereby finds:

1. Discharger

The Adelanto Public Utility Authority owns and operates wastewater collection, treatment, and disposal facilities within the City of Adelanto. The Adelanto Public Utility Authority is also identified as the “Discharger” in Waste Discharge Requirements (WDR) prescribed by Water Board Order Nos. R6V-2002-050 and R6V-2009-0036, Water Board Cease and Desist Order No. R6V-2007-24, and Water Board Cleanup and Abatement Order No. R6V-2010-0054. For the purpose of this Water Board Cease and Desist Order (Order), the Adelanto Public Utility Authority is referred to as the “Discharger.”

2. Facility

- a. The Discharger collects, treats and disposes of an average of 2.2 million gallons per day (mgd) of wastewater generated within the City of Adelanto. The wastewater consists of both domestic wastewater and industrial wastewater, some of which receives pretreatment. The Discharger has two wastewater treatment facilities authorized to discharge to four percolation ponds.

- b. The older of the two treatment systems is the Adelanto Domestic Wastewater Treatment Facility, also known as the Biolac system. The Biolac system is an activated sludge system that includes a septage receiving station (inactive as of March 10, 2011), headworks, lined activated sludge basins, secondary clarifiers, multi-media filtration system, and sludge dewatering system. This treatment system is authorized to receive and treat up to 1.5 million gallons per 24-hour period and a maximum instantaneous flow rate of 2.5 mgd. This facility is regulated by revised waste discharge requirements prescribed by Water Board Order No. R6V-2002-050.
- c. The newer of the two treatment facilities is the Adelanto Wastewater Treatment Plant, also known as the Micro-Media system. The Micro-Media system includes primary clean screens, flow equalization pond (not in existence as of March 10, 2011), "micro-media" sand filter biological treatment system, and solids dewatering system. The Micro-Media system is authorized to receive and treat up to 4.0 million gallons per 24-hour period and a maximum instantaneous flow rate of 6.0 mgd. This facility is regulated by waste discharge requirements prescribed by Water Board Order No. R6V-2009-0036. The Micro-Media system has never been put into operation because the Discharger has not been able to successfully maintain the microorganism (animox bacteria) populations that are the Micro-Media system's critical treatment element.
- d. Both the Biolac and Micro-Media treatment systems are designed to discharge un-disinfected secondary-treated wastewater effluent to four percolation ponds located within an 18-acre site owned by the Discharger. Pond No. 4 is divided into Pond No. 4N and Pond No. 4S, but is considered as a single pond. All four percolation ponds are designed to infiltrate un-disinfected secondary-treated wastewater effluent. Groundwater in the uppermost aquifer is generally located at a depth of 90 to 170 feet below ground surface (bgs). There is an aquitard (clayey soil layer) located 170 to 230 feet bgs separating the uppermost aquifer from the regional aquifer.
- e. For the purposes of this Order, the Biolac system, the Micro-Media system, and the four percolation ponds are referred to as the "Facility." The Facility is located on an 18-acre site at the northeast corner of the intersection of Jonathan Street and Auburn Avenue, in the City of Adelanto, San Bernardino County, California, as shown on Attachment A of this Order. The Discharger has contracted with United Water to operate the Facility.
- f. Prior to July 28, 2010, the Discharger was routing all wastewater flows through the Biolac system; the Micro-Media system remained inoperable. Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to Victor Valley Wastewater Reclamation Authority's (VWVRA) wastewater treatment facility with the remaining secondary-treated wastewater flows discharged to the Discharger's percolation ponds. Beginning July 28, 2010, the Discharger temporarily ceased diverting secondary-treated wastewater

flows to VVWRA and began diverting 800,000 gallons per day (gpd) of untreated influent wastewater flows to VVWRA.

- g. At a November 18, 2010 meeting with Water Board staff, the Discharger described its plans to convert the Micro-Media system into a more traditional pure-oxygen activated sludge facility. The Discharger verbally provided the following schedule for bringing the converted Micro-Media system on line.

Date	Action
January 31, 2011	Complete design for flow equalization unit.
March 31, 2011	Complete bid process for flow equalization unit and select a contractor.
Spring, summer, and fall 2011	Construct flow equalization unit and other project elements necessary to convert the Micro-Media system into a pure-oxygen activated sludge wastewater treatment system.
November 30, 2011	Converted Micro-Media system is operational and on line.

Initially, the Discharger will use both the Biolac and converted Micro-Media systems to treat wastewater. Eventually, all wastewater flows will be treated using the converted Micro-media system. The Biolac system will subsequently become a reserve treatment system.

3. Waste Discharge Requirements Permit History

- a. **WDR Order No. 6-98-56A1:** The Water Board initially established waste discharge requirements for the Biolac system and Percolation Pond Nos. 1, 2, and 3, covering a 4.9-acre area, under Water Board Waste Discharge Requirements (WDR) Order No. 6-98-56 on September 3, 1998. Water Board WDR Order No. 6-98-56A1 was adopted on November 5, 1998 to allow the Facility to receive and treat septage.
- b. **WDR Order No. R6V-2002-050:** Water Board WDR Order No. R6V-2002-050 was adopted on September 11, 2002 and remains in effect presently. Water Board WDR Order No. R6V-2002-050 rescinds Water Board WDR Order No. 6-98-56, as amended, and provides the Discharger more flexibility in operating the Septage Receiving Station by increasing the septage flow limit for a 24-hour period from 0.020 to 0.028 million gallons. Finding No. 10 of Order No. R6V-2002-050 states that the percolation ponds' disposal capacity had been reached at a 24-hour influent flow of approximately 1.2 mgd. The same finding also states that the facility's treatment capacity (1.5 million gallons per 24-hour period) may be reached within the next four years, if

wastewater flows continued to increase as they had since the facility became operational in September 1998.

Water Board WDR Order No. R6V-2002-050, in part, contains the following Discharge Specifications:

I.A.1. "The total volume of flow to the Adelanto Treatment Facility, during a 24-hour period, shall not exceed 1.5 million gallons."

I.A.5. "All wastewater discharged to the authorized disposal sites shall not contain concentrations of parameter in excess of the following limits:

<u>Parameter</u>	<u>Units</u>	<u>30-Day Mean</u> <sup>1</sup>	<u>Daily Maximum</u> <sup>2</sup>
BOD <sup>3</sup>	mg/L	15	30

<sup>1</sup> Compliance is determined by comparing the limit to the arithmetic mean of laboratory results for any 6-hour composite samples collected during a period of 30 days.

<sup>2</sup> Compliance is determined by comparing the limit to the laboratory result for any 6-hour composite sample.

<sup>3</sup> Biological Oxygen Demand (five-day, 20<sup>0</sup>C) of an unfiltered sample."

I.D.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."

I.D.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."

I.D.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

- c. **WDR Order No. R6V-2009-0036:** The Water Board adopted Water Board WDR Order No. R6V-2009-0036 on June 10, 2010, and remains in effect presently. It established new waste discharge requirements for the Micro-Media system. The WDR Order authorizes treated wastewater effluent discharges to Percolation Pond No. 4 (north and south)<sup>1</sup>, and authorizes constructing and discharging to a fifth percolation pond. Water Board WDR Order No. R6V-2009-0036, in part, contains the following Discharge Specifications:

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<sup>1</sup> Pond No. 4 was constructed and placed into operation in 2005 without prior Water Board authorization. The Discharger's construction and operation of Pond No. 4 was not authorized by the Water Board until Water Board WDR Order No. R6V-2009-0036 was adopted on June 10, 2010, four years later.

- i. I.C.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."
- ii. I.C.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."
- iii. I.C.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

#### 4. Formal Enforcement History

- a. **2007 Cease and Desist Order:** The Water Board adopted Cease and Desist Order No. R6V-2007-24 on August 29, 2007, in response to continual influent flow limitation violations, BOD effluent limitation violations, and discharges of waste to an unauthorized disposal site. Cease and Desist Order No. R6V-2007-24 established compliance dates for submitting and implementing an Interim Action Plan to reduce BOD concentrations, submitting a Long Term Action Plan to prepare the Facility to provide adequate wastewater treatment, storage, and disposal capacity, and to comply with Water Board WDR Order No. R6V-2002-050 by December 31, 2008. The Discharger has failed to comply with both its Interim Action Plan and its Long Term Action Plan. Attachment B, Table No. 1, lists ongoing effluent, flow, and freeboard limitation violations that have persisted beyond the compliance dates in the 2007 Cease and Desist Order. Attachment B, Table No. 1 is hereby incorporated into this Order by reference.<sup>2</sup>
- b. **2010 Investigative Order:** The Water Board adopted Investigative Order No. R6V-2010-0035 on August 2, 2010 in response to continuing violations of the influent flow and BOD effluent limitations and continuing violation of the final compliance date (December 31, 2008) specified by Cease and Desist Order No. R6V-2007-024. The Investigative Order, in part, requires the Discharger to submit to the Water Board a Flow and Effluent Compliance Plan and Implementation Schedule by September 15, 2010. The Discharger has since received a Notice of Violation for submitting a deficient Flow and Effluent Compliance Plan and Implementation Schedule.
- c. **2010 Cleanup and Abatement Order:** The Water Board adopted Cleanup and Abatement Order No. R6V-2010-0054 on November 1, 2010 to address violations increasing in severity and frequency of percolation pond freeboard requirements specified Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036. The Discharger has since received two Notices of Violation for submitting both a deficient Spill Contingency Management Plan and final report. The Discharger has not submitted amended reports as required by the Notices of Violation.

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<sup>2</sup> Table No. 1 in Attachment B does not include all violations of the WDR orders.

5. Summary of Violations

- a. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating BOD effluent limitations specified by Water Board WDR Order No. R6V-2002-050 from February 2004 through August 30, 2010, as shown in Attachment B, Table No. 1. The Discharger's self monitoring reports state these violations were caused by influent flows consistently exceeding the Biolac system's design capacity.
- b. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating influent flow limitations specified by Water Board WDR Order No. R6V-2002-050 from April 2004 through August 5, 2010, as shown in Attachment B, Table No. 1.
- c. Based upon data provided in the Discharger's self monitoring reports and weekly status reports, the Discharger most recently started violating freeboard requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 on September 29, 2010. The Discharger's December 10, 2010 weekly status report states that freeboard levels had returned to two feet or greater for all four percolation ponds. The Discharger again violated freeboard requirements on or before December 23, 2010, when Percolation Pond No. 4S discharged to adjacent land areas. The Discharger has continued violating freeboard requirements through January 10, 2011<sup>3</sup>.
- d. In addition to the violations of effluent, flow, and freeboard limitations, the Discharger has been violating additional discharge requirements and authorized disposal site requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 beginning no later than November 2, 2010 and continuing through January 10, 2011<sup>4</sup>. Based upon Water Board staff's phone conversations and the Discharger's weekly status reports, the Discharger has been continuously violating these requirements as a result of constructing approximately 13 trenches through Percolation Pond No. 4's berm, as part of the Discharger's efforts to prevent an uncontrolled and unauthorized release from the percolation ponds. The trenches originally extended approximately 20 feet outward through the pond's berm into land areas adjacent to the pond, creating additional pond capacity and possibly increasing pond percolation rates. These trenches are not identified as authorized disposal sites by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.
- e. On December 23, 2010 at approximately 2:00 a.m., the Discharger began an uncontrolled and unauthorized wastewater discharge from Percolation Pond No. 4S to adjacent open desert lands located south of the percolation pond. Water

<sup>3</sup> Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

<sup>4</sup> Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

Board staff inspected the discharge area later in the day and observed that the wastewater discharged from Percolation Pond No. 4S had migrated to an adjacent land area under different ownership, and covered an area approximately 200 feet by 200 feet to an approximate average depth of eight inches (approximately 200,000 gallons). Water Board staff observed the Discharger further extending the trenches to increase Percolation Pond No. 4S capacity. This discharge and the additional trench extensions were not authorized by Water Board WDR Order Nos. R6V-2002-0050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.

6. Threatened Discharges from the Facility

- a. The Discharger has a contract with VVWRA that allows the Discharger to divert up to 800,000 gpd of wastewater to VVWRA's facility for a 15-month period. On August 4, 2010, VVWRA indicated the Discharger could increase the diversion to 1.3 mgd of wastewater (800,000 gpd of untreated influent, and 500,000 gpd of secondary treated effluent) when a diversion pump temporarily failed. This agreement for additional discharge to VVWRA was reiterated after the Discharger reported violations of its pond freeboard requirements on September 29, 2010.

Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to VVWRA's wastewater treatment facility. On July 28, 2010, the Discharger began diverting a portion (800,000 gpd) of its wastewater influent to VVWRA's wastewater treatment facility and temporarily halted the diversion of the secondary-treated effluent. The Discharger began violating freeboard requirements on September 29, 2010, and yet, did not substantially increase wastewater flow diversions until Water Board staff identified and strongly recommended such action. On November 10, 2010, the Discharger increased wastewater flow diversions up to 1.081 mgd, and on November 26, 2010, the Discharger obtained and installed adequate pumps to increase wastewater flow diversions up to approximately 1.3 mgd, the maximum diversion amount identified in the Discharger's agreement with VVWRA.

The diversion system implemented on July 28, 2010 allowed the Discharger to eliminate violations of the influent flow limitation beginning August 6, 2010, which in turn also allowed the Discharger to comply with the BOD effluent limitations contained in the WDR Orders beginning in the month of September 2010. However, this recent compliance with influent flow and effluent BOD limitations is currently temporary. The Discharger will again violate the influent flow and BOD effluent limitations at the end of October 2011 when its contract/agreement with VVWRA ends, unless the Discharger expands its treatment capacity by bringing the converted Micro-Media system on line. This situation constitutes an ongoing threatened violation of waste discharge requirements related to influent flow and effluent BOD.

- b. Based upon data provided in the Discharger's December 10, 2010 weekly status report, the Discharger stated it was meeting freeboard requirements specified by the WDR Orders. This situation is likely the result of the Discharger's constructed trenches through Pond No. 4's berm, beginning percolation pond dredging operations, and increased diversions to VVWRA up to approximately 1.3 mgd. This situation is also temporary under current conditions, and dependent in part upon an unauthorized discharge to land areas adjacent to Percolation Pond No. 4 and ongoing, but temporary, diversions of wastewater flows to VVWRA. The Discharger has not provided information indicating whether the infiltration rates in the percolation ponds will increase as a result of dredging operations or for how long,<sup>5</sup> or whether the four percolation ponds will be able to effectively percolate the flow currently diverted to VVWRA. This situation constitutes an ongoing threatened violation of waste discharge requirements related to freeboard requirements.

## 7. Water Board Authority

- a. California Water Code section 13301 states, in part:

"When a Regional Board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the [regional] board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the [regional] board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentrations of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order."

- b. Title 23, section 2244 of the California Code of Regulations authorizes prohibitions or appropriate restrictions on additional discharges to community sewer systems (also known as a connection ban) in cease and desist orders if the additional discharge volume, type, or concentration entering the sewer system would cause an increase in or increase the likelihood of WDR violations. The prohibitions or restrictions are for when WDR violations are not immediately corrected, are not used as a punitive measure, and the Water Board sends written notification to all appropriate local agencies. The prohibitions or restrictions should include, but not be limited to, new residential, commercial, industrial, and/or governmental connections as deemed appropriate by the Water Board. Pursuant to Title 23, section 2244.3 of the California Code of Regulations, additional discharge prohibitions shall not be removed until the

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<sup>5</sup> Percolation Pond Nos. 1, 2, and 3 are scheduled to be dredged over a nine to twelve-week period.

WDR violations have ceased and consistent compliance with requirements in the WDR Orders is reached.

- c. Title 23, section 2244.1(a) of the California Code of Regulations authorizes the Water Board to include in its prohibitions or restrictions on additional discharges to community sewer systems those structures with building permits (or equivalent final approval of construction or occupancy) already issued when special circumstances justify including these structures. The prohibition or restrictions on additional discharges shall apply to building permits (or equivalent final approval of construction or occupancy) dating back to the date when this Order was noticed for hearing (January 14, 2011).

The special circumstances in this matter that justify applying a connection ban to structures with building permits (or equivalent final approval of construction or occupancy) already issued are:

- i. The violations, discharges, and threatened discharges listed in Findings Nos. 5 and 6 of this Order.
  - ii. The Discharger is allowing constant unauthorized discharges from Percolation Pond No. 4S to trenches, and at least one unauthorized discharge off the Discharger's property at the present flow rate with no adequate Spill Contingency Management Plan. As long as the unauthorized trenches are in use, *the present flow rate causes a **constant unauthorized discharge; any additional flow** from any sewer hookup not already in use will increase the Discharger's unauthorized discharge* to the trenches and likely cause a new unauthorized discharge off its property.
  - iii. The Discharger's failure to comply with prior Water Board Orders intended to address the Facility's chronically inadequate capacity has resulted in catastrophic Facility failure and continues to create conditions where similar future catastrophic failures are likely to occur with increasing severity without imposing the strict prohibitions contained in this Order.
- d. The Discharger has been discharging and continues to threaten to discharge waste in violation of both WDR Orders and subsequent informal and formal enforcement actions. The Discharger does not have a plan to immediately correct its ongoing effluent, inflow, and freeboard limitation violations, and the Water Board is not using the prohibition on additional discharges as a punitive measure. An increase in inflow from additional dischargers to the sewer system would cause additional effluent, inflow, and freeboard limitation violations and unauthorized discharges. A connection ban for additional discharges would assist in preventing additional violations by limiting the amount of wastewater the Discharger receives. Therefore, the Water Board is authorized to issue a Cease and Desist Order for the above-referenced violations and threatened violations and to institute a connection ban for additional discharges into the Discharger's

sewer system pursuant to Water Code section 13301, and sections 2244 and 2244.3 of the California Code of Regulations.

8. Water Code Section 13267 Justification

Water Code section 13267 authorizes the Water Board to require from the Dischargers technical or monitoring program reports submitted under penalty of perjury. Section 13267 requires that the Water Board explain why reports are required, and to identify the evidence that supports requirement the reports. See Attachment C of this Order, Water Code Section 13267 Fact Sheet.

The technical reports required by this Order are necessary to measure and ensure the Discharger's compliance with this Cease and Desist Order, in efforts to ensure protection of waters of the state, and to protect public health and the environment. Attachment B, Table No. 1 lists the numerous violations of effluent limitations, influent flow limitations, and minimum freeboard levels that evidence supporting requiring the reports. The burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to be obtained from them.

9. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321(a)(2), title 14, California Code of Regulations.

10. Notification of Interested Parties

The Water Board sent written notification to the Discharger, the City of Adelanto, the County of San Bernardino, and other affected and interested parties of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.

11. Requesting Administrative Review by the State Water Board.

Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at:

<http://www.waterboards.ca.gov/publicnotices/petitions/waterquality> or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13301 and 13267, the Discharger shall cease and desist from discharging wastes or threatening to discharge wastes, in violation of provisions specified in Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and shall comply with the other provisions of this Order:

**I. ORDERS**

- A. Comply forthwith with all requirements, including reporting requirements, specified by WDR Order Nos. R6V-2002-050 and R6V-2009-0036, Cease and Desist Order No. R6V-2007-0024, Investigative Order No. R6V-2010-0035, and Cleanup and Abatement Order No. R6V-2010-0054.

Pursuant to title 23, section 2245 of the California Code of Regulations, the Discharger is expected to construct emergency facilities or modify the existing plant operation to achieve rapid compliance. Such emergency facilities include chemical treatment, ponding with or without aeration, and any other steps that can be immediately implemented.

The Discharger must complete construction of Pond 5, as described in Water Board WDR Order No. R6V-2009-0036, no later than **May 31, 2011**.

- B. By **April 15, 2011**, the Discharger shall provide a Percolation Pond Restoration Plan that, at a minimum, provides the following:
- i. Design plans with a description and illustration of the measures the Discharger proposes to implement to restore the integrity of Percolation Pond No. 4 from having its berm breached and trenches installed. The design plans must identify materials, and design specifications regarding pond berm stability including, but not limited to, compaction specifications, materials gradation specifications, and soil moisture content during compaction activities. The design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.
  - ii. A project schedule, including, but not limited to, completion dates for design, contracts, permits, and for completing the measures identified in this Order's Requirement No. I.D.i, above.
- C. No later than **October 15, 2011**, the Discharger shall complete its restoring Percolation Pond No. 4 as described in its Percolation Pond Restoration Plan.

- D. By **April 30, 2011**, the Discharger shall provide a Wastewater Disposal Facilities Work Plan that, at a minimum, provides the following:
- i. Final design plans for wastewater disposal facilities that can adequately dispose of all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall include all design parameters and specifications. The final design plans shall include all supporting technical information (e.g., flow projections and supporting documentation; disposal site(s) assessments/characterizations/data; calculations and/or modeling results, including all assumptions) used to demonstrate that the wastewater disposal facilities will have adequate capacity for all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall also identify final disposal locations and stabilization measures for all currently stockpiled excavated soil from Pond No. 4, and any additional soils excavated during construction of additional wastewater disposal facilities. The final design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.
  - ii. A project schedule, including, but not limited to, completion dates for contracts, CEQA process (e.g., draft CEQA document, public comment period, final CEQA document approval, Notice of Determination submission, end of appeal period), permits, and construction period.
- E. By **October 15, 2011**, the Discharger shall complete implementation of the Wastewater Disposal Facilities Work Plan to provide adequate disposal capacity for all wastewater flows, including those diverted to VVWRA, and maintain compliance with freeboard requirements.
- F. The hearing on the connection ban will be continued until May 11-12, 2011, or as further noticed in the Regional Board's agenda. During the time until the hearing on the connection ban, the Regional Board expects the Discharger to comply with the terms of Cease and Desist Order No. R6V-2011-15 and the Hearing Notice issued on January 14, 2011. The Regional Board preserves its ability, should it issue a connection ban in May, to have the connection ban apply back to January 14, 2011, consistent with the Hearing Notice. No further evidence will be taken at the hearing, except as to the Discharger's progress on compliance with Orders A, B, and D, of Cease and Desist Order No. R6V-2011-15.

## II. REPORTING REQUIREMENTS

- A. **Signatory Requirements.** All reports required under this Cease and Desist Order shall be signed and certified by a duly authorized representative of the Discharger and submitted to the Water Board. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- B. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

*"I certify under penalty of perjury under the laws of the State of California 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 submitted, the document and all attachments are, 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."*

- C. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted via electronic e-mail and/or hard copy to:

California Regional Water Quality Control Board-Lahontan Region  
2501 South Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Eric Taxer  
Email: [etaxer@waterboards.ca.gov](mailto:etaxer@waterboards.ca.gov)

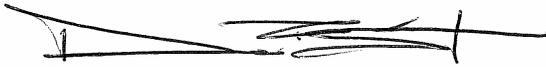
California Regional Water Quality Control Board-Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392  
Attn: John Morales  
Email: [jmmorales@waterboards.ca.gov](mailto:jmmorales@waterboards.ca.gov)

## III. NOTIFICATION

**Enforcement Notification.** Failure to comply with the terms or conditions of this Cease and Desist Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to California Water

Code section 13350 for up to \$5,000 a day for each violation or \$10 per gallon discharged; and/or section 13268 for up to \$1,000 a day for each violation; and/or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability. The Water Board reserves its right to take any further enforcement action authorized by law.

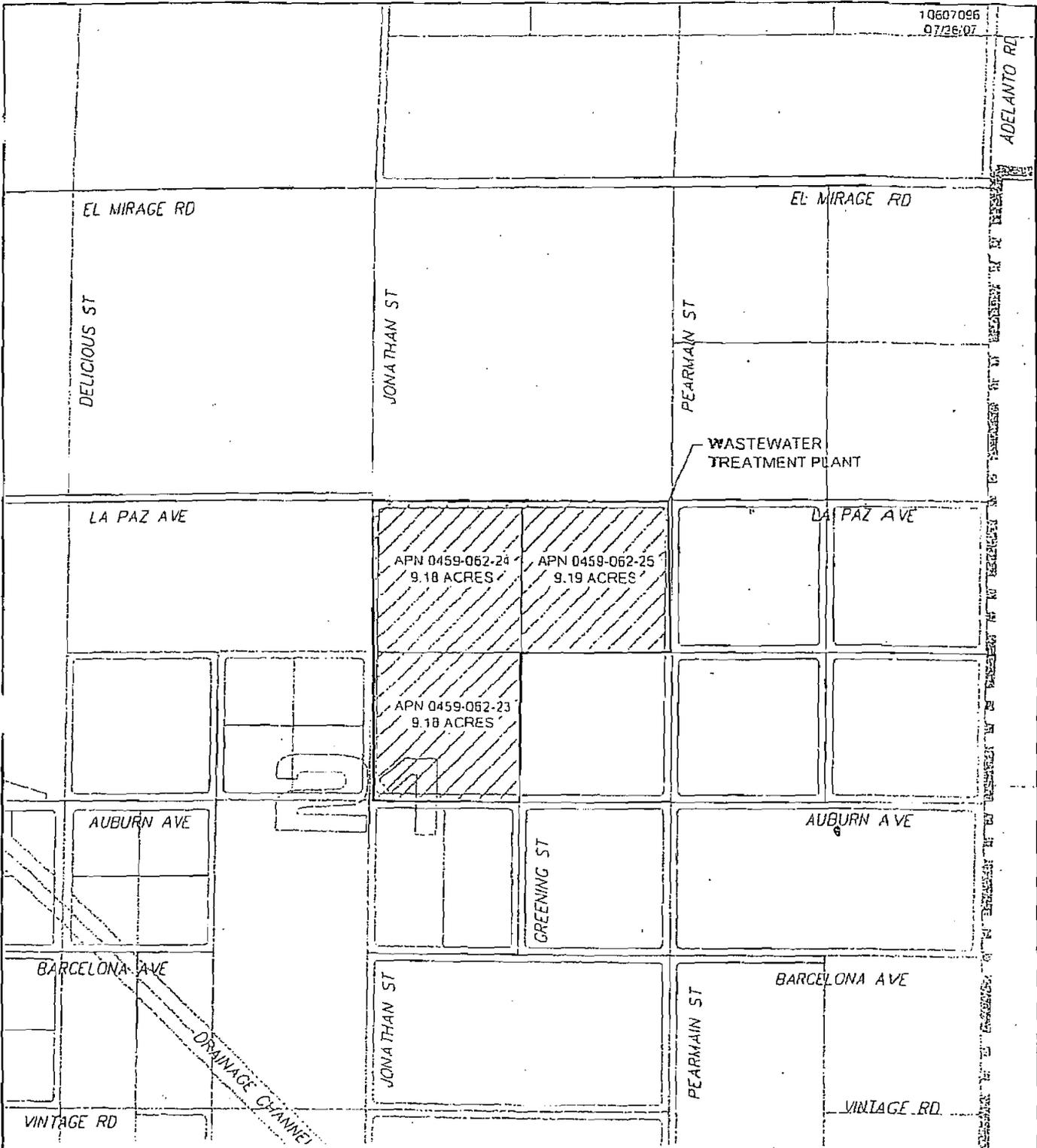
I, Douglas F. Smith, Board Advisor, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on March 10, 2011.



DOUGLAS F. SMITH  
BOARD ADVISOR

Attachments:

- A. Location Map
- B. Table No. 1 Adelanto Wastewater Treatment Facility Violations
- C. Water Code Section 13267 Fact Sheet



LOT DESCRIPTION  
 SOUTHWEST 1/4 OF THE NORTHEAST 1/4,  
 OF SECTION 21, T6N R5W, S.B.B.&M.

FIGURE 1

ATTACHMENT A

**CITY OF ADELANTO**  
**WASTEWATER TREATMENT PLANT**  
**LOCATION MAP**

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**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation two days during the month.	Daily	2
February-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
May-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
May-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation six days during the month.	Daily	6
June-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00019

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
June-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
July-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 12 days during the month.	Daily	12
August-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
August-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 21 days during the month.	Daily	21
September-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
September-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00020

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
October-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
November-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
January-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
February-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00021

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
March-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	31
March-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 10 days.	Daily	10
April-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
April-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
April-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00022

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
April-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
May-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
May-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
June-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
June-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 11 days during the month.	Daily	11

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00023

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
September-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
November-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
January-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00024

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
February-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
April-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
May-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-00025

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
June-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
July-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-00026

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
October-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
October-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
December-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.	Daily	1
January-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00027

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
January-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
March-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
April-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
May-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-00028

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
May-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for six days.	Daily	6
June-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for four days.	Daily	4
July-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2
August-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
August-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
September-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
October-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00030

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
November-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
December-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00031

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
March-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
April-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
June-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00032

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
July-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
November-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00033

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
December-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
January-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
February-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00034

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
March-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00035

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
August-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
August-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
September-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
October-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
October-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00036

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
December-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
December-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00037

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
April-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
April-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
May-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
June-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00038

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
July-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
August-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.	Daily	1
October-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for nine days.	Daily	9

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 30 days.	Daily	30
December-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 7 days. (*)	Daily	7
			<b>Total Violations</b>	<b>2418</b>

(\*)This violation count includes the 12/23/2010 freeboard violation that occurred when Percolation Pond No. 4S discharged to open desert lands located south of the percolation pond.

04-00040

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

**Fact Sheet – Requirements for Submitting Technical Reports  
Under Section 13267 of the California Water Code**

October 8, 2008

**What does it mean when the regional water board requires a technical report?**

Section 13267<sup>1</sup> of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

**This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?**

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

**Are there limits to what the regional water board can ask for?**

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

**What if I can provide the information, but not by the date specified?**

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

**Are there penalties if I don't comply?**

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

**What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?**

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**Claim of Copyright or other Protection**

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

**If I have more questions, who do I ask?**

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Copies of the regulations cited are available from the Regional Board upon request.

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**From:** Wilson So [WilsonSo@saeinc.org]  
**Sent:** Friday, April 15, 2011 1:55 PM  
**To:** 'John Morales'; 'Eric Taxer'  
**Cc:** 'Scott Ferguson'; 'James Hart'; Litfin, Todd; 'John Sponsler'  
**Subject:** CDO R6V-2011-15 Percolation Pond #4 Restoration Plan  
**Attachments:** Adelanto - WWRP Pond #4 Restoration Plan #2.pdf; Copy of COA Percolation Pond #4 Restoration Plan.pdf; Copy of COA Percolation Pond #5 Construction.pdf; COA Pond #9 SWPPP.pdf

To John & Eric and others:

When I submitted the Percolation Pond #4 Restoration Plan report this morning, I missed the insertion of the "certification language" required by the RWQCB. It has been added and that's why I am resending the documents. If you have already printed out the report, the only page changed is the last signature page. Sorry for the inconvenience.

Wilson F. So, PE  
City Engineer



Cari Thomas  
Mayor

Ed Camargo  
Mayor Pro Tem

Steven R. Baisden  
Council Member

Trinidad Perez  
Council Member

Charles S. Valvo  
Council Member

April 15, 2011  
California Regional Water Quality Control Board-Lahontan Region  
2501 South Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Mr. Eric Taxer, PE

California Regional Water Quality Control Board-Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392-2306  
Attn: Mr. John Morales, PE

**RE: CEASE AND DESIST ORDER NO. R6V-2011-15, ADELANTO PUBLIC UTILITY  
AUTHORITY WASTEWATER TREATMENT PLANT AND PERCOLATION PONDS,  
ADELANTO, SAN BERNARDINO COUNTY  
PERCOLATION POND #4 RESTORATION PLAN**

Gentlemen:

As a follow up to the Lahontan Regional Water Quality Control Board's (hereinafter referred to as RWQCB) Order No. R6V-2011-15, Adelanto Public Utility Authority (APUA) is pleased to submit this letter report and accompanying construction plans (reduced to about half-size) to demonstrate APUA's proposal to restore existing Percolation Pond #4 due to the addition of temporary percolation/seepage trenches (commencing and completed from about November 4<sup>th</sup> to about early December 2010) that were installed to increase the percolation capability of Pond #4.

Attached is a drawing (C-1 entitled Percolation Pond #4 restoration plan) showing the limits of the seepage trench affected area inside the future Pond #5 site. Majority of the areas affected by the seepage trenches (within Pond #5 limits) will be backfilled during the construction of Pond #5. For the Board's information, attached hereto is also a set of construction plans to add Pond #5 at location as mandated by RWQCB staff per our recent April 11 pre-hearing conference call.

A. Construction Plans and Activity to Complete the Restoration of Pond #4: As shown on the Restoration plan (Drawing C-1), the percolation/seepage trenches that extended into the limits of proposed Pond #5 will be backfilled during construction of Pond #5. This restoration approach is based on APUA completing the construction of Pond #5 first (at the site already approved by RWQCB). Pond #4 will be restored pursuant to the following steps:

- (1) One new percolation pond (Pond #5) will be placed into operation in order to take Pond #4 out of service. The APUA has also requested that the Board approve its plans to place Pond #9 into operation so that Pond #9 will also be available to provide additional percolation in the event that Pond #5 may be taken out of service during the restoration of Pond #4 because of its immediate proximity.

- (2) Pond #4 will be allowed to dry-up such that a maintenance access-ramp can be added. This will permit proper compaction of the embankment slopes from the bottom up, and ease of future maintenance.
- (3) The limits affected by each seepage trench will be backfilled with previously stock-piled clean-soils (soils removed from Pond #4, #5, and #9), one trench at a time.
- (4) The restoration operation will be based on the construction schedule and approach as submitted by the successful contractor and reviewed by APUA staff.
- (5) The inlet piping to Pond #4 will also be checked; additional grouted rip-rap plus a 2-inch stilling-well (for measuring pond water level) will be added and installed.

B. Response to Questions Submitted by RWQCB: The following are responses to the specific information requested by Board staff about the Percolation Pond Restoration Plan:

- (1) Seepage trench and embankment slope back-fill material – Backfill material, as referenced above, will come from previously excavated clean soils.
- (2) Soils gradation issue – Fill material is from soils originally removed from Pond #4, #5, and #9 and will be suitable for backfill without any special gradation issue. Caliche type or clayey soils will be removed during the initial excavation and set aside for disposal as these type of soils will not be suitable for backfill.
- (3) Pond berm/embankment slope stability – All existing and proposed ponds will have embankment slopes at 2-horizontal to 1-vertical. This should provide a stable slope (since the ponds are located generally in flat-land) and will enable the earth-moving machines to perform excavation and maintenance on these slopes.
- (4) Soils moisture content – Moisture content for the optimum soil-density will be determined in the laboratory from the optimum-density curve established per ASTM D-1556 and D-1557 procedures. Water application will likely be required during the seepage trench restoration backfill operations.
- (5) Earthwork specifications – The Standard Specifications for Public Works Construction (Green Book) will be referenced. These requirements will be incorporated into the construction contract documents before a contract for pond restoration is awarded.

C. Preliminary Project Design/Bidding and Construction Schedule: The following is a projected simple time-line schedule to complete Pond #4 Restoration work on or before October 15, 2011:

- APUA expects to complete the addition of 5<sup>th</sup> Percolation pond by 5-31-2011. The APUA has entered into a contract with the contractor to complete such work.
- APUA expects to complete the addition of 6<sup>th</sup> Percolation pond by July or early August of 2011 (at Pond #9 location) to provide standby percolation capacity. The APUA has already entered into a contract with a contractor to complete this work.
- APUA will complete an invited bidding process for Pond #4 restoration by August, 2011 or handle this work via a change order with the same contractor engaged in constructing Percolation Pond #5.

- APUA to award a restoration construction contract by mid-August, 2011; the APUA expects to complete the Pond #4 restoration on or before 10-15-2011 as mandated by RWQCB.

Certification: *"I certify under penalty of perjury under the laws of the State of California 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 submitted, the document and all attachments are, 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."*

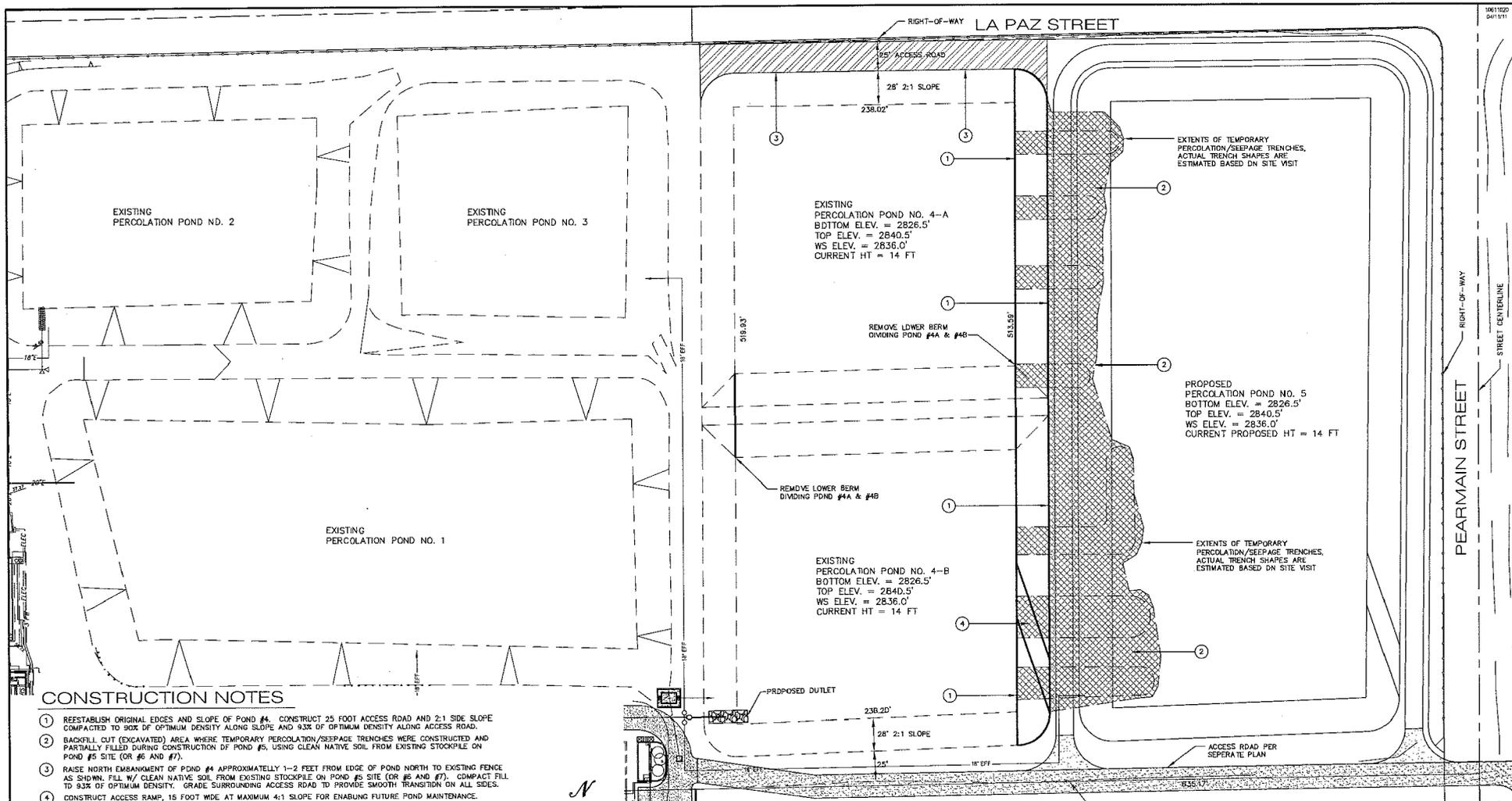
We trust that this letter report with the accompanying plan has adequately addressed the concerns raised by RWQCB and we look forward to completing this project in a mutually agreeable manner.

Very truly yours,



Wilson F. So, PE  
City Engineer

Cc:: City Manager and Council Members (APUA Board)  
Todd Litfin, City Attorney  
John Sponsler, APUA Director



**CONSTRUCTION NOTES**

- 1 REESTABLISH ORIGINAL EDGES AND SLOPE OF POND #4. CONSTRUCT 25 FOOT ACCESS ROAD AND 2:1 SIDE SLOPE COMPACTED TO 90% OF OPTIMUM DENSITY ALONG SLOPE AND 93% OF OPTIMUM DENSITY ALONG ACCESS ROAD.
- 2 BACKFILL CUT (EXCAVATED) AREA WHERE TEMPORARY PERCOLATION/SEEPAGE TRENCHES WERE CONSTRUCTED AND PARTIALLY FILLED DURING CONSTRUCTION OF POND #5, USING CLEAN NATIVE SOIL FROM EXISTING STOCKPILE ON POND #5 SITE (OR #6 AND #7).
- 3 RAISE NORTH EMBANKMENT OF POND #4 APPROXIMATELY 1-2 FEET FROM EDGE OF POND NORTH TO EXISTING FENCE AS SHOWN. FILL W/ CLEAN NATIVE SOIL FROM EXISTING STOCKPILE ON POND #5 SITE (OR #6 AND #7). COMPACT FILL TO 93% OF OPTIMUM DENSITY. GRADE SURROUNDING ACCESS ROAD TO PROVIDE SMOOTH TRANSITION ON ALL SIDES.
- 4 CONSTRUCT ACCESS RAMP, 15 FOOT WIDE AT MAXIMUM 4:1 SLOPE FOR ENABLING FUTURE POND MAINTENANCE.
- 5 SEEPAGE TRENCH BACKFILL MATERIAL - BACKFILL MATERIAL WILL COME FROM PREVIOUSLY EXCAVATED CLEAN SOILS THAT HAS BEEN STOCKPILED AT POND #6 & #7.
- 6 SOILS GRADATION - THE FILL MATERIAL WILL BE FROM SOILS ORIGINALLY REMOVED FROM POND #4, #6 & #7 AND WILL BE SUITABLE AS BACKFILL. THE FILL SHALL BE COMPACTED. CALICHE TYPE OR CLAYEY SOILS WILL BE REMOVED DURING INITIAL EXCAVATION AND SET ASIDE AS THESE TYPE OF SOILS WILL NOT BE SUITABLE FOR BACKFILL.
- 7 POND BERM/EMBANKMENT SLOPE STABILITY - ALL EXISTING AND PROPOSED PONDS WILL HAVE EMBANKMENT SLOPES AT 2-HORIZONTAL TO 1-VERTICAL. THIS SHOULD PROVIDE A STABLE SLOPE (SINCE PONDS ARE LOCATED GENERALLY IN FLAT-LAND) AND WILL ENABLE THE EARTH-MOVING MACHINES TO PERFORM EXCAVATION AND MAINTENANCE ON THESE SLOPES.
- 8 SOILS MOISTURE CONTENT - MOISTURE CONTENT FOR THE OPTIMUM SOIL -DENSITY WILL BE DETERMINED IN THE LABORATORY FROM THE OPTIMUM-DENSITY CURVE ESTABLISHED PER ASTM D-1558 AND D-1557 PROCEDURES. WATER APPLICATION WILL LIKELY BE REQUIRED DURING THE SEEPAGE TRENCH RESTORATION BACKFILL OPERATIONS.
- 9 EARTHWORK SPECIFICATIONS - THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION WILL BE REFERENCED. THESE REQUIREMENTS WILL BE INCORPORATED INTO THE CONSTRUCTION CONTRACT DOCUMENTS.



MARK	REVISIONS	APPR	DATE

City Of Adelanto		DESIGNED BY W.F.S.	CITY OF ADELANTO	
APPROVED <i>Wilson F. So</i> CITY ENGINEER WILSON F. SO REC. C 21,651		DATE 4/5/11	WASTEWATER RECLAMATION FACILITY	
DRAWN BY J.D.M.		CHECKED BY W.F.S.	PERCOLATION POND #4 RESTORATION PLAN	
PREPARED BY <b>So &amp; Associates Engineers Inc.</b> 1529 HAMAN ROAD P.O. BOX 1712 ADOLE VALLEY, CALIFORNIA 92327 (760) 242-2162 • FAX (760) 242-2062		SUBMITTED BY:	DATE:	DRAWING NO. <b>C-1</b>
SCALE AS SHOWN		SHEET 1 OF 1		

04-00047

# CITY OF ADELANTO

SAN BERNARDINO COUNTY, CALIFORNIA

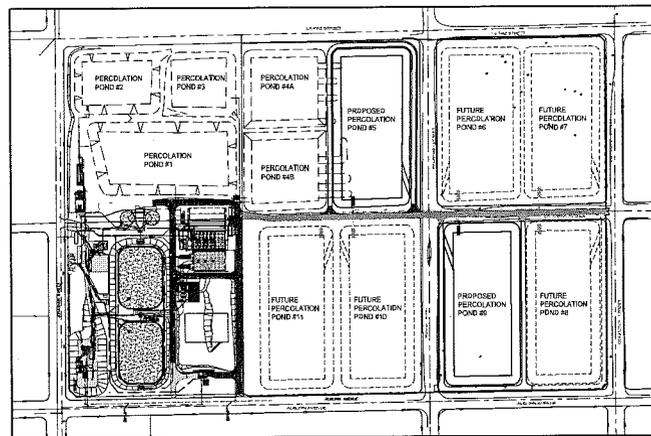
DRAWINGS FOR CONSTRUCTION OF:

## WASTEWATER RECLAMATION FACILITY PERCOLATION POND #5 CONSTRUCTION

### CITY COUNCIL

CARI THOMAS, Mayor  
ED CAMARGO, Mayor Pro Tem  
STEVE BAISDEN, Councilor  
TRINIDAD PEREZ, Councilor  
CHARLES VALVO, Councilor  
CITY MANAGER: JAMES HART

LEGEND	
	EXISTING AC PAVEMENT
	PROPOSED AC PAVEMENT
	EXISTING CONCRETE
	PROPOSED CONCRETE
	PROPOSED CLASS 2 BASE
	SLOPE
	OUT SLOPE
	FULL SLOPE
	CENTERLINE
	PROPERTY LINE
	RIGHT-OF-WAY
	FUTURE IMPROVEMENTS BY-OTHERS
	EXISTING FENCE
	EXISTING WALL
	PROPOSED WALL
	EXISTING CONTOURS
	POWER POLE
	GUY WIRE
	EXISTING SEWER LINE
	EXISTING WATER LINE
	PROPOSED WATER LINE
	EXISTING GAS LINE
	EXISTING TELEPHONE LINE
	EXISTING FIBER OPTIC LINE
	EXISTING ELECTRICAL LINE
	CONTROL OR MONUMENT
	BENCHMARK
	MANHOLE
	EXISTING FIRE HYDRANT BY-OTHERS
	EXISTING VALVE
	END CAP/BLIND FLANGE
	NEW VALVE
	REDUCER



INDEX MAP  
SCALE: T-200



### LIST OF DRAWINGS

1. TITLE / INDEX SHEET	T-1
2. SITE PLAN	C-1
3. CROSS SECTIONS	C-2
4. PIPING PLAN	C-3
STORMWATER POLLUTION PREVENTION PLAN (SPP), C-5 OF POND #9 CONSTRUCTION PLANS	

### ABBREVIATIONS

AC	ASPHALT CONCRETE	MJ	MECHANICAL JOINT
BC	BEGINNING OF CURVE	MSS	MIXED LIQUOR SUSPENDED SOLIDS
BY	BITTERBLY VALVE	MMF	MICROMEDIA FILTRATION
BY-PASS	TEMPORARY BY-PASS	NH <sub>4</sub> CL	SODIUM HYPOCHLORITE
CONC.	CONCRETE	O.C.	ON CENTER
CF	CURB FACE	OF	OVERFLOW
E	CENTERLINE	P	PROPERTY LINE
EL	ELEVATION	PACL	POLYALUMINUM CHLORIDE
EM	EXISTING	PE	PRIMARY EFFLUENT
EP	EFFLUENT	PVC	POLYVINYL CHLORIDE PIPE
ELEV	ELEVATION	PROP.	PROPOSED
EX	EXISTING	PW	PLANT WATER (NON-POTABLE)
FG	FINISH GRADE	RAS	RETURN ACTIVATED SLUDGE
FM	FORCE MAIN	R/W	RIGHT OF WAY
FS	FINISH SURFACE	REQD.	REQUIRED
F	FUTURE	SE	SECONDARY EFFLUENT
GV	GATE VALVE	SS	SANITARY SEWER
GB	GRADE BREAK	STA.	STATION
HORIZ.	HORIZONTAL	THK	THICK
INF	INFLUENT	VERT.	VERTICAL
INT.	INVERT ELEVATION	WCT	WASTEWATER TREATMENT
L.F.	LINEAL FEET	WS	WATER SERVICE
MH	MANHOLE	WSF	WATER SURFACE

04-00048

DIGALERT



CALL BEFORE YOU DIG

1-800-422-4133  
UNDERGROUND SERVICE ALERT  
Call at least 2 working days prior to excavating.

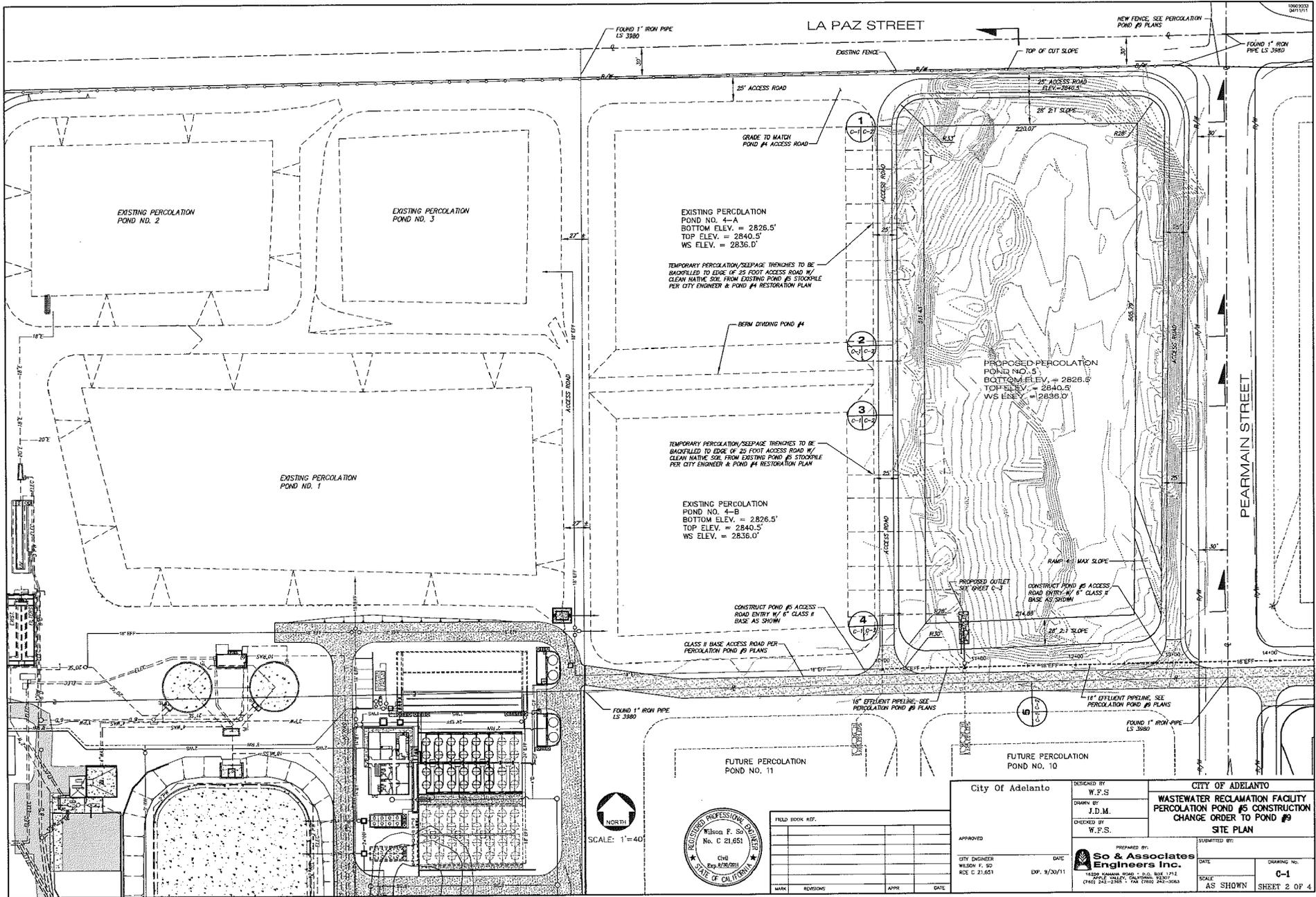
BENCHMARK
CITY OF ADELANTO BM NO. 6521
LOCATION: NEAR THE SOUTHEAST CORNER OF CL MARAGE ROAD AND HWY 305, 54' SOUTH, 54' EAST OF THE NW NW CORNER SECTION 21, T04, R01E, S04W ELEVATION = 2830.738'



MARK	REVISIONS	APPR	DATE

City Of Adelanto		DESIGNED BY W.F.S.	CITY OF ADELANTO	
APPROVED	DATE	DRAWN BY J.D.M.	WASTEWATER RECLAMATION FACILITY PERCOLATION POND #5 CONSTRUCTION CHANGE ORDER TO POND #9	
CARI THOMAS, MAYOR	DATE	CHECKED BY W.F.S.	TITLE/INDEX SHEET	
APPROVED	DATE	PREPARED BY So & Associates Engineers Inc.	DATE	DRAWING NO.
CITY ENGINEER WILSON F. SO RCE C 21,651	EXP. 5/30/11	16208 JAMUNA ROAD, P.O. BOX 1718 CALIFORNIA, CALIFORNIA 92404 (949) 242-2268 FAX (949) 242-2082	DATE	T-1
MARK	REVISIONS	APPR	DATE	SHEET 1 OF 4

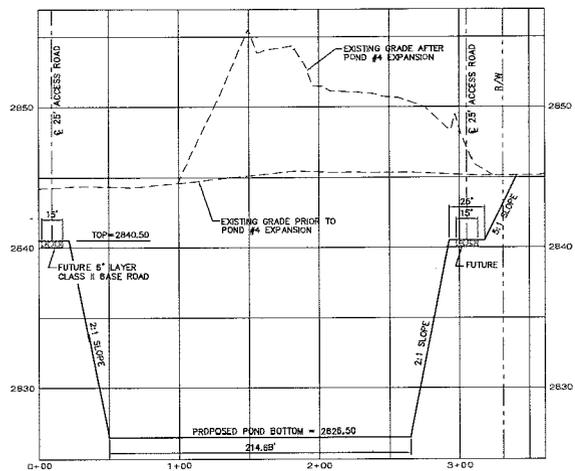
04-00049



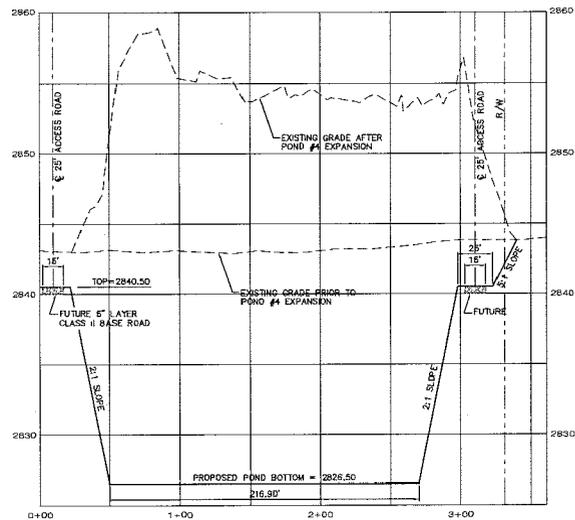
MARK	REVISIONS	APP'D	DATE

City Of Adelanto  
 DESIGNED BY: W.P.S.  
 DRAWN BY: J.D.M.  
 CHECKED BY: W.P.S.  
 APPROVED: \_\_\_\_\_  
 CITY ENGINEER: WILSON F. SO  
 RICE C 21651  
 DATE: 8/30/11  
 EXP. 8/30/11

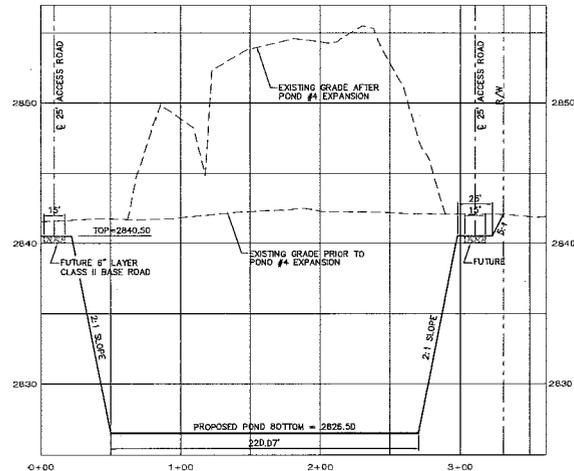
CITY OF ADELANTO  
**WASTEWATER RECLAMATION FACILITY  
 PERCOLATION POND #5 CONSTRUCTION  
 CHANGE ORDER TO POND #9  
 SITE PLAN**  
 PREPARED BY: **So & Associates  
 Engineers Inc.**  
 1520 KAMAKUA DRIVE, P.O. BOX 1714  
 HAWAII, HAWAII 96713  
 (808) 242-2285 FAX (808) 242-3063  
 DATE: \_\_\_\_\_  
 DRAWING NO: **C-1**  
 SCALE: **AS SHOWN**  
 SHEET 2 OF 4



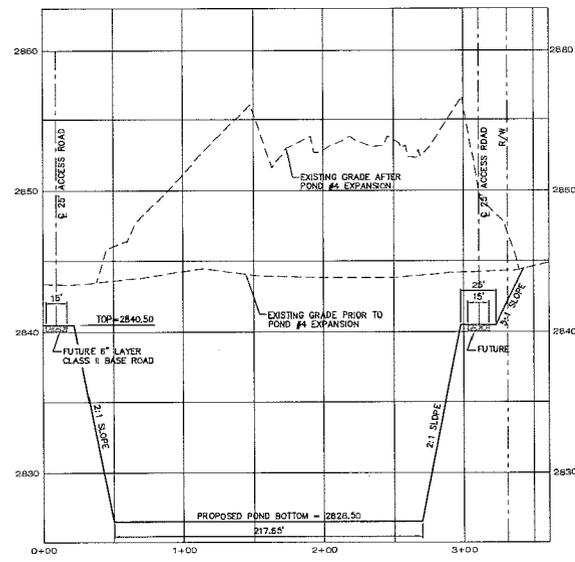
SECTION 4  
SCALE: HORIZ: 1"=40'  
VERT: 1"=4'



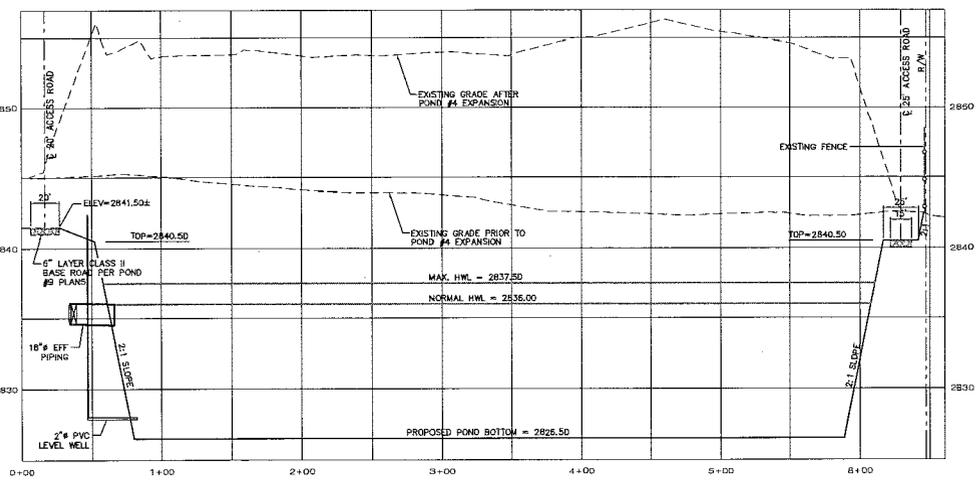
SECTION 2  
SCALE: HORIZ: 1"=40'  
VERT: 1"=4'



SECTION 1  
SCALE: HORIZ: 1"=40'  
VERT: 1"=4'



SECTION 3  
SCALE: HORIZ: 1"=40'  
VERT: 1"=4'



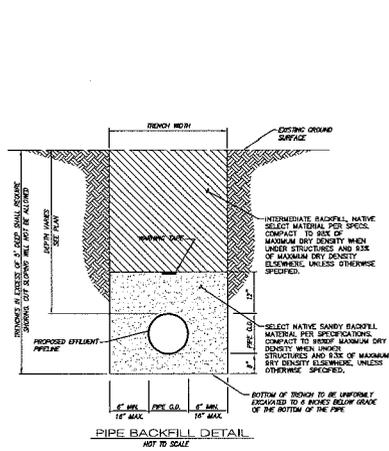
SECTION 5  
SCALE: HORIZ: 1"=40'  
VERT: 1"=4'

04-00050

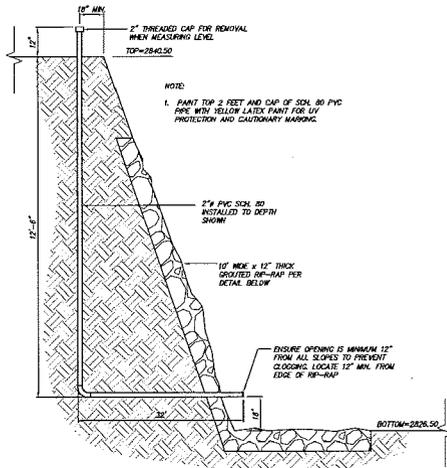


MARK	REVISIONS	APPR	DATE

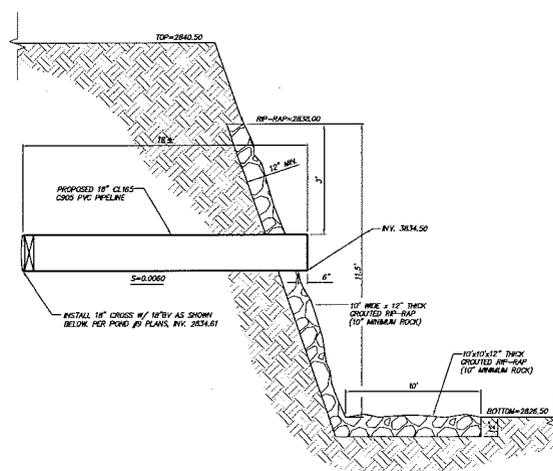
City Of Adelanto		DESIGNED BY W.F.S	CITY OF ADELANTO	
DRAWN BY J.D.M.		WASTEWATER RECLAMATION FACILITY PERCOLATION POND #5 CONSTRUCTION CHANGE ORDER TO POND #9		
CHECKED BY W.F.S.		CROSS SECTIONS		
APPROVED		PREPARED BY So & Associates Engineers Inc.	SUBMITTED BY	
CITY ENGINEER WILSON F. SO RICE C 21,651	DATE 08/29/11	DATE	DRAWING No. C-2	
1920 JAMUNA ROAD, P.O. BOX 1712 ADELANTO, CALIFORNIA 92301 (760) 242-3365 FAX (760) 242-3863		SCALE	AS SHOWN	



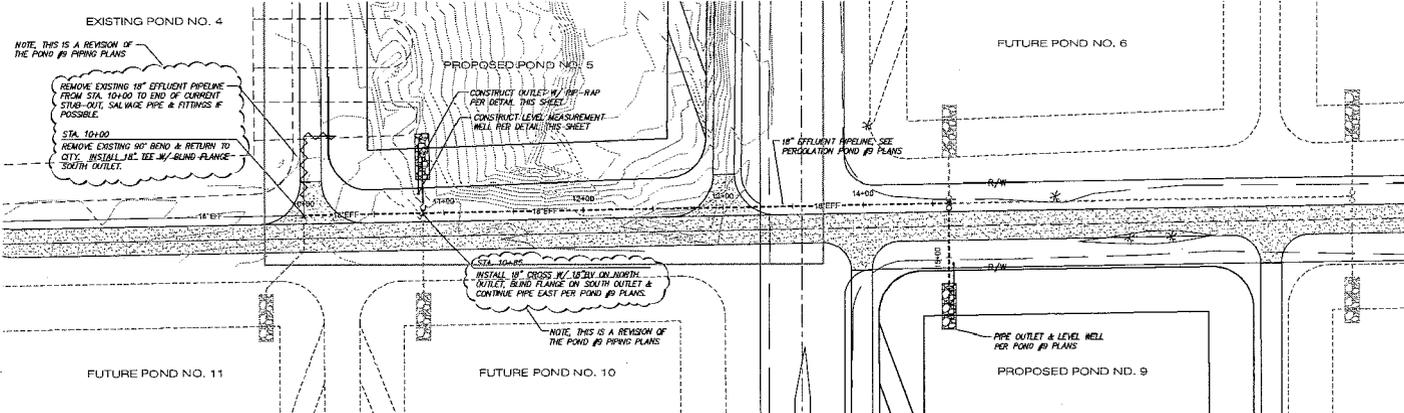
PIPE BACKFILL DETAIL  
NOT TO SCALE



LEVEL MEASUREMENT WELL DETAIL  
NOT TO SCALE



PIPE OUTLET DETAIL  
NOT TO SCALE



- NOTES:
1. ALL JOINTS AT FITTINGS SHALL BE RESTRAINED BY FLANGED CONNECTIONS OR RESTRAINED MECHANICAL JOINTS. RESTRAINED MECHANICAL JOINTS SHALL BE EBAA METALLOID OR APPROVED EQUAL.
  2. TRENCH BACKFILL SHALL BE PER DETAIL THIS SHEET & SECTION 02200 OF SPECIFICATIONS.
  3. INSTALL WARNING TAPE PER SECTION 15600 OF SPECIFICATIONS.
  4. BAG AND WRAP ALL DUCTILE IRON FITTINGS WITH POLYETHYLENE WRAP PER ANNA C105.
  5. INSTALL VALVE CAN PER SECTION 15620 OF SPECIFICATIONS.



SCALE: 1"=40'



FIELD BOOK REF.	
DATE	
REVISIONS	
APPR.	
DATE	

City of Adelanto		DESIGNED BY W.F.S	CITY OF ADELANTO	
APPROVED		DRAWN BY J.D.M.	WASTEWATER RECLAMATION FACILITY	
CITY ENGINEER WILSON F. SA P.C.E. C 21,651		CHECKED BY W.F.S.	CHANGE ORDER TO POND #9	
DATE SEP. 9, 2011		SUBMITTED BY		PIPING PLAN
PREPARED BY <b>So &amp; Associates</b> Engineers Inc.		DRAWING NO. C-3		SCALE AS SHOWN
7800 YAMAMA ROAD - P.O. BOX 1712 CITY OF ADELANTO, CALIFORNIA 92301 (760) 242-2268 FAX (760) 242-1043		DATE		SHEET 4 OF 4

04-00051





# California Regional Water Quality Control Board Lahontan Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
[www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)

Edmund G. Brown Jr.  
Governor

April 22, 2011

John Sponsler, Director  
Adelanto Public Utility Authority  
11600 Air Expressway  
Adelanto, CA 92301  
[jsponsler@ci.adelanto.ca.us](mailto:jsponsler@ci.adelanto.ca.us)

**NOTICE OF VIOLATION: DEFICIENT PERCOLATION POND RESTORATION PLAN FOR THE ADELANTO PUBLIC UTILITY AUTHORITY WASTEWATER TREATMENT PLANT, CEASE AND DESIST ORDER NO. R6V-2011-15, ADELANTO, SAN BERNARDINO COUNTY, WDID NO. 6B369805001**

Lahontan Regional Water Quality Control Board (Water Board) staff has reviewed the Percolation Pond No. 4 Restoration Plan that was submitted by the Adelanto City Engineer, Wilson So of So and Associates Engineers Inc., on April 15, 2011. The restoration plan was submitted in response to Order No. I.B. of Cease and Desist Order No. R6V-2011-15, adopted by the Water Board on March 10, 2011 and issued to the Adelanto Public Utility Authority (APUA).

The purpose of Order No. I.B. of the Cease and Desist Order was to provide the Water Board with a fully designed percolation pond restoration project. APUA's current restoration plan is a partially developed design, at best. There are indications that some of the missing design information will be developed at an unspecified date in the future, and implications that other decisions will be made in the future and/or in the field during construction. APUA's restoration plan is unacceptable and must be revised prior to construction.

Order No. I.B. specifically requires APUA to submit:

Design plans with a description and illustration of the measures the Discharger proposes to implement to restore the integrity of Percolation Pond No. 4 from having its berm [embankment] breached and trenches installed. The design plans must identify materials and design specifications regarding pond berm stability including, but not limited to, compaction specifications, materials gradation specifications, and soil moisture content during compaction activities."

*California Environmental Protection Agency*



04-00053

Order No. I.B. also requires APUA to submit a project schedule, including, but not limited to, completion dates for design, contracts, permits, and for completing the measures to restore Pond No. 4.

The following is a description of restoration plan deficiencies that must be adequately addressed prior to the Water Board accepting APUA's Percolation Pond No. 4 Restoration Plan.

1. **Compaction Specifications.** Construction Note No. 1 on Drawing No. C-1, specifies compaction to "90% of optimum density" along the pond slope and to "93% of optimum density" along the access road. Construction Note No. 3 of Drawing No. C-1 specifies compaction to "93% of optimum density" for the pond's northern embankment that is to be increased in height by one to two feet. However, there is no information/data regarding the backfill material's characteristics (soil class types), which are necessary to determine its optimum density and subsequently the appropriate compaction specifications. Additionally, the restoration plan provides no information regarding compaction methods or testing methods and frequency to ensure the compaction criteria are satisfied. **APUA is required to provide this information as a part of the design details.**

Percolation Pond No. 4's southern embankment failed on December 23, 2010. APUA has yet to provide any compaction or other construction specifications for Percolation Pond No. 4 (see Additional Comments/Reminders, below). **Therefore, APUA needs to evaluate the current compaction rates for all of Percolation Pond No. 4's embankments, and demonstrate in the revised restoration plan that the proposed compaction rates will satisfy minimum standard design criteria and provide a significant increase in embankment stability compared to current conditions. APUA is required to include this information in the revised restoration plan.**

2. **Soils Gradation Information.** APUA's restoration plan states, "The fill material will be from soils originally removed from Pond #4, #5, & #9 and will be suitable as backfill." There is no information provided on design parameters for soils to be used. Furthermore, Percolation Pond Nos. 5 and 9 have yet to be excavated, and the respective soil information from those areas is either not known or, as stated above, has not been provided in the current restoration plan. No information is provided on the required tolerance for percent fines, clay content, silt content, grain size distribution, etc. of soils to be used for restoring Percolation Pond No. 4, which now includes increasing the height of its northern embankment.

**APUA is required to provide in the revised restoration plan soils/backfill material gradation characteristic data/information, and discuss how this material will provide stable backfill material for the trenches and pond embankments.**

3. **Soil Moisture Specification.** APUA's restoration plan does not provide soil moisture specifications. Instead, it defers providing soil moisture content specifications until after further testing is completed.

**APUA is required to provide in the revised restoration plan's project schedule completion dates for the soils analyses necessary for determining appropriate soil moisture content to achieve the compaction rates identified in the restoration plan.**

4. **Project Schedule.** APUA's restoration plan indicates APUA will either complete an invited bidding process for Pond No. 4 restoration or rely upon a change order with its Pond No. 5 contractor by August 2011. It is unclear if this activity will be completed prior to August, at the beginning of the month, or during some other portion of the month. The project schedule also fails to discuss or provide a date for obtaining coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity for constructing Percolation Pond No. 5, which is a critical restoration plan element. Additionally, APUA's restoration plan fails to provide any scheduling information for environmental review (CEQA process) and permitting required to construct and use Percolation Pond No. 9 (a sixth percolation pond), as described in the restoration plan. The existing Categorical Exemption filed by APUA for constructing and operating Percolation Pond No. 9 is inadequate for the Water Board's permitting process. Additional details regarding this CEQA issue will be provided under a separate letter.

**APUA is required to provide in the revised restoration plan a revised project schedule providing specific dates for the above-referenced activities. APUA is expected to provide specific dates for any other project activities (e.g., soils/backfill material analyses) that are necessary. Specific dates demonstrate how APUA plans to comply with the October 15, 2011 compliance date specified by Order No. I.C of Cease and Desist Order No. R6V-2011-15.**

5. **Construction Note No. 3.** The construction note states that the north embankment of Pond No. 4 is to be increased in height by approximately one to two feet. No design details other than the compaction criteria discussed above are provided. This is an inadequate design specification.

**APUA is required to provide in the revised restoration plan a specific design (e.g., description, design specifications, design plans) for raising the Pond No. 4 embankment. General descriptions leave Water Board staff with the impression that this project element will simply be constructed "on-the-fly."**

6. **Construction Note No. 7.** The construction notes state that it is proposed to modify the existing embankment slopes of all existing ponds to a 2-horizontal to 1-vertical ratio, and that "should provide a stable slope..." Again, no design details, design criteria, slope stability analysis, or analysis of impact to infiltration capacity are provided.



**APUA shall apply standard engineering design practices for percolation pond design and operations when modifying existing ponds and designing new ponds, and shall not rely upon unsubstantiated statements such as modifying existing pond embankments to a 2 horizontal:1 vertical ratio "should provide a stable slope." APUA, either as part of the revised restoration plan or in a separate report, is required to submit complete design plans showing current conditions and proposed design, and supporting design and construction information (e.g., construction methods, soils characteristics, slope stability analysis, changes in infiltration capacity, compaction criteria) for Water Board staff review and acceptance prior to making any modifications.**

7. Construction Note No. 9. The construction note states that Standard Specifications for Public Works Construction (also known as the Green Book) will be referenced and incorporated into construction contracts.

**APUA is to provide specific references as part of its revised restoration plan for Water Board staff review.**

#### **Additional Comments/Reminders**

Cease and Desist Order No. R6V-2011-15 also requires compliance with Cleanup and Abatement Order No. R6V-2010-0054, issued November 1, 2010. The Cleanup and Abatement Order specifies additional information needed to demonstrate the structural integrity of modified and existing percolation pond embankments, including Percolation Pond No. 4. The requirement to submit this information was reiterated in Notices of Violation issued on November 5, 2010, on November 19, 2010, and on January 27, 2011. The additional required information is necessary to demonstrate the structural integrity of the pond embankments. Therefore, APUA shall provide the information discussed below in revised restoration plan for Pond No. 4.

8. Embankment Foundation Design Details. As noted in the Water Board's November 5, 2010 Notice of Violation, the loose sandy soil is susceptible to seepage, erosion, and failure, and the soil may become unstable and collapse under the action of a dynamic load, vibration, or shock, all of which may cause the foundation to behave as a liquid unless properly designed. Applicable design details are not provided. APUA shall include this information in the revised restoration plan for Pond No. 4.
9. Embankment/Foundation Bonding Details. Prior information submitted notes that the embankments have not been secured to their foundations (if such foundations even exist). Applicable design details are not provided. APUA shall include this information in the revised restoration plan for Pond No. 4.
10. Protection from Piping Failure. Prior information submitted notes that protection against piping impacts will be implemented in the future when the ponds can be



reconstructed and rehabilitated. Applicable design details are not provided. APUA shall include this information in the revised restoration plan for Pond No. 4.

11. Crest Detail. Prior correspondence from APUA states that the crest surface is native sandy material, and 18 boxes of six-mil plastic sheeting (20 feet by 100 feet) exists to cover the embankment crests should the need arise. The submitted design drawings appear to indicate the construction of a 15 to 25-foot access road around the perimeter of Percolation Pond No. 4, and the access road appears to be level with the top of the proposed berms around the pond. The road appears to be surfaced with a 6-inch Class II road base material.

The plans (Sheet 1 of 4 through Sheet 4 of 4 of "Wastewater Reclamation Facility Percolation Pond #5 Construction Change Order To Pond #9) are unclear. First, it is unclear if the plans are for Percolation Pond No. 5 or for Percolation Pond No. 9. Second, the plans are not signed by a California Registered Professional Engineer as required. The information submitted is inadequate.

12. Crest Drainage. Prior correspondence from APUA notes that the general slope for the crest of percolation pond embankments is 60-degrees downward and that sandbags will be used should erosion control be necessary. The submitted plans (see above, plans are not signed by a California Registered Professional Engineer as required) seem to indicate a flat surface with no information for controlling storm water runoff. The information submitted is contradictory and inadequate.

The Water Board's November 5, 2010 Notice of Violation required information to indicate where drainage from the crest will be directed and managed, whether it will be directed into the ponds or down the embankments' outer faces. APUA shall include this information in the revised restoration plan for Pond No. 4.

13. Interior Slope Protection Methods. The proposed plan notes that the embankment slopes will be constructed at 2-horizontal to 1-vertical. No information is provided demonstrating how the slopes will be protected from wave action or from storm water runoff from the access road located at the top of the embankment. The information submitted is inadequate. APUA shall include this information in the revised restoration plan for Pond No. 4.
14. Spillway Design Details. No design details were provided. APUA shall include this information in the revised restoration plan for Pond No. 4.
15. Earthquake Protection. No design details were provided. APUA shall include this information in the revised restoration plan for Pond No. 4.

The Water Board strongly encourages APUA to submit a revised restoration plan addressing the issues identified in Comment Nos. 1 – 15, above, as soon as possible.

Water Board staff is continuing to evaluate the Authority's response to the Cease and Desist Order and overall lack of compliance with this and other Water Board Orders. Continued non-compliance with the Cease and Desist Order will result in additional enforcement action, which may include assessing administrative civil liabilities. The Water Board may impose administrative civil liability up to \$5,000 for each violation each day pursuant to California Water Code section 13350(e). Failure to comply with the Cease and Desist Order may subject APUA to up to \$1,000 for each violation each day pursuant to California Water Code section 13268. The potential liability the Water Board is authorized to assess against the Authority continues to increase with each day of non-compliance. The Water Board reserves its right to take any further enforcement action authorized by law.

Please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432 if you have any questions regarding this matter.

  
Lauri Kemper, P.E.  
Assistant Executive Officer

cc: Regional Board Members  
Adelanto City Council  
D. James Hart, Ph.D., City Manager/City of Adelanto  
Wilson So, So & Associates Engineers, Inc.  
Todd Liftin, Attorney, City of Adelanto  
Terri S. Williams/San Bernardino County Environmental Health Services, Land Use Protection Program  
Harold J. Singer/Lahontan Regional Water Quality Control Board  
Cindi Mitton/Lahontan Regional Water Quality Control Board  
John Morales/Lahontan Regional Water Quality Control Board  
Keith Elliott/Lahontan Regional Water Quality Control Board  
Eric Taxer/Lahontan Regional Water Quality Control Board  
Laura Drabandt/State Water Resources Control Board, Office of Enforcement  
Kim Niemeyer/State Water Resources Control Board, Office of Chief Counsel





# California Regional Water Quality Control Board

## Lahontan Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

Victorville Office  
14440 Civic Drive, Suite 200, Victorville, California 92392  
(760) 241-6583 • Fax (760) 241-7308  
[www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)

Edmund G. Brown Jr.  
Governor

March 28, 2011

WDID NO. 6B369805001

John Sponsler, Director  
Adelanto Public Utility Authority  
11600 Air Expressway  
Adelanto, CA 92301  
[jsponsler@ci.adelanto.ca.us](mailto:jsponsler@ci.adelanto.ca.us)

### RESPONSE TO CONSTRUCTION DRAWINGS FOR 5<sup>TH</sup> PERCOLATION POND FOR THE ADELANTO PUBLIC UTILITY AUTHORITY WASTEWATER TREATMENT PLANT, ADELANTO, SAN BERNARDINO COUNTY

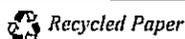
This letter is to advise the Adelanto Public Utility Authority (the Authority) that it does not have the Lahontan Regional Water Quality Control Board's (Water Board's) authorization to build Percolation Pond #9.

Water Board staff has received the March 21, 2011 letter from the City of Adelanto's Engineering Department (So & Associates Engineers, Inc.). Included with the letter were construction drawings and a preliminary soils infiltration investigation draft report prepared by the LOR Geotechnical Group for an additional percolation pond for the Authority's wastewater treatment plant. Water Board staff has also reviewed the March 23, 2011 electronic mail from City Engineer Wilson So regarding the construction plans.

The City Engineer's March 23, 2011 electronic mail stated that the copy of construction plans for the additional percolation pond is, "...just a courtesy copy to advise Regional Board staff of the status... It was not intended to satisfy any of the reports required under the revised CDO-R6V-2011-15." Nevertheless, the information provided indicates a general direction of the Authority to construct an additional percolation pond, likely in response to one of the requirements of Cease and Desist Order No. R6V-2011-15. The information identifies this additional percolation pond as, "Percolation Pond #9", and sheet 6 of the construction plans provides a time schedule indicating construction begins March 28, 2011 and ends May 27, 2011.

Order No. I of Cease and Desist Order No. R6V-2011-15 specifically states, "The Discharger must complete construction of Pond 5, as described in Water Board WDR Order No. R6V-2009-0036, no later than **May 31, 2011**." The following findings from WDR Order No. R6V-2009-0036 identifies the location of Pond 5 to be within the **18-acre** site owned by the Authority at the time WDR Order No. R6V-2009-0036 was adopted:

*California Environmental Protection Agency*



04-00059

Finding No. 5: Location of Facilities

*The Adelanto Treatment Plant and Percolation Ponds are located within an 18-acre site owned by the Discharger. The site is located in the City of Adelanto at the northeast corner of Jonathan Street and Auburn Avenue, San Bernardino County. The site is located within Section 21, T6N, R5W, SBB&M as shown on Attachments A and B, which are made part of this Order.* [Emphasis added.]

Finding No. 9: Authorized Disposal Sites

*The authorized disposal sites for the Facility effluent are the five percolation ponds, which are located within the 18-acre site owned by the Discharger, as shown in Attachment A.*

Discharger Specification I.C.5 (General Requirements and Prohibitions)

*Neither the treatment nor the discharge shall cause a nuisance as defined in Section 13050 of the California Water Code. The discharge of wastewater except to the authorized disposal sites is prohibited.* [Emphasis added.]

Attachment A of WDR Order No. R6V-2009-0036 (enclosed) actually shows an approximately **27-acre** site upon which the Adelanto Treatment Plant and Percolation Ponds are located (San Bernardino County Assessor Parcel Nos. (APN) 0459-062-23, 0459-062-24, and 0459-062-25). Based upon a comparison of Attachment A and the plan drawings provided with the March 21, 2011 letter, the proposed location of Percolation Pond #5 (or the fifth percolation pond regardless of number) is located on APN 0459-062-25, whose eastern boundary is Pearmain Street. Figure 2 of the Mitigated Negative Declaration for the Adelanto Wastewater Treatment Plant Expansion, adopted by the City of Adelanto on April 23, 2008, and cited in WDR Order No. R6V-2009-0036, also shows the same proposed location for Percolation Pond #5.

The proposed location for Percolation Pond #9, on the other hand, is shown as being located southeast of the proposed Percolation Pond #5 location, on the east side of Pearmain Street. The proposed Percolation Pond #9 location is **outside of the 27-acre site** shown in Attachment A of WDR Order No. R6V-2009-0036 and identified as the site upon which the Adelanto Treatment Plant and Percolation Ponds are located. Therefore, the proposed Percolation Pond #9 location is not identified or described in the WDR Order as an authorized discharge location, nor is it identified or described in the above-referenced Mitigated Negative Declaration.

Attachment C of WDR Order No. R6V-2009-0036 provides STANDARD PROVISIONS FOR WASTE DISCHARGE REQUIREMENTS (Standard Provisions). Standard Provision No. 2.b states,

*"...any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board at least 120 days in*

***advance of implementation of any such proposal. This shall include, but not be limited to, all significant soil disturbances.*** [Emphasis added.]

The Authority is not authorized to build Percolation Pond #9. Constructing the additional percolation pond in the proposed Percolation Pond #9 location shown on the plan drawings submitted with the March 21, 2011 letter, constitutes a "material change in the ... location of discharge" when compared to the authorized discharge location described by WDR Order No. R6V-2009-0036. Pursuant to Standard Provision No. 2.b, the Water Board is to be notified of such changes "at least 120 days in advance of implementation of any such proposal." The 120 days are intended to provide the Water Board adequate time to review such proposals, and in this case, to bring an amended WDR Order or revised WDR Order before the Water Board for its consideration. The City's March 21, 2011 letter is the first time Water Board staff has been notified that the additional percolation pond is proposed to be constructed at the Percolation Pond #9 site instead of the Pond #5 site.

Water Board enforcement staff considers constructing Percolation Pond #9 as failing to satisfy Order No. 1 of Cease and Desist Order No. R6V-2011-15. Additionally, discharging wastewater to a percolation pond located anywhere but as described in WDR Order No. R6V-2009-0036, is not authorized and would violate Discharge Specification No. I.C.5 of WDR Order No. R6V-2009-0036.

If the Authority decides to continue pursuing construction and use of a percolation pond at the proposed Percolation Pond #9 location, the Authority must submit a complete Report of Waste Discharge (ROWD) as required by Standard Provision No. 2.b. The ROWD must include all appropriate filing fees and California Environmental Quality Act (CEQA) documents. The Water Board has up to 140 days upon receiving a complete ROWD to act pursuant to Water Code Section 13264. Use of a percolation pond at the proposed Percolation Pond #9 location is not currently authorized and could not be authorized until WDR Order No. R6V-2009-0036 is amended or revised, or the Water Board issues a new WDR Order that includes the proposed Percolation Pond #9 location.

At this time, Water Board staff is only aware of the Authority having completed the CEQA process for Percolation Pond #5 as part of the process of obtaining WDR Order No. R6V-2009-0036. The Authority has not provided any CEQA information relating to Percolation Pond #9. Having gone through the CEQA process in the past, the Authority will recognize that this is a matter of high importance.

Please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432 if you have any questions regarding this matter.



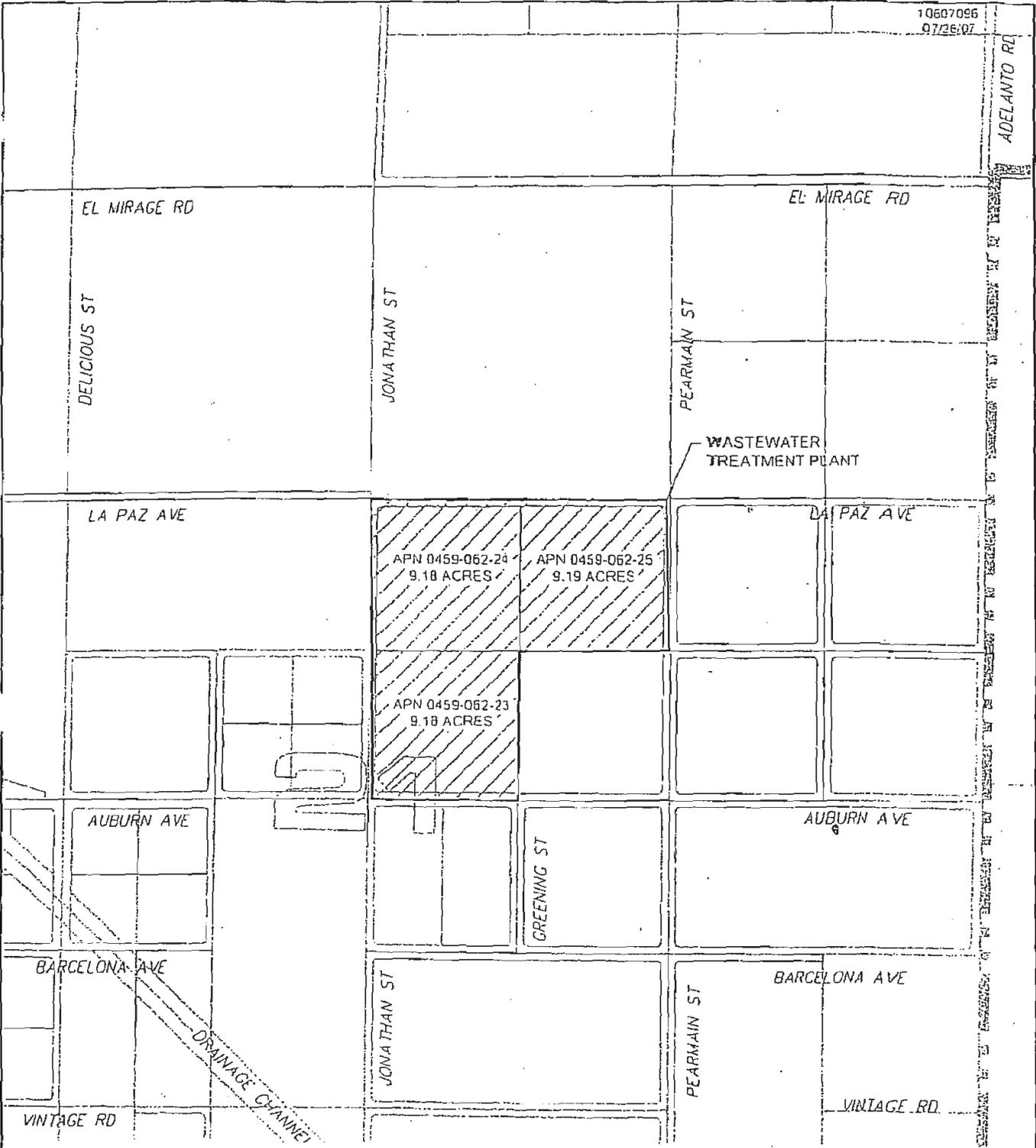
Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. WDR Order No. R6V-2009-0036, Attachment A  
2. Plan Drawing provided with City of Adelanto March 21, 2011 Letter

Cc (w/enclosures): Regional Board Members  
Adelanto City Council  
D. James Hart, Ph.D., City Manager/City of Adelanto  
Todd Litfin/Rutan & Tucker, LLP  
Wilson So/So & Associates Engineers, Inc.  
Mike Perales/United Water  
Roger Vesely/United Water  
John P. Leuer, President/LOR Geotechnical Group, Inc  
Terri S. Williams, REHS, Division Chief/San Bernardino County  
EPA,  
Harold J. Singer/Lahontan Regional Water Quality Control Board  
(email only)  
Doug Smith/Lahontan Regional Water Quality Control Board  
(email only)  
Keith Elliott/Lahontan Regional Water Quality Control Board  
(email only)  
John Morales/Lahontan Regional Water Quality Control Board  
(email only)  
Kim Niemeyer/State Water Resources Control Board, Office of  
Chief Counsel  
Laura Drabandt/State Water Resources Control Board, Office of  
Enforcement

Bcc (w/enclosures): Chuck Curtis (email only)  
Eric Taxer (email only)  
Cindi Mitton (email only)  
Scott Ferguson (email only)

LK\rc\Response to PercPond.doc



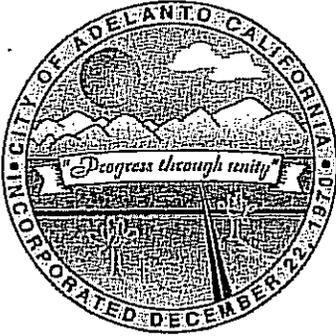
ATTACHMENT A

LOT DESCRIPTION  
 SOUTHWEST 1/4 OF THE NORTHEAST 1/4,  
 OF SECTION 21, T6N R5W, S.B.B.&M.

FIGURE 1

**CITY OF ADELANTO**  
**WASTEWATER TREATMENT PLANT**  
**LOCATION MAP**

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# City of Adelanto

Engineering Department  
c/o So & Associates Engineers Inc.  
16209 Kamana Road  
Apple Valley, CA 92307

3/98

WQCB REGS	
EC'D	RECEIVED MAR 21 2011
JM	
FILE	

March 21, 2011

CA Regional Water Quality Control Board  
Lahontan Region (6B)  
14440 Civic Drive, S-200  
Victorville, CA 92392

Attn: Mr. John Morales, P.E.  
Water Resources Control Engineer

**RE: Construction General Permit (CSG) - Construction of 5<sup>th</sup> Percolation Pond for Adelanto Wastewater Treatment Plant**

Dear John:

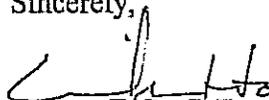
In reference to your inquiry directed to John Sponsler last week, I am submitting two sets of Construction Drawings for Regional Board's information and review. The City of Adelanto has the fencing, pipeline, and earthwork contractors engaged and ready to begin with construction of the 5<sup>th</sup> percolation pond.

In accordance with the requirements set forth in the Cease and Desist Order, I am providing the Board with a copy of preliminary soils infiltration investigation draft report. The reported infiltration rate of about 300 gallons per square foot per day appeared to be that of an isolated region of the proposed percolation ponds; the actual average infiltration rate will be smaller. However, the proposed 5<sup>th</sup> percolation pond (at the location indicated on the plans) will increase the effluent handling capacity at the treatment plant.

The City has incorporated a Stormwater Pollution Prevention Plan (SWPPP) on drawing C-5 of the drawings submitted. This is to ensure that City's contractors understands the importance of pollution prevention. We want to point out to Regional Board staff that during construction and future operation of the new percolation pond(s), no stormwater is anticipated to leave the site. Therefore, we are requesting the Regional Board to issue a Construction General Permit (CSG) with exemption of additional SWPPP documentation.

If there are additional information/clarification that Regional Board will require, please do not hesitate to contact the undersigned. I am looking forward to hear back from you.

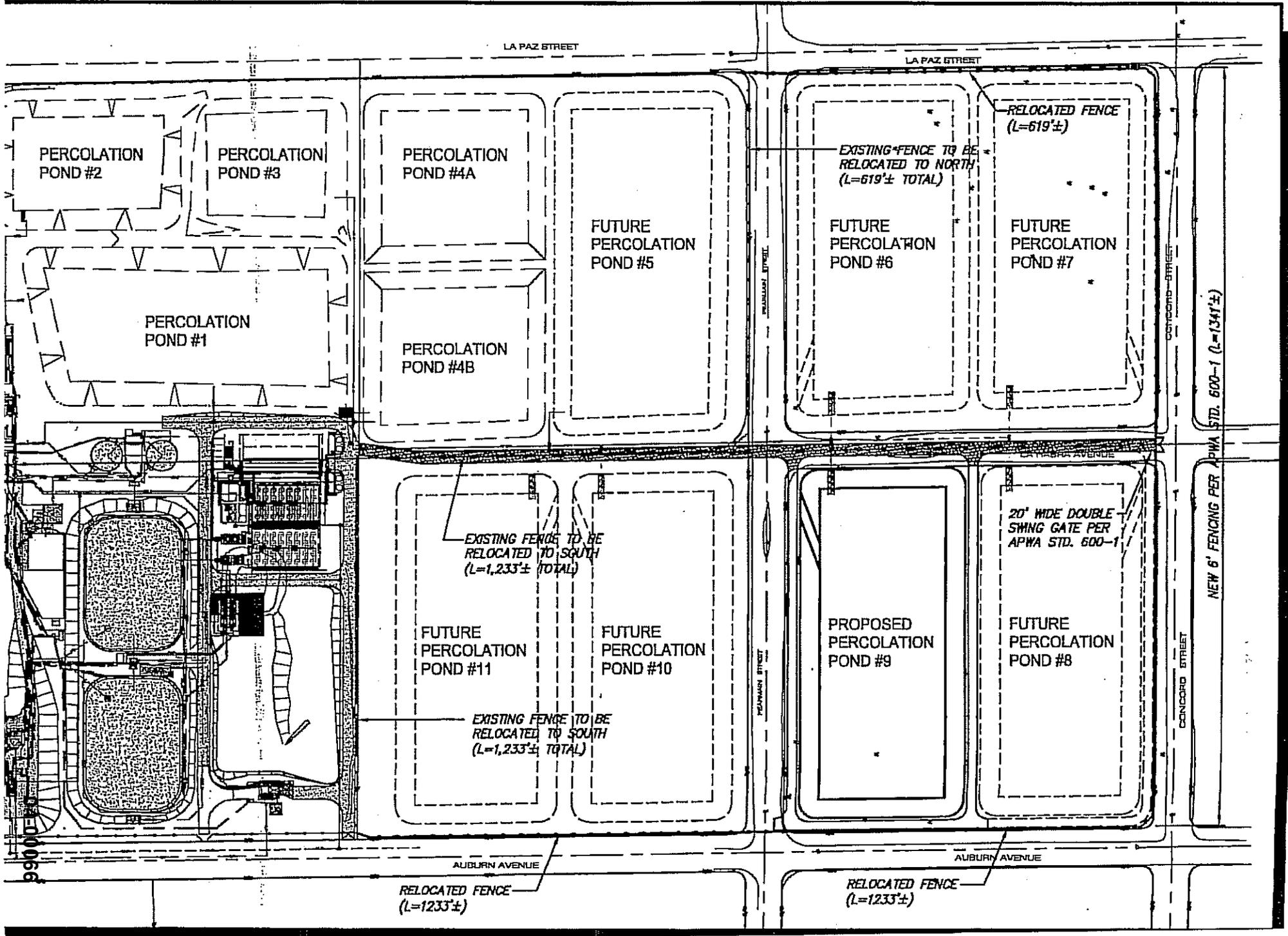
Sincerely,

  
Wilson F. So, P.E.

11600 Air Expressway • P.O. Box 10 • Adelanto, CA 92301 • (760) 246 -2300 x3036 • FAX (760) 246 - 3406

6B369805001

04-00065



PERCOLATION POND #2

PERCOLATION POND #3

PERCOLATION POND #4A

FUTURE PERCOLATION POND #5

EXISTING FENCE TO BE RELOCATED TO NORTH (L=619'± TOTAL)

FUTURE PERCOLATION POND #6

RELOCATED FENCE (L=619'±)

FUTURE PERCOLATION POND #7

PERCOLATION POND #1

PERCOLATION POND #4B

EXISTING FENCE TO BE RELOCATED TO SOUTH (L=1,233'± TOTAL)

FUTURE PERCOLATION POND #11

FUTURE PERCOLATION POND #10

EXISTING FENCE TO BE RELOCATED TO SOUTH (L=1,233'± TOTAL)

PROPOSED PERCOLATION POND #9

20' WIDE DOUBLE SWING GATE PER APWA STD. 600-1

FUTURE PERCOLATION POND #8

NEW 6' FENCING PER APWA STD. 600-1 (L=1341'±)

RELOCATED FENCE (L=1233'±)

RELOCATED FENCE (L=1233'±)

---

**From:** John Sponsler [jsponsler@ci.adelanto.ca.us]  
**Sent:** Monday, April 18, 2011 5:03 PM  
**To:** Taxer, Eric; 'John Morales'  
**Cc:** James Hart; Wilson So (External); Litfin, Todd; 'hisam baqai'  
**Subject:** Spill Contingency Management Plan  
**Attachments:** Spill Contingency Management Plan, 4-18-11.docx

Good afternoon Gentlemen,

Please find attached the APUA's updated Spill Contingency Management Plan. Please let me know if you have any questions. Thanks,

**JOHN R. SPONSLER**

Director of Public Utilities

City of Adelanto

11600 Air Expressway

Adelanto, CA 92311

(760)246-2300 x 3006

(760)578-4297 cell

(760)246-3242 fax

City Hall is open Monday - Thursday from 7:00 a.m. until 6:00 p.m. City Hall is closed every Friday and Holidays.



Cari Thomas  
Mayor

Ed Camargo  
Mayor Pro Tem

Steven R. Baisden  
Council Member

Trinidad Perez  
Council Member

Charles S. Valvo  
Council Member

April 18, 2011

California Regional Water Quality Control Board-Lahontan Region  
2501 South Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Mr. Eric Taxer

California Regional Water Quality Control Board-Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392-2306  
Attn: Mr. John Morales

**RE: CLEANUP AND ABATEMENT ORDER NO. R6V-2010-0054, ADELANTO PUBLIC UTILITY AUTHORITY WASTEWATER TREATMENT PLANT AND PERCOLATION PONDS, ADELANTO, SAN BERNARDINO COUNTY, WDID NO. 6B369805001: SPILL CONTINGENCY MANAGEMENT PLAN**

Gentlemen:

As a follow up to the Lahontan Regional Water Quality Control Board's (hereinafter referred to as RWQCB) Order No. R6V-2010-0054, Adelanto Public Utility Authority (APUA) is pleased to submit this Spill Contingency Management Plan as required by Section I-D of the Order, and Board Order R6V-2011-15, Section 1.A. The following is an update of APUA's actions and proposed actions to Section I of the Order.

**a. Evaluation:**

**i. Water conservation:**

The APUA has an active water conservation program aimed at reducing water consumption and waste. Our programs of "Cash for Grass," providing low-flow toilet replacements, hose nozzles, low flow shower heads and public workshops, have helped to reduce water consumption, and therefore improved conservation by over 57 acre feet since February 1, 2008 (totals provided by Mojave Water Agency). Per capita water usage (excluding landscape irrigation) is approximately 70 gallons per day (October – December 2010 period). In 2009, the City of Adelanto approved a 3 tier water rate system in which lower tier users pay a lower rate than the upper 2 tiers. These 3-tier higher water rates have also contributed towards reducing resident's water usage.

04-00068

As per the APUA's Emergency Response Procedure Manual, APUA has utilized local radio stations (e.g., KZXY 102.3 FM and KFROG 103.1 FM) to promote water conservation measures. These stations will also be used to broadcast a Public Service Announcement (PSA) in the event this type of public notice becomes necessary.

As addressed in previous correspondence with the "RWQCB", the use of a "Reverse 9-1-1 System" was considered. However, according to literature released by the County of San Bernardino, the use of this system is only in the cases of potentially life-threatening incidents such as an evacuation during a wildfire or earthquake. Additionally, the City is not enrolled in the Reverse 9-1-1 System and at this present time, is not ready to do so.

ii. Increased wastewater diversions or transfers:

The APUA currently has an agreement with Victor Valley Wastewater Reclamation Authority (VWVRA) through October 28, 2011 to divert flows up to 1.3 million gallons per day (MGD) to their facility in Victorville through the 15-inch existing Adelanto interceptor sewer. Per APUA's discussions with VWVRA, this diversion can be extended if the need should arise. The average carrying capacity of the Adelanto interceptor sewer is about 1.6 MGD (see condensed profile attached).

The APUA currently diverts influent flow at a rate of approximately 825,600 gallons per 16 hours (860 gpm on the average) and effluent at a rate of approximately 81,900 gallons per 6.5 hours (210 gpm on the average). During the week of March 22, 2011 the APUA brought on an additional pump which increased effluent diversion by approximately 150 gpm over an 8 hour day (72,000 gpd). Our estimated total diversion at present is approximately 979,500 gpd. Therefore, APUA is meeting the flow requirement of its waste discharge permit and if needed, still has adequate room in the interceptor if additional flow diversion was necessary.

The APUA has recently also requested a 3 year extension of its Diversion Agreement with VWVRA beyond October 28, 2011. This is designed to reduce the need to enter into annual, more tenuous agreements. This arrangement also enables APUA to complete construction of all components of its plant expansion (such as equalization basin) and full testing of the various treatment process components.

iii. Engineered pond modifications:

APUA has completed modifying Percolation Ponds (PP) #1, #3 and #4 through dredging to enhance percolation rate and prevent an overflow of effluent. APUA has added clean fill soils to the existing embankments to increase freeboard (based on available hydraulic head) and prevent freeboard violations. This additional fill over the embankment area was compacted using both a D-7 bulldozer and backhoe tractor. Riprap was applied to the easterly embankment slopes of PP #1 to protect against wave erosion.

The clean soils previously excavated from the trenches at Pond #4 were deposited at the treatment plant (Pond #5 site). The excavator operator began excavating from about 20-ft outside the pond limit towards the top of the pond embankment before making a final cut into

the pond itself. This trenching approach minimized contact with the effluent. Vehicle pathways are on the North and South sides of PP #4 which channels such traffic away from the trenches.

iv. Alternative on-site and off-site disposal areas and associated water quality effects:

On November 4<sup>th</sup>, 2010, APUA received permission from the RWQCB to begin constructing temporary percolation/seepage trenches. A total of thirteen trenches (approximately 18 ft deep by 20 ft long) have been cut into and from the eastside of PP #4 in order to enhance the percolation rate in this pond. These trenches have proven to be successful in that the freeboards in all the ponds are being met.

**It is imperative to note that the use of these trenches is for the duration of the emergency situation and not a permanent fixture.** Percolation pond #4 will be restored to near its original "design condition" per directive from the RWQCB and will be addressed in a separate letter report covering the restoration plan

The APUA's wastewater treatment plant is located in the northeast sector of Adelanto city limits and approximately 1/2 miles north of populated areas. The area surrounding the plant is unpopulated, open desert, and designated for airport development. With the continued diversion of wastewater flow to VVWRA, APUA does not anticipate any further overflows/spill (similar to the incident caused by major storm events during December of 2010) to occur. If an unfortunate treated effluent overflow/spill should occur (extremely unlikely) over the embankments, it will likely flow towards the north end of a 10-acre undeveloped parcel directly south of percolation ponds #4 and #5; this parcel is currently being acquired by APUA for the purpose of constructing additional future ponds.

As APUA disposes its treated effluent via percolation ponds, no disinfectant (such as sodium hypo-chlorite) is added to limit formation of THMs (trihalomethanes). However, if a spill should occur (due to unexpected emergencies), the affected spill-site will be disinfected with calcium hypochlorite or sodium hypochlorite solutions. With the APUA planning/proceeding to construct a 5<sup>th</sup> percolation pond and possibly the 6<sup>th</sup> and 7<sup>th</sup> ponds, there should be adequate effluent disposal capacity. Therefore, the concern over off-site effluent disposal (except via the VVWRA facilities) will be greatly diminished or eliminated.

**b. Evaluation of Transport Methods:**

Effluent from both the Biolac activated sludge treatment plant and the Micromedia treatment plant (or equivalent: which are not yet fully tested and operational) will flow via gravity to the existing and future percolation ponds. The treated effluent will also be pumped into a hydro-pneumatic storage tank (pressurized) to provide plant-water (for flushing and lubricating) for equipment and machinery used at the treatment plant. As the existing percolation ponds are taken out of service (on a temporary basis when there is sufficient additional new ponds), City staff will ensure that each pond has functioning gravity feed inlet piping and the need for any transfer pumping (using portable pumps) will be discontinued.

In the future, after all treatment process trains under the expansion are fully evaluated and tested, effluent meeting the California Title 22 requirements could be disinfected and reused for park irrigation to reduce the total reliance on percolation ponds to dispose of APUA effluent. However, such usage will not be considered until after the APUA has submitted a Title 22 engineering report to the RWQCB and the State Department of Health Services.

**c. Structural Integrity of the Pond Modifications:**

i. Design details on pond construction:

Percolation ponds #1 to #3 were constructed back in about 1997 using the design plans prepared by Urban Logic Consultant. Ponds #2 and #3 were about equal to the surface area of Pond #1. They were adequate for many years to handle up to the 1.5 MGD average design plant flow. Pond #4 was added at the recommendation of current city engineer in 2005 after experiencing a major storm event that year. All of these existing and proposed future percolation ponds will utilize the same side slope design at 2 horizontal to 1-vertical, suitable for earth moving equipment. The side slopes of the embankments will be compacted to about 90 percent optimum density to maintain a stable slope. Since all of the ponds were excavated below existing ground surface, compaction of the bottom will be avoided to optimize the percolation capability. These same criteria will apply during future pond maintenance and resting-restoration period when APUA has sufficient ponds to operate the pond system on a rotational basis.

ii. Design details for bonding:

All of the existing and future percolation ponds will be connected to the effluent outlet structure(s). All effluent flows to the percolation ponds will be via gravity. The existing and future percolation ponds will be separated by a common embankment with an adjacent pond which will measure about 25 ft at the top between each group of 2-ponds. At 14 ft pond depth, the bottom of the embankment will be about 80 ft. With the pond inside embankment slopes at 2 horizontal to 1-vertical, this should provide stability and bonding to separate the ponds as shown in the exiting ponds.

On the basis of hydraulic gradient from the effluent control structure, each two nearby adjacent percolation ponds will be paired to operate as one unit to avoid an imbalance of available hydraulic heads (such as between Pond #4 and Pond #9) which will require extensive day to day operation of the pond influent valves. The pairing avoids such extensive observations.

**d. Additional Report Requirements:** This Section covers both the percolation ponds (when applicable) and the temporary basin to place the dredged bottom sand from existing ponds before disposal.

i. Design details to protect against piping failure:

The effluent supply piping to the percolation ponds are located in the common embankments separating the ponds. The main effluent supply piping for ponds #5, #6, #7, #8, #9, #10 and #11 is located in a wider embankment (about 60 ft wide). Therefore, there is adequate protection for

the effluent piping. In the future, as adequate standby percolation ponds are constructed and pond-rotation is maintained, the effluent piping together with embankment slopes can be checked during each rotation-maintenance cycle. During pipe installation, trench backfill will be adequately compacted to safeguard against settlement.

- ii. Crest details - (applies to added embankment height on the north side of percolation ponds #3 and #4; refer to pond location map attached with report) to provide additional protection against effluent spilling and flowing outside of APUA plant property to the north)

The crest of the deposited clean sandy soil is approximately 3 ft to 4 ft wide and about 3-ft in height. The berm is not designed to support any motor vehicle. Six (6) mils thick plastic sheeting is placed over the insides of the temporary berm to prevent it from being collapsed during a storm event. The small amount of water present in the dredged sand will percolate back into the upper ground-water basin as it was supposed to do so inside the percolation ponds.

- iii. Drainage design of the crest:

The slope of the added embankment is approximately 60 degrees (2:1 slope) downward, consistent with the original design slopes. Sand bags were available in the event erosion control was required; however, this was not the case. The opposite side of the added embankment (north-side of percolation ponds #3 and #4 was appropriately compacted to provide stability.

- iv. Slope protection methods:

Plastic sheets were placed along the embankment slopes at the temporary dredged material holding pond; held down by sand-bags and native soil. At this time, freeboard levels in the percolation ponds are greater than 2'; slope protection is not an issue. Should freeboard levels rise to less than 2' plastic sheeting may be applied to the pond-side slopes and held in place by sandbags, concrete blocks or native rock material to reduce the chances of a spill.

- v. Spillway design details:

No spillway design was necessitated for the existing and future percolation ponds. The feed piping the outlet will be protected via a grouted rock rip-rap.

- vi. Design details in the event of an earthquake:

In the event of an earthquake, waves may develop and some damages to the embankments could occur. However, there are no special design provisions to deal with earthquake for the percolation ponds. Similar to all facilities at the APUA wastewater treatment plant, each process unit will be inspected for damage after an earthquake event, and appropriate steps will be taken to conduct the repairs.

Such repairs for the percolation ponds will likely be backfill of embankment cracks and fixing pipe and valve leaks. These actions fall within normal maintenance and plant staff are adequately trained to conduct such repairs.

**Summary of Above Facts on Spill Contingency Management:** APUA has adequately addressed the contingency measures to prevent treated effluent overflows/spills from occurring. APUA has shown that since the December 2010 major storm event, it has taken all appropriate steps to prevent excess overflows and spills from happening. However, if overflows/spills should occur during a major catastrophic event, all damages to plant facility will be timely repaired.

**E. Certification.**

*"I certify under penalty of perjury under the laws of the State of California 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 submitted, the document and all attachments are, 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."*

We appreciate the continued advice and cooperation of the RWQCB staff. We will continue to provide information to the Regional Board as requested and look forward to the correction of this freeboard violation.

Sincerely,



John R. Sponsler  
APUA Director

Report reviewed and input provided by:

Wilson F. So, PE  
City Engineer

Cc: City Manager and Council Members  
Todd Litfin, City Attorney  
Wilson So, PE City Engineer

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**CEASE AND DESIST ORDER NO. R6V-2011-(PROPOSED)(January 11, 2011)  
WDID NO. 6B369805001**

**REQUIRING ADELANTO PUBLIC UTILITY AUTHORITY TO CEASE AND DESIST  
FROM DISCHARGING OR THREATENING TO DISCHARGE WASTE IN VIOLATION  
OF WASTE DISCHARGE REQUIREMENTS SPECIFIED BY WATER  
BOARD ORDER NOS. R6V-2002-050 AND R6V-2009-0036  
AND IN VIOLATION OF  
CEASE AND DESIST ORDER NO. R6V-2007-24  
AND CLEANUP AND ABATEMENT ORDER NO. R6V-2010-0054  
FOR  
ADELANTO DOMESTIC WASTEWATER TREATMENT FACILITY  
AND  
ADELANTO WASTEWATER TREATMENT PLANT**

\_\_\_\_\_ San Bernardino County \_\_\_\_\_

This Cease and Desist Order for Adelanto Public Utility Authority institutes a ban for any new connections into the Adelanto Community Sewer System, Adelanto Domestic Wastewater Treatment Facility and Adelanto Wastewater Treatment Plant. This connection ban is supported by more than a six-year history of violations of effluent limitations, influent flow limitations, and percolation pond freeboard limitations.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) hereby finds:

1. Discharger

The Adelanto Public Utility Authority owns and operates wastewater collection, treatment, and disposal facilities within the City of Adelanto. The Adelanto Public Utility Authority is also identified as the "Discharger" in Waste Discharge Requirements (WDR) prescribed by Water Board Order Nos. R6V-2002-050 and R6V-2009-0036, Water Board Cease and Desist Order No. R6V-2007-24, and Water Board Cleanup and Abatement Order No. R6V-2010-0054. For the purpose of this Water Board Cease and Desist Order (Order), the Adelanto Public Utility Authority is referred to as the "Discharger."

2. Facility

- a. The Discharger collects, treats and disposes of an average of 2.2 million gallons per day (mgd) of wastewater generated within the City of Adelanto. The wastewater consists of both domestic wastewater and industrial wastewater, some of which receives pretreatment. The

Discharger has two wastewater treatment facilities authorized to discharge to four percolation ponds.

- b. The older of the two treatment systems is the Adelanto Domestic Wastewater Treatment Facility, also known as the Biolac system. The Biolac system is an activated sludge system that includes a septage receiving station (inactive), headworks, lined activated sludge basins, secondary clarifiers, multi-media filtration system, and sludge dewatering system. This treatment system is authorized to receive and treat up to 1.5 million gallons per 24-hour period and a maximum instantaneous flow rate of 2.5 mgd. This facility is regulated by revised waste discharge requirements prescribed by Water Board Order No. R6V-2002-050.
- c. The newer of the two treatment facilities is the Adelanto Wastewater Treatment Plant, also known as the Micro-Media system. The Micro-Media system includes primary clean screens, flow equalization pond (not yet existing), "micro-media" sand filter biological treatment system, and solids dewatering system. The Micro-Media system is authorized to receive and treat up to 4.0 million gallons per 24-hour period and a maximum instantaneous flow rate of 6.0 mgd. This facility is regulated by waste discharge requirements prescribed by Water Board Order No. R6V-2009-0036. The Micro-Media system has never been put into operation because the Discharger has not been able to successfully maintain the microorganism (animox bacteria) populations that are the Micro-Media system's critical treatment element.
- d. Both the Biolac and Micro-Media treatment systems are designed to discharge un-disinfected secondary-treated wastewater effluent to four percolation ponds located within an 18-acre site owned by the Discharger. Pond No. 4 is divided into Pond No. 4N and Pond No. 4S, but is considered as a single pond. All four percolation ponds are designed to infiltrate un-disinfected secondary-treated wastewater effluent. Groundwater in the uppermost aquifer is generally located at a depth of 90 to 170 feet below ground surface (bgs). There is an aquitard (clayey soil layer) located 170 to 230 feet bgs separating the uppermost aquifer from the regional aquifer.
- e. For the purposes of this Order, the Biolac system, the Micro-Media system, and the four percolation ponds are referred to as the "Facility." The Facility is located on an 18-acre site at the northeast corner of the intersection of Jonathan Street and Auburn Avenue, in the City of Adelanto, San Bernardino County, California, as shown on Attachment A of this Order. The Discharger has contracted with United Water to operate the Facility.

- f. Prior to July 28, 2010, the Discharger was routing all wastewater flows through the Biolac system; the Micro-Media system remained inoperable. Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to Victor Valley Wastewater Reclamation Authority's (VWVRA) wastewater treatment facility with the remaining secondary-treated wastewater flows discharged to the Discharger's percolation ponds. Beginning July 28, 2010, the Discharger temporarily ceased diverting secondary-treated wastewater flows to VWVRA and began diverting 800,000 gallons per day (gpd) of untreated influent wastewater flows to VWVRA.
- g. At a November 18, 2010 meeting with Water Board staff, the Discharger described its plans to convert the Micro-Media system into a more traditional pure-oxygen activated sludge facility. The Discharger verbally provided the following schedule for bringing the converted Micro-Media system on line.

Date	Action
January 31, 2011	Complete design for flow equalization unit.
March 31, 2011	Complete bid process for flow equalization unit and select a contractor.
Spring, summer, and fall 2011	Construct flow equalization unit and other project elements necessary to convert the Micro-Media system into a pure-oxygen activated sludge wastewater treatment system.
November 30, 2011	Converted Micro-Media system is operational and on line.

Initially, the Discharger will use both the Biolac and converted Micro-Media systems to treat wastewater. Eventually, all wastewater flows will be treated using the converted Micro-media system. The Biolac system will subsequently become a reserve treatment system.

3. Waste Discharge Requirements Permit History

- a. **WDR Order No. 6-98-56A1:** The Water Board initially established waste discharge requirements for the Biolac system and Percolation Pond Nos. 1, 2, and 3, covering a 4.9-acre area, under Water Board Waste Discharge Requirements (WDR) Order No. 6-98-56 on September 3, 1998. Water Board WDR Order No. 6-98-56A1 was adopted on November 5, 1998 to allow the Facility to receive and treat septage.

- b. **WDR Order No. R6V-2002-050:** Water Board WDR Order No. R6V-2002-050 was adopted on September 11, 2002 and remains in effect presently. Water Board WDR Order No. R6V-2002-050 rescinds Water Board WDR Order No.6-98-56, as amended, and provides the Discharger more flexibility in operating the Septage Receiving Station by increasing the septage flow limit for a 24-hour period from 0.020 to 0.028 million gallons. Finding No. 10 of Order No. R6V-2002-050 states that the percolation ponds' disposal capacity had been reached at a 24-hour influent flow of approximately 1.2 mgd. The same finding also states that the facility's treatment capacity (1.5 million gallons per 24-hour period) may be reached within the next four years, if wastewater flows continued to increase as they had since the facility became operational in September 1998.

Water Board WDR Order No. R6V-2002-050, in part, contains the following Discharge Specifications:

I.A.1. "The total volume of flow to the Adelanto Treatment Facility, during a 24-hour period, shall not exceed 1.5 million gallons."

I.A.5. "All wastewater discharged to the authorized disposal sites shall not contain concentrations of parameter in excess of the following limits:

<u>Parameter</u>	<u>Units</u>	<u>30-Day Mean</u> <sup>1</sup>	<u>Daily Maximum</u> <sup>2</sup>
BOD <sup>3</sup>	mg/L	15	30

<sup>1</sup> Compliance is determined by comparing the limit to the arithmetic mean of laboratory results for any 6-hour composite samples collected during a period of 30 days.

<sup>2</sup> Compliance is determined by comparing the limit to the laboratory result for any 6-hour composite sample.

<sup>3</sup> Biological Oxygen Demand (five-day, 20°C) of an unfiltered sample."

I.D.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."

I.D.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."

I.D.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

- c. **WDR Order No. R6V-2009-0036:** The Water Board adopted Water Board WDR Order No. R6V-2009-0036 on June 10, 2010, and remains in effect

presently. It established new waste discharge requirements for the Micro-Media system. The WDR Order authorizes treated wastewater effluent discharges to Percolation Pond No. 4 (north and south)<sup>1</sup>, and authorizes constructing and discharging to a fifth percolation pond. Water Board WDR Order No. R6V-2009-0036, in part, contains the following Discharge Specifications:

- i. I.C.2. "Surface flow or visible discharge of sewage or sewage effluent at/or from the authorized disposal sites to adjacent land areas or surface waters is prohibited."
- ii. I.C.3. "The vertical distance between the liquid surface elevation and the lowest point of a pond dike or the invert of an overflow structure shall not be less than two feet."
- iii. I.C.5. "...The discharge of wastewater except to the authorized disposal sites is prohibited."

#### 4. Formal Enforcement History

- a. **2007 Cease and Desist Order:** The Water Board adopted Cease and Desist Order No. R6V-2007-24 on August 29, 2007, in response to continual influent flow limitation violations, BOD effluent limitation violations, and discharges of waste to an unauthorized disposal site. Cease and Desist Order No. R6V-2007-24 established compliance dates for submitting and implementing an Interim Action Plan to reduce BOD concentrations, submitting a Long Term Action Plan to prepare the Facility to provide adequate wastewater treatment, storage, and disposal capacity, and to comply with Water Board WDR Order No. R6V-2002-050 by December 31, 2008. The Discharger has failed to comply with both its Interim Action Plan and its Long Term Action Plan. Attachment B, Table No. 1, lists ongoing effluent, flow, and freeboard limitation violations that have persisted beyond the compliance dates in the 2007 Cease and Desist Order. Attachment B, Table No. 1 is hereby incorporated into this Order by reference.<sup>2</sup>
- b. **2010 Investigative Order:** The Water Board adopted Investigative Order No. R6V-2010-0035 on August 2, 2010 in response to continuing violations of the influent flow and BOD effluent limitations and continuing violation of the final compliance date (December 31, 2008) specified by Cease and Desist Order No. R6V-2007-024. The Investigative Order, in

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<sup>1</sup> Pond No. 4 was constructed and placed into operation in 2005 without prior Water Board authorization. The Discharger's construction and operation of Pond No. 4 was not authorized by the Water Board until Water Board WDR Order No. R6V-2009-0036 was adopted on June 10, 2010, four years later.

<sup>2</sup> Table No. 1 in Attachment B does not include all violations of the WDR orders.

part, requires the Discharger to submit to the Water Board a Flow and Effluent Compliance Plan and Implementation Schedule by September 15, 2010. The Discharger has since received a Notice of Violation for submitting a deficient Flow and Effluent Compliance Plan and Implementation Schedule.

- c. **2010 Cleanup and Abatement Order:** The Water Board adopted Cleanup and Abatement Order No. R6V-2010-0054 on November 1, 2010 to address violations increasing in severity and frequency of percolation pond freeboard requirements specified Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036. The Discharger has since received two Notices of Violation for submitting both a deficient Spill Contingency Management Plan and final report. The Discharger has not submitted amended reports as required by the Notices of Violation.

#### 5. Summary of Violations

- a. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating BOD effluent limitations specified by Water Board WDR Order No. R6V-2002-050 from February 2004 through August 30, 2010, as shown in Attachment B, Table No. 1. The Discharger's self monitoring reports state these violations were caused by influent flows consistently exceeding the Biolac system's design capacity.
- b. Based upon data provided in the Discharger's self monitoring reports, the Discharger has been violating influent flow limitations specified by Water Board WDR Order No. R6V-2002-050 from April 2004 through August 5, 2010, as shown in Attachment B, Table No. 1.
- c. Based upon data provided in the Discharger's self monitoring reports and weekly status reports, the Discharger most recently started violating freeboard requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 on September 29, 2010. The Discharger's December 10, 2010 weekly status report states that freeboard levels had returned to two feet or greater for all four percolation ponds. The Discharger again violated freeboard requirements on or before December 23, 2010, when Percolation Pond No. 4S discharged to adjacent land areas. The Discharger has continued violating freeboard requirements through January 10, 2011<sup>3</sup>.
- d. In addition to the violations of effluent, flow, and freeboard limitations, the Discharger has been violating additional discharge requirements and authorized disposal site requirements specified by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036 beginning no later than

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<sup>3</sup> Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

November 2, 2010 and continuing through January 10, 2011<sup>4</sup>. Based upon Water Board staff's phone conversations and the Discharger's weekly status reports, the Discharger has been continuously violating these requirements as a result of constructing approximately 13 trenches through Percolation Pond No. 4's berm, as part of the Discharger's efforts to prevent an uncontrolled and unauthorized release from the percolation ponds. The trenches originally extended approximately 20 feet outward through the pond's berm into land areas adjacent to the pond, creating additional pond capacity and possibly increasing pond percolation rates. These trenches are not identified as authorized disposal sites by Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.

- e. On December 23, 2010 at approximately 2:00 a.m., the Discharger began an uncontrolled and unauthorized wastewater discharge from Percolation Pond No. 4S to adjacent open desert lands located south of the percolation pond. Water Board staff inspected the discharge area later in the day and observed that the wastewater discharged from Percolation Pond No. 4S had migrated to an adjacent land area under different ownership, and covered an area approximately 200 feet by 200 feet to an approximate average depth of eight inches (approximately 200,000 gallons). Water Board staff observed the Discharger further extending the trenches to increase Percolation Pond No. 4S capacity. This discharge and the additional trench extensions were not authorized by Water Board WDR Order Nos. R6V-2002-0050 and R6V-2009-0036, and constitute sewage effluent discharges from the authorized disposal sites to adjacent land areas.

#### 6. Threatened Discharges from the Facility

- a. The Discharger has a contract with VVWRA that allows the Discharger to divert up to 800,000 gpd of wastewater to VVWRA's facility for a 15-month period. On August 4, 2010, VVWRA indicated the Discharger could increase the diversion to 1.3 mgd of wastewater (800,000 gpd of untreated influent, and 500,000 gpd of secondary treated effluent) when a diversion pump temporarily failed. This agreement for additional discharge to VVWRA was reiterated after the Discharger reported violations of its pond freeboard requirements on September 29, 2010.

Beginning August 2009, the Discharger began diverting up to 1.2 mgd of secondary-treated wastewater flows to VVWRA's wastewater treatment facility. On July 28, 2010, the Discharger began diverting a portion (800,000 gpd) of its wastewater influent to VVWRA's wastewater treatment facility and temporarily halted the diversion of the secondary-

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<sup>4</sup> Based upon January 10, 2011 Weekly Status Report provided by the Discharger.

treated effluent. The Discharger began violating freeboard requirements on September 29, 2010, and yet, did not substantially increase wastewater flow diversions until Water Board staff identified and strongly recommended such action. On November 10, 2010, the Discharger increased wastewater flow diversions up to 1.081 mgd, and on November 26, 2010, the Discharger obtained and installed adequate pumps to increase wastewater flow diversions up to approximately 1.3 mgd, the maximum diversion amount identified in the Discharger's agreement with VVWRA.

The diversion system implemented on July 28, 2010 allowed the Discharger to eliminate violations of the influent flow limitation beginning August 6, 2010, which in turn also allowed the Discharger to comply with the BOD effluent limitations contained in the WDR Orders beginning in the month of September 2010. However, this recent compliance with influent flow and effluent BOD limitations is currently temporary. The Discharger will again violate the influent flow and BOD effluent limitations at the end of October 2011 when its contract/agreement with VVWRA ends, unless the Discharger expands its treatment capacity by bringing the converted Micro-Media system on line. This situation constitutes an ongoing threatened violation of waste discharge requirements related to influent flow and effluent BOD.

- b. Based upon data provided in the Discharger's December 10, 2010 weekly status report, the Discharger stated it was meeting freeboard requirements specified by the WDR Orders. This situation is likely the result of the Discharger's constructed trenches through Pond No. 4's berm, beginning percolation pond dredging operations, and increased diversions to VVWRA up to approximately 1.3 mgd. This situation is also temporary under current conditions, and dependent in part upon an unauthorized discharge to land areas adjacent to Percolation Pond No. 4 and ongoing, but temporary, diversions of wastewater flows to VVWRA. The Discharger has not provided information indicating whether the infiltration rates in the percolation ponds will increase as a result of dredging operations or for how long,<sup>5</sup> or whether the four percolation ponds will be able to effectively percolate the flow currently diverted to VVWRA. This situation constitutes an ongoing threatened violation of waste discharge requirements related to freeboard requirements.

## 7. Water Board Authority

- a. California Water Code section 13301 states, in part:

"When a Regional Board finds that a discharge of waste is taking place, or

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<sup>5</sup> Percolation Pond Nos. 1, 2, and 3 are scheduled to be dredged over a nine to twelve-week period.

threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the [regional] board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the [regional] board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentrations of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.”

- b. Title 23, section 2244 of the California Code of Regulations authorizes prohibitions or appropriate restrictions on additional discharges to community sewer systems (also known as a connection ban) in cease and desist orders if the additional discharge volume, type, or concentration entering the sewer system would cause an increase in or increase the likelihood of WDR violations. The prohibitions or restrictions are for when WDR violations are not immediately corrected, are not used as a punitive measure, and the Water Board sends written notification to all appropriate local agencies. The prohibitions or restrictions should include, but not be limited to, new residential, commercial, industrial, and/or governmental connections as deemed appropriate by the Water Board. Pursuant to Title 23, section 2244.3 of the California Code of Regulations, additional discharge prohibitions shall not be removed until the WDR violations have ceased and consistent compliance with requirements in the WDR Orders is reached.
- c. Title 23, section 2244.1(a) of the California Code of Regulations authorizes the Water Board to include in its prohibitions or restrictions on additional discharges to community sewer systems those structures with building permits (or equivalent final approval of construction or occupancy) already issued when special circumstances justify including these structures. The prohibition or restrictions on additional discharges shall apply to building permits (or equivalent final approval of construction or occupancy) dating back to the date when this Order was noticed for hearing (January 14, 2011).

The special circumstances in this matter that justify applying a connection ban to structures with building permits (or equivalent final approval of construction or occupancy) already issued are:

- i. The violations, discharges, and threatened discharges listed in Findings Nos. 5 and 6 of this Order.

- ii. The Discharger is allowing constant unauthorized discharges from Percolation Pond No. 4S to trenches, and at least one unauthorized discharge off the Discharger's property at the present flow rate with no adequate Spill Contingency Management Plan. As long as the unauthorized trenches are in use, *the present flow rate causes a **constant unauthorized discharge; any additional flow** from any sewer hookup not already in use will increase the Discharger's unauthorized discharge* to the trenches and likely cause a new unauthorized discharge off its property.
- iii. The Discharger's failure to comply with prior Water Board Orders intended to address the Facility's chronically inadequate capacity has resulted in catastrophic Facility failure and continues to create conditions where similar future catastrophic failures are likely to occur with increasing severity without imposing the strict prohibitions contained in this Order.
- d. The Discharger has been discharging and continues to threaten to discharge waste in violation of both WDR Orders and subsequent informal and formal enforcement actions. The Discharger does not have a plan to immediately correct its ongoing effluent, inflow, and freeboard limitation violations, and the Water Board is not using the prohibition on additional discharges as a punitive measure. An increase in inflow from additional dischargers to the sewer system would cause additional effluent, inflow, and freeboard limitation violations and unauthorized discharges. A connection ban for additional discharges would assist in preventing additional violations by limiting the amount of wastewater the Discharger receives. Therefore, the Water Board is authorized to issue a Cease and Desist Order for the above-referenced violations and threatened violations and to institute a connection ban for additional discharges into the Discharger's sewer system pursuant to Water Code section 13301, and sections 2244 and 2244.3 of the California Code of Regulations.

8. Additional Discharges Defined

- a. For the purpose of this Order, additional discharges are defined as wastewater flows that are not already flowing to the Facility at the time of notice of hearing for this Order (January 14, 2011). Additional discharges include wastewater flows from all existing, proposed, or modified structures including, but not limited to, new residential, commercial, industrial, or governmental structures:
  - i. that have not received any building permit, final approval, will-serve letter, or any other type of approval for construction;

- ii. that have received a building permit, final approval, will-serve letter, or any other type of approval for construction but have not commenced and/or completed construction;
- iii. where construction has been completed but the structures are not occupied at the time the notice of hearing for this Order (January 14, 2011); or
- iv. where construction has been completed and the structures become vacant after the time the notice of hearing for this Order (January 14, 2011).

9. Water Code Section 13267 Justification

Water Code section 13267 authorizes the Water Board to require from the Dischargers technical or monitoring program reports submitted under penalty of perjury. Section 13267 requires that the Water Board explain why reports are required, and to identify the evidence that supports requirement the reports. See Attachment C of this Order, Water Code Section 13267 Fact Sheet.

The technical reports required by this Order are necessary to measure and ensure the Discharger's compliance with this Cease and Desist Order, in efforts to ensure protection of waters of the state, and to protect public health and the environment. Attachment B, Table No. 1 lists the numerous violations of effluent limitations, influent flow limitations, and minimum freeboard levels that evidence supporting requiring the reports. The burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to be obtained from them.

10. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321(a)(2), title 14, California Code of Regulations.

11. Notification of Interested Parties

The Water Board sent written notification to the Discharger, the City of Adelanto, the County of San Bernardino, and other affected and interested parties of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.

12. Requesting Administrative Review by the State Water Board.

Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at: <http://www.waterboards.ca.gov/publicnotices/petitions/waterquality> or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13301 and 13267, the Discharger shall cease and desist from discharging wastes or threatening to discharge wastes, in violation of provisions specified in Water Board WDR Order Nos. R6V-2002-050 and R6V-2009-0036, and shall comply with the other provisions of this Order:

**I. ORDERS**

- A. **Effective immediately** and continuing until the Discharger can demonstrate its ability to consistently maintain compliance with the waste discharge requirements described in WDR Order Nos. R6V-2002-050 and R6V-2009-0036, the Discharger shall not permit nor allow additional discharges (as defined in Finding No. 8 of this Order) to its Facility or its community sewer system (also known as a connection ban). The Discharger's ability to consistently maintain compliance with the above-referenced waste discharge requirements will be demonstrated by the Discharger maintaining compliance with the waste discharge requirements for six consecutive months.
- B. Comply forthwith with all requirements, including reporting requirements, specified by WDR Order Nos. R6V-2002-050 and R6V-2009-0036, Cease and Desist Order No. R6V-2007-0024, Investigative Order No. R6V-2010-0035, and Cleanup and Abatement Order No. R6V-2010-0054.

Pursuant to title 23, section 2245 of the California Code of Regulations, the Discharger is expected to construct emergency facilities or modify the existing plant operation to achieve rapid compliance. Such emergency facilities include chemical treatment, ponding with or without aeration, and any other steps that can be immediately implemented.

The Discharger must plan and complete construction of emergency facilities forthwith. If the Discharger constructs Pond 5, as described in Water Board WDR Order No. R6V-2009-0036, as an emergency facility, then Pond 5 must be completed no later than **May 1, 2011**.

- C. Beginning **April 7, 2011**, and quarterly thereafter (**July 7, October 7, January 7, and April 7**) the Discharger shall provide written verification to the Water Board, under penalty of perjury, that no additional discharges (as defined in Finding No. 8 of this Order) to the Facility or its community sewer system have been permitted or allowed. Verification must include a list of all discharge sources to the Facility that are planned, proposed, active, and/or inactive.
- D. By **April 15, 2011**, the Discharger shall provide a Percolation Pond Restoration Plan that, at a minimum, provides the following:
- i. Design plans with a description and illustration of the measures the Discharger proposes to implement to restore the integrity of Percolation Pond No. 4 from having its berm breached and trenches installed. The design plans must identify materials, and design specifications regarding pond berm stability including, but not limited to, compaction specifications, materials gradation specifications, and soil moisture content during compaction activities. The design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.
  - ii. A project schedule, including, but not limited to, completion dates for design, contracts, permits, and for completing the measures identified in this Order's Requirement No. I.D.i, above.
- E. No later than **October 15, 2011**, the Discharger shall complete its restoring Percolation Pond No. 4 as described in its Percolation Pond Restoration Plan.
- F. By **April 30, 2011**, the Discharger shall provide a Wastewater Disposal Facilities Work Plan that, at a minimum, provides the following:
- i. Final design plans for wastewater disposal facilities that can adequately dispose of all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall include all design parameters and specifications. The final design plans shall include all supporting technical information (e.g., flow projections and supporting documentation; disposal site(s) assessments/characterizations/data; calculations and/or modeling

results, including all assumptions) used to demonstrate that the wastewater disposal facilities will have adequate capacity for all Facility wastewater flows projected through at least December 31, 2016. The final design plans shall also identify final disposal locations and stabilization measures for all currently stockpiled excavated soil from Pond No. 4, and any additional soils excavated during construction of additional wastewater disposal facilities. The final design plans are to be stamped and signed by a California Registered Professional Engineer pursuant to California Business and Professions Code section 6735.

- ii. A project schedule, including, but not limited to, completion dates for contracts, CEQA process (e.g., draft CEQA document, public comment period, final CEQA document approval, Notice of Determination submission, end of appeal period), permits, and construction period.

G. By **October 15, 2011**, the Discharger shall complete implementation of the Wastewater Disposal Facilities Work Plan to provide adequate disposal capacity for all wastewater flows, including those diverted to VVWRA, and maintain compliance with freeboard requirements.

## **II. REPORTING REQUIREMENTS**

A. **Signatory Requirements.** All reports required under this Cease and Desist Order shall be signed and certified by a duly authorized representative of the Discharger and submitted to the Water Board. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

B. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

*"I certify under penalty of perjury under the laws of the State of California 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 submitted, the document and all attachments are, 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.”*

- C. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted via electronic e-mail and/or hard copy to:

California Regional Water Quality Control Board-Lahontan Region  
2501 South Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Eric Taxer  
Email: [etaxer@waterboards.ca.gov](mailto:etaxer@waterboards.ca.gov)

California Regional Water Quality Control Board-Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392  
Attn: John Morales  
Email: [jmmorales@waterboards.ca.gov](mailto:jmmorales@waterboards.ca.gov)

### III. **NOTIFICATION**

**Enforcement Notification.** Failure to comply with the terms or conditions of this Cease and Desist Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to California Water Code section 13350 for up to \$5,000 a day for each violation or \$10 per gallon discharged; and/or section 13268 for up to \$1,000 a day for each violation; and/or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability. The Water Board reserves its right to take any further enforcement action authorized by law.

I, Harold J. Singer, 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, Lahontan Region on March 10, 2011.

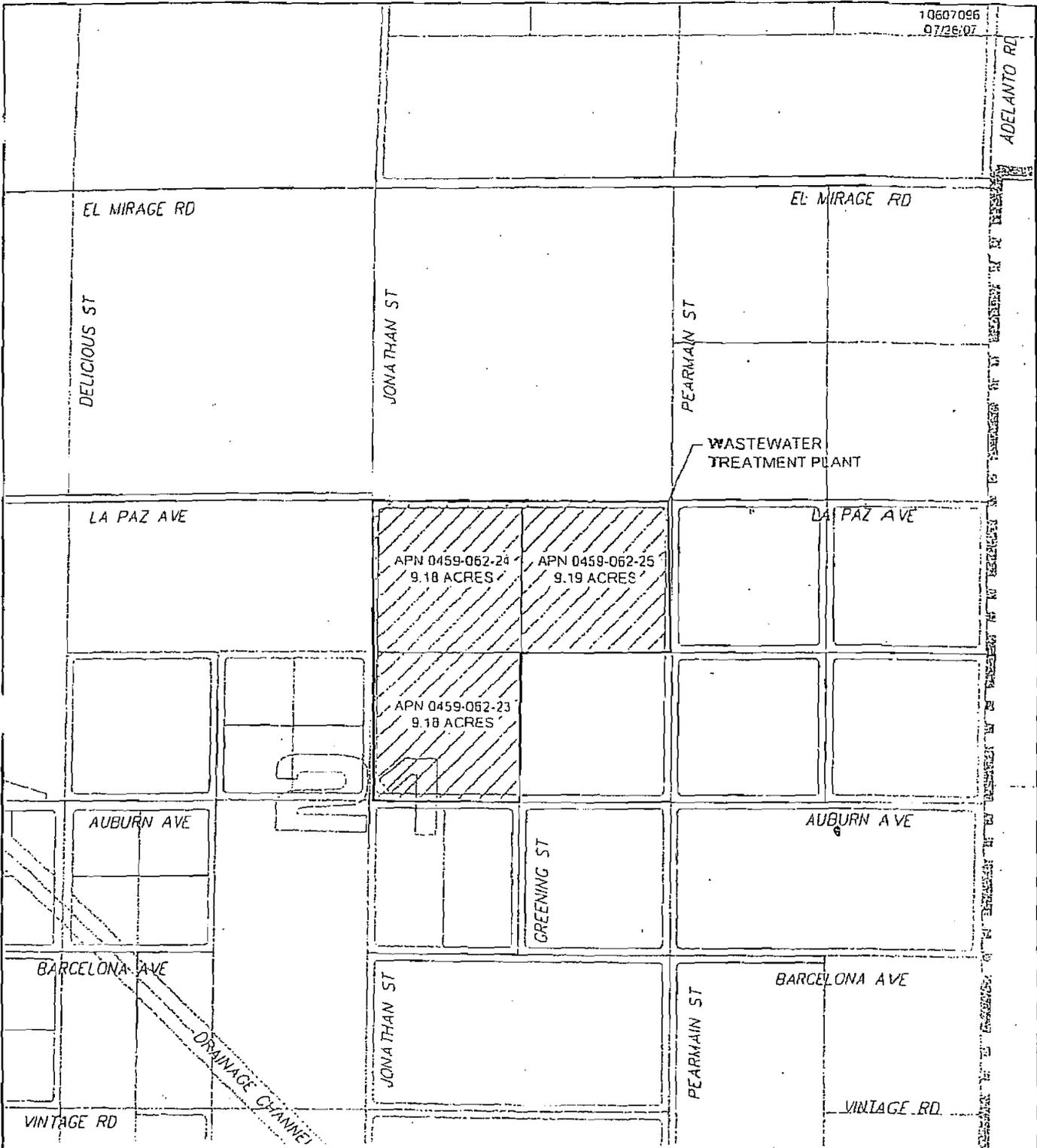
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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachments:

- A. Location Map
- B. Table No. 1 Adelanto Wastewater Treatment Facility Violations
- C. Water Code Section 13267 Fact Sheet

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ATTACHMENT A

LOT DESCRIPTION  
 SOUTHWEST 1/4 OF THE NORTHEAST 1/4,  
 OF SECTION 21, T6N R5W, S.B.B.&M.

FIGURE 1

**CITY OF ADELANTO**  
**WASTEWATER TREATMENT PLANT**  
**LOCATION MAP**

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**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
February-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation two days during the month.	Daily	2
February-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
May-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
May-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation six days during the month.	Daily	6
June-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00093

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
June-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
July-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 12 days during the month.	Daily	12
August-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
August-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 21 days during the month.	Daily	21
September-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
September-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00094

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
October-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-04	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
November-04	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-04	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
January-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
February-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00095

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
February-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
March-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	31
March-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 10 days.	Daily	10
April-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
April-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
April-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00096

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
April-05	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for seven days.	Daily	7
May-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
May-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
June-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
June-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 11 days during the month.	Daily	11

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00097

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
September-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 26 days during the month.	Daily	26
November-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-05	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
November-05	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-05	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
January-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00098

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
February-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
March-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
April-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
May-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-00099

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
June-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
July-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-000100

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
October-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
October-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
October-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-06	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
December-06	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-06	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.	Daily	1
January-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000101

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
January-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
March-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation	N/A	1
March-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
April-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for three days.	Daily	3
May-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-000102

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
May-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for six days.	Daily	6
June-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for four days.	Daily	4
July-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations.  
It only identifies violations of influent flow limitations,  
BOD effluent limitations, and minimum freeboard levels.

04-000103

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-07	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for two days.	Daily	2
August-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
August-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
September-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
October-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000104

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
November-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-07	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-07	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
December-07	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 29 days during the month.	Daily	29
February-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000105

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
March-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
April-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
May-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
June-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000106

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
July-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
October-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
November-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000107

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
December-08	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-08	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
December-08	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
January-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
February-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000108

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
March-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
March-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
April-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
July-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
July-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000109

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
August-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
August-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
August-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
September-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation three days during the month.	Weekly	3
September-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
October-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
October-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
October-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
November-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
November-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000110

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

Month/Year	Violation Type	Violation Description	Sampling Frequency	Number of Violations
December-09	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
December-09	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation two days during the month.	Weekly	2
December-09	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
January-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
January-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
February-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 28 days during the month.	Daily	28
February-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
February-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
March-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
March-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
March-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000111

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
April-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
April-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
April-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
May-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31
May-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
May-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
June-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 30 days during the month.	Daily	30
June-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation five days during the month.	Weekly	5
June-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
July-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation 31 days during the month.	Daily	31

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000112

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
July-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation four days during the month.	Weekly	4
July-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
August-10	Influent Flow Limitation - Daily Maximum - 1.5 million gallons per 24 hours	Exceeded Daily Maximum Influent Flow Limitation one day during the month.	Daily	1
August-10	BOD Effluent Limitation - Daily Maximum - 30 mg/L	Exceeded Daily Maximum BOD Effluent Limitation one day during the month.	Weekly	1
August-10	BOD Effluent Limitation - Monthly Average - 15 mg/L	Exceeded Monthly Average BOD Effluent Limitation.	N/A	1
September-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for one day.	Daily	1
October-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for nine days.	Daily	9

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

04-000113

**Table No. 1**  
**Adelanto Wastewater Treatment Facility Violations (Feb. 1, 2004 - Dec. 23, 2010)<sup>1</sup>**

<b>Month/Year</b>	<b>Violation Type</b>	<b>Violation Description</b>	<b>Sampling Frequency</b>	<b>Number of Violations</b>
November-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 30 days.	Daily	30
December-10	Freeboard Level Req. - Minimum of 2 feet	Failed to maintain minimum freeboard levels in one or more percolation ponds for 7 days. (*)	Daily	7
			<b>Total Violations</b>	<b>2418</b>

(\*)This violation count includes the 12/23/2010 freeboard violation that occurred when Percolation Pond No. 4S discharged to open desert lands located south of the percolation pond.

04-000114

<sup>1</sup>This table does not identify all facility violations. It only identifies violations of influent flow limitations, BOD effluent limitations, and minimum freeboard levels.

**Fact Sheet – Requirements for Submitting Technical Reports  
Under Section 13267 of the California Water Code**

October 8, 2008

**What does it mean when the regional water board requires a technical report?**

Section 13267<sup>1</sup> of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

**This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?**

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

**Are there limits to what the regional water board can ask for?**

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

**What if I can provide the information, but not by the date specified?**

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

**Are there penalties if I don't comply?**

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

**What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?**

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**Claim of Copyright or other Protection**

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

**If I have more questions, who do I ask?**

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Copies of the regulations cited are available from the Regional Board upon request.

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## **CALIFORNIA WATER CODE**

### **§ 13301. Cease and Desist Order.**

When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing.

## **CALIFORNIA CODE OF REGULATIONS**

### **TITLE 23**

### **DIVISION 3**

### **CHAPTER 9.1**

### **§ 2243. Time Schedules.**

(a) A time schedule should always be included in a cease and desist order unless there is a lack of information upon which to base a schedule in which case the discharger should be instructed to comply forthwith. "Forthwith" means as soon as is reasonably possible.

(b) Time schedules should be periodically reviewed and updated to assure compliance at the earliest possible date.

### **§ 2244. Prohibitions or Restrictions on Additional Discharges to Community Sewer Systems.**

(a) The purpose of prohibitions or restrictions on additional discharges is to prevent an increase in violation or likelihood of violation of waste discharge requirements during a period of violation or threatened violation of requirements and thereby prevent an increase in unreasonable impairment of water quality or an increase in nuisance.

(b) Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements.

(c) Additional discharges should not be restricted or prohibited when violation of requirements can be immediately corrected.

(d) Prohibitions or restrictions are not to be used as a punitive measure for past failure to comply.

(e) Prohibitions or restrictions, when adopted, should include but not be limited to new residential, commercial, industrial, and/or governmental connections as deemed appropriate.

(f) Upon adoption of any cease and desist order which contains a prohibition or restriction on additional discharges, the regional board shall send written notification to all appropriate local agencies.

**§ 2244.1. Exclusions from Prohibitions and Restrictions on Additional Discharges to Community Sewer Systems.**

(a) Orders prohibiting or restricting additional discharges should expressly exclude structures with building permits already issued at the time the notice of the cease and desist hearing to consider the proposed prohibition or restriction was given unless special circumstances justify inclusion of such structures.

Where the governmental entity with jurisdiction normally does not issue a document called a “building permit” but uses another term to refer to the document which constitutes its final approval of construction, an order prohibiting or restricting additional discharges should expressly exclude such structure if this document has been issued. In the event a structure does not normally require a building permit (e.g., where a government building is exempted from the permit process) an order prohibiting or restricting additional discharges should expressly exclude such structures if construction has commenced.

(b) The following should also be excluded from prohibitions and restrictions:

(1) Discharges from existing dwellings not connected to the sewer system which have methods of waste disposal which are causing more severe water quality problems than those caused by the community sewer system.

(2) Discharges which, by reason of special circumstances, if not allowed to connect to the community sewer system would result in extreme public hardship or a public health hazard. This is not intended to mean that economic loss to a community as a whole or to any public agency or private person within the community is by itself cause for not prohibiting additional connections because such loss is the rule rather than the exception and cannot outweigh the need to prevent an increase in water quality impairment which is the basic reason for the prohibition.

**§ 2244.2. Means of Obtaining Exclusions Provided for by Section 2244.1(b).**

(a) Persons wishing to obtain an exclusion from a prohibition or restriction as provided for in Section 2244.1(b) shall make such request, in writing, to the regional board.

(b) A request for exclusion under Section 2244.1(b) may be made by any person or public agency.

(c) The board or the executive officer shall act promptly upon all requests for an exclusion and in any event within sixty (60) days of its receipt.

(d) Exclusions may be determined by the executive officer under an appropriate delegation order adopted by the regional board pursuant to Water Code Section 13223.

**§ 2244.3. Removal of Prohibitions and Restrictions on Additional Discharges to Community Sewer Systems.**

(a) Prohibitions or restrictions on additional discharges shall not be removed until the violations of requirements which were the basis for imposing the prohibitions or restrictions have ceased and consistent compliance with those requirements has been achieved.

(b) As an exception to (a), prohibitions or restrictions on additional discharges may be removed, at the discretion of the Board, if the Board finds (1) that consistent compliance with requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, and (2) that the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, and (3) that the corrective measures necessary to achieve compliance with requirements will be completed and placed into operation by the discharger in the shortest practicable time, and (4) that all practicable interim repairs and improvements to the treatment process of the discharges which can be made have been made, and (5) that during the interim period of time until compliance with requirements can be fully achieved the treatment process of the discharges will be so managed, operated, maintained and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restrictions, and that such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

(c) Prohibitions or restrictions, if removed under subsection (b) hereof, shall be reimposed if the Board finds that the discharger is in violation of any of the conditions of subsection (b) hereof prior to the time that consistent compliance with requirements has been achieved.

(d) Removal of the prohibition or restriction may be total or by volume, type, or concentration of waste as improvements to the treatment and disposal facilities are placed in operation.

**§ 2245. Immediate Corrective Measures.**

(a) Each discharger should be expected to construct emergency facilities or modify existing plant operation to achieve rapid compliance.

(b) Emergency facilities which should be constructed immediately include chemical treatment, additional disinfection, ponding with or without aeration, receiving water mixing, aeration, and any other steps which can be immediately implemented.

(c) Extra cost of such facilities is not a reasonable excuse for failure to construct them.

(d) If necessary emergency facilities are not immediately provided, the board should consider further action against the discharger.