

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CEASE AND DESIST ORDER NO. R7-2003-0072

ISSUED TO

SEELEY COUNTY WATER DISTRICT, OWNER/OPERATOR
SEELEY COUNTY WASTEWATER TREATMENT PLANT, AND
WASTEWATER COLLECTION AND DISPOSAL SYSTEMS
Seeley – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Board) finds that:

1. The Seeley County Water District, P.O. Box 161, Seeley, California, 92273 (hereinafter referred to as the discharger) owns and operates the Seeley County Wastewater Treatment Plant, located at 1898 West Main Street, Seeley, CA 92273. The treatment facility has a designed capacity of 0.2 million gallons-per-day (MGD).
2. The facility provides treatment through a lagoon system. The treatment system consists of two (2) ponds, an aerated pond and a settling pond. The ponds have concrete lined berms and compacted clay bottoms.
2. Discharge from the facility is into the New River in the NE ¼, of the NW ¼ of Section 11, T16S, R12E, SBB&M. The New River is a tributary to the Salton Sea.
3. On June 26, 2002, the Regional Board adopted Board Order No. R7-2002-0126, which specified effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
4. The Water Quality Control Plan for the Colorado River Basin, as amended to date, designates the beneficial uses of ground and surface waters in the Region.
5. The designated beneficial uses of waters in the New River are:
 - a. Fresh Water Replenishment of Salton Sea (FRSH)
 - b. Industrial Service Supply (IND)¹
 - c. Water Contact Recreation (REC I)²
 - d. Non-Contact Water Recreation (REC II)
 - e. Warm Water Habitat (WARM)
 - f. Wildlife Habitat (WILD)
 - g. Preservation of Rare, Threatened, or Endangered Species (RARE)³
6. Board Order No. R7-2002-0126 contains a new effluent limitation for *Escherichia coliform* (E. Coli) discharged from the facility.

¹ Potential use

² Although some fishing occurs in the downstream reaches, the presently contaminated water in the river makes it unfit for any recreational use. An advisory has been issued by the Imperial County Health Department warning against the consumption of any fish caught from the river and the river has been posted with advisories against any body contact with the water.

³ Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

7. Board Order No. R7-2002-0126 specifies that the discharger must disinfect its wastewater prior to discharge into the New River by June 30, 2003.

8. Effluent Limitations No. A.4 of Board Order R7-2002-0126 states:

"Beginning on June 30, 2003, unless otherwise approved by the Regional Board's Executive Officer, wastewater effluent discharged to the New River shall not have a geometric mean *Escherichia coli* (E. Coli) concentration in excess of 126 Most Probable Number (MPN) per 100 milliliters (based on a minimum of not less than five (5) samples for any 30-day period) nor shall any sample exceed 400 MPN per 100 milliliters. The compliance point for this effluent limitation shall be at a location acceptable to the Regional Board's Executive Officer or his designee."

9. Corrective actions by the discharger are necessary in order for the discharge from the wastewater treatment plant to comply with the requirements of Board Order No. R7-2002-0126.

10. On February 14, 2003, the Regional Board received a letter from Rocky Vandergriff, Board Chairman for Seeley County Water District, requesting an extension for the start-up of the disinfection system. Seeley County Water District has contracted with Nolte Associates, Inc. for the research, design and construction of a new wastewater treatment facility. The letter included an outline of the master plan schedule of events that will take place to bring the project to completion. An outline of the design, construction, and start-up of the new treatment system is as follows:

<u>Description of Tasks</u>	<u>Time Period</u>
a. Notice to Proceed with Wastewater Project	2/11/03
b. EA Approval	2/12/03 - 4/30/03
c. QAPP	2/12/03 - 5/15/03
d. Project Management	4/01/03 - 2/15/04
e. Preliminary Design	4/15/03 - 9/15/03
f. Design 30% complete	5/15/03 - 8/15/03
g. Design 60% complete	8/16/03 - 11/15/03
h. Design 95% complete	11/16/03 - 2/15/04
i. Final design complete	2/16/04 - 3/15/04
j. Funding decisions by agencies	2/16/04 - 5/15/04
k. Agency loan contracts	5/16/04 - 7/15/04
l. Bid by contractors	7/16/04 - 8/15/04
m. Bid review and approval	8/16/04 - 9/15/04
n. Contract award	9/16/04 - 10/15/04
o. Mobilization and submittals	10/16/04 - 12/15/04
p. Construction	12/16/04 - 11/15/05
q. New wastewater plant startup	11/16/05 - 12/15/05

11. The discharger is not able to consistently comply with the above effluent limitation because the limitation is a new, more stringent or modified regulatory requirement, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed and put into operation within 30 calendar days.

12. Section 13300 of the California Water Code states:

"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board... the board may require the discharger to submit for approval of the board, with such modifications as it may seem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

13. Section 13301 of the California Water Code states:

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.

14. Pursuant to Water Code Section 13300 and 13301, Cease and Desist Order No. R7-2003-0072 is being issued to set forth actions that the discharger shall take to correct or prevent discharges of waste that may be in violation of Board Order No. R7-2002-0126.
15. Pursuant to Water Code Section 13385(j), the discharger will be exempt from Mandatory Minimum Penalties for violations of the new effluent limitation for *Escherichia coliform* (E. Coli) if the discharger is in compliance with Cease and Desist Order No. R7-2003-0072.
16. Section 13267(b) of the California Water Code provides that:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.” The monitoring and reporting requirements in Paragraph 4, below, are necessary to determine compliance with this Time Schedule Order. The evidence supporting this requirement is discussed in Findings 1-11, above. Additional information may be available in the Regional Board’s files. Section 13383 of the California Water Code also authorizes the Regional Board to establish monitoring requirements for publicly owned treatment works or other treatment works treating domestic sewage.

17. This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA: Public Resources Code Section 21000, et. Seq.), pursuant to Section 15321, Article 19, Division 3, Title 14, California Code of Regulations and California Water Code section 13389.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

1. The discharger is required to prepare and implement a Pollution Prevention Plan pursuant to Section 13263.3 of the California Water Code. The discharger must address all of the issues specified in Section 13263.3(d)(3).
2. The discharger shall take specific actions as indicated in the following time schedule to achieve compliance with all requirements of Board Order No. R7-2002-0126:

<u>Milestone</u>	<u>Milestone Description</u>	<u>Milestone Submittal</u>	<u>Completion Date</u>
1	Complete Final Design of New Wastewater Treatment Plant	Submit a Copy of Final Design Drawings to the Regional Board	May 1, 2004
2	Complete Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Board	December 1, 2004
3	Complete Construction of the New Wastewater Treatment Plant	Submit Summary and Verification of Construction Completion	December 1, 2005
4	Disinfection System Shall be Functional and in Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2002-0126	Submit a Summary and Verification of Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2002-0126	January 1, 2006

3. Wastewater discharged to the New River shall not exceed the interim effluent limit for E. Coli. The interim effluent limit is based on plant performance data, reference data from representative wastewater treatment facilities, and Best Professional Judgment (BPJ):

<u>Constituent</u>	<u>Unit</u>	<u>Date Interim Effluent Limit Becomes Effective</u>	<u>Average Monthly Effluent Limit</u>	<u>Maximum Daily Effluent Limit</u>
E. Coli (interim)	MPN/100 mL	June 30, 2003	160,000	160,000

4. The discharger shall submit quarterly reports, due by the 15th of January, April, July, and October of each year, on the status of the project and the tasks listed above.

The Regional Board's Executive Officer may extend any of the due dates in paragraphs 2 and 4, above, by up to sixty (60) days, if in the opinion of the Regional Board's Executive Officer the discharger is unable to comply with the above listed completion dates and/or milestones due to delays beyond the reasonable control of the discharger.

In addition, if in the opinion of the Regional Board's Executive Officer, the discharger fails to comply with this Order, the Regional Board's Executive Officer may issue a complaint against the discharger under Article 2.5, Chapter 5, Division 7 of the California Water Code, and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate action against the discharger including injunction and civil monetary liability as deemed appropriate.

I, Philip A. Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on September 3, 2003.

Executive Officer