CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 94-41

WASTE DISCHARGE REQUIREMENTS
FOR
NAZAR AND LAUREN NAJOR
LIVE OAK SPRINGS RESORT
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. On July 24, 1978, this Regional Board adopted Order No. 78-30, **"Waste Discharge Requirements for the Live Oak Springs Resort."** Order No. 78-30 established requirements for the discharge of domestic sewage generated at the facility via septic tank/leach line systems.

2. As part of the Fiscal Year 1993/94 Waste Discharge Order Update Program, Order No. 78-30 has been reviewed by Regional Board staff as required by Section 13263 of the California Water Code. This Order updates the Findings, Prohibitions, Discharge Specifications, Provisions, Reporting Requirements, Notifications, and Monitoring and Reporting Program of Order No. 78-30 in order to address current State and Regional Board policies and regulations and the current status of the project.

3. Nazar and Lauren Najor (hereinafter discharger) have owned the Live Oaks Springs Resort since 1983.

4. Live Oak Springs Resort consists of a recreational vehicle park with 44 unsewered spaces used by recreational vehicles and tent campers, 10 motel rooms, a restaurant, laundry facilities, a gas station, public restrooms with showers and a swimming pool.

5. The facility has a total of 3 septic tanks/leach line systems. One recreational vehicle dump station is provided. The dump station is connected to the sewage disposal system. No information has been submitted to the Regional Board regarding the design and construction of the sewage disposal system.

6. Septic tank effluent typically contains high concentrations of total dissolved solids, chlorides, phosphates, nitrates, bacteria and viruses. Consequently, subsurface disposal systems must be designed, installed, operated, maintained and monitored so as to continually prevent pollution or contamination of the waters of the State and the creation of a nuisance.

7. Recreational vehicle holding tank wastewater may contain chemical additives that are used to prevent sewage odors. The chemical additives may include formaldehyde, phenols, coal tars, zinc, lime, chlorine, caustic sodas, aluminum sulfates, and other chemicals which may impact water quality. This Order requires the discharger to implement best management practices to mitigate the potential impacts of the discharge of chemical additives in recreational vehicle wastewater to water quality.

8. In 1976, this Regional Board decided that all campgrounds with a potential for recreational vehicles to discharge holding tank contents into the subsurface disposal system will be required to obtain waste discharge requirements.

9. In June 1980, the Sanitary Engineering Research Laboratory at the University of California, Berkeley published a report for the State Water Resources Control Board entitled "Recreation Vehicle Waste Disposal in Roadside Rest Septic Tank Systems." The report indicated that RV wastes which contain preservatives containing formaldehyde, zinc, and phenols, inhibit degradation of sludge and scum in the septic tank and thereby necessitate large capacity septic tanks and/or more frequent pumping of sludge from the septic tanks.

10. If the discharger complies with the provisions of this Order, the discharge of domestic waste from recreational vehicles should not adversely impact groundwater quality.

11. Potable water is supplied to the facility by two on-site wells.

12. Live Oak Springs Resort is located in the NE1/4 of Section 23, and in the SE1/4 of the SE1/4 of Section 14, T17S, R6E, SBB&M, in the Campo Hydrologic Subunit of the Tia Juana Hydrologic Unit.

13. The "Comprehensive Water Quality Control Plan Report, San Diego Basin (9)" (Basin Plan) was adopted by this Regional Board on March 17, 1975; and subsequently approved by the State Water Resources Control Board (State Board). Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board.

14. The Basin Plan contains the following prohibitions applicable to the proposed discharge:

    "Discharge of treated or untreated sewage or industrial wastes to a natural watercourse upstream of surface storage or diversion facilities used for municipal supply is prohibited."

"Discharge of treated or untreated sewage or industrial wastewater, exclusive of cooling water or other waters which are chemically unchanged, to a watercourse, is prohibited except in cases where the quality of said discharge complies with the receiving body's water quality objectives."

"Discharging of treated or untreated sewage or industrial wastes in such a manner or volume as to cause sustained surface flow or ponding on lands not owned or under the control of the discharger is prohibited except in cases defined in the previous paragraph and in cases in which the responsibility for all downstream adverse effects is accepted by the discharger."

"The dumping or deposition of oil, garbage, trash or other solid municipal, industrial or agricultural waste directly into inland waters or watercourses or adjacent to the watercourses in any manner which may permit its being washed into the watercourse is prohibited."

15. The Basin Plan establishes the following beneficial uses for the surface waters in the Campo Hydrologic Subunit:

    a. Water contact recreation
    b. Noncontact water recreation
    c. Warm freshwater habitat
    d. Wildlife habitat

16. The Basin Plan establishes the following beneficial uses for the groundwater in the Campo Hydrologic Subunit:

    a. Municipal and domestic supply
    b. Agricultural supply
    c. Industrial service supply

17. Section 67410.1, et. seq. Chapter 41, Title 22 of the California Health and Safety Code (CH&S) contains requirements prohibiting the sale and use of a material as a chemical toilet additive which contains a nonbiodegradable toxic chemical substance. Criteria for identifying a toxic chemical substance and a nonbiodegradable toxic chemical substance are described in Section 67410.3 and 67410.4 respectfully in the CH&S Code.

18. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:

    a. Past, present, and probable future beneficial uses of water;

b. Environmental characteristics of the hydrologic unit under consideration, including the quality of water available thereto;

c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;

d. Economic considerations; and

e. The need to develop housing within the region.

19. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste.

20. The Regional Board in a public meeting heard and considered all comments pertaining to its proposed discharge.

21. This project is an ongoing project and as such is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Administrative Code, Chapter 3, Article 18, Section 15261.

IT IS HEREBY ORDERED THAT, Nazar and Lauren Najor, as the owners of Live Oak Springs Resort, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.

2. The discharge of waste in a manner other than as described in the findings of this Order is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.

3. Disposal of wastes in a manner that would result in any nuisance condition such as ponding of water or surfacing of sewage is prohibited.

4. Odors, vectors, and other nuisances of sewage or sewage sludge origin beyond the limits of the campground are prohibited.

B. DISCHARGE SPECIFICATIONS

1. The discharge to the subsurface disposal systems shall only consist of domestic sewage.

2. Septage, collected screenings, sludges, other solids removed from liquid wastes, and filter backwash shall be disposed of in a manner approved by the Executive Officer.

3. Discharges to the subsurface disposal system shall be confined underground at all times.

4. The discharge from Live Oak Springs Resort shall not cause the water quality objectives of the Campo Hydrologic Subunit to be exceeded.

5. The discharger shall implement appropriate measures to ensure that no toxic chemical preservatives are discharged by recreational vehicles to the subsurface disposal system. Measures may include:

   a. Distributing literature to visitors informing them of the potential environmental impacts of using toxic nonbiodegradable chemical preservatives in recreational vehicle holding tanks.

   b. Installing a dump station with an impermeable storage tank and requiring all recreational vehicles to dump holding tank contents prior to connecting to the subsurface disposal system.

   c. Eliminating the sale of chemical preservatives which contain harmful chemicals.

   The discharger is required as part of the attached monitoring and reporting program, to submit an annual report describing the steps taken to ensure protection of groundwater quality from recreational vehicle holding tank wastes.

6. The discharge shall be limited to domestic sewage from recreational vehicles, public restrooms, the restaurant and laundry facilities. If the discharger intends to install any sewered recreational vehicle spaces by more than 25 percent, and/or change the treatment or disposal method, a new Report of Waste Discharge must be filed at least 120 days prior to the change.

C. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. The discharger shall, at all times, properly operate and maintain all facilities and systems of sewage treatment and disposal (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes:

   a. Routine inspection of the septic tanks to determine sludge and scum depths.

   b. Routine pumping of septic tank contents when necessary.

   c. Minimizing the liquid load on the septic system.

   d. Minimizing the use of septic tank additives.

   e. Preventing the disposal of household hazardous waste and toxic chemicals and minimizing the disposal of brines, phosphates and other inorganic salts to the septic systems.

2. The discharger shall comply with the attached Monitoring and Reporting Program No. 94-41, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 94-41.

3. All new sewage disposal systems or replacement systems shall comply with all design and siting criteria specified by the San Diego County Department of Health Services.

D. PROVISIONS

1. DUTY TO COMPLY

   The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) the denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. CHANGE OF OWNERSHIP

This Order is not transferrable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice to the Executive Officer of any proposed transfer of this Order's responsibility and coverage to a new discharger in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.

4. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Order.

b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

d. The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Any discharge of treated or untreated wastewater resulting from sewer line breaks or surfacing wastes in the leach fields must be reported to the Executive Officer within 24 hours.

6. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or

failure of the septic tank/leach line system, the discharger shall, to the extent necessary to maintain compliance with this Order, terminate discharges to the failed system, until the system is restored or an alternative method of treatment is provided.

7. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

8. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.

9. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance and to expedite cleanup.

10. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports, as required under this Order, is guilty of a misdemeanor.

11. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger

shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

12. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

a. The Report of Waste Discharge shall be signed as follows:

(1) For a corporation - by a principal executive officer of at least the level of vice-president.

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.

b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this provision;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

(3) The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the

information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

13. PERMIT REPOSITORY

A copy of this Order shall be maintained at Live Oak Springs Resort and shall be made available to operating personnel at all times.

14. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite B
San Diego, California 92124-1331

E. NOTIFICATIONS

1. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

2. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

3. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

4. The requirements prescribed by this Order supersede the requirements prescribed in Order No. 78-30. This Order becomes effective on the date of adoption by the Regional Board.

I, Arthur L. Coe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region on May 12, 1994.

ARTHUR L. COE
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 94-41
FOR
NAZAR AND LAUREN NAJOR
LIVE OAK SPRINGS RESORT
SAN DIEGO COUNTY

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this Order and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.

2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act" as amended, unless other test procedures have been specified in this Order.

3. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.

4. Monitoring results must be reported on forms contained in Attachment No. 1 unless other forms are approved by the Regional Board Executive Officer.

5. If the discharger monitors any pollutants more frequently than required by this Order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.

6. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the

date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

7. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or method used; and
   f. The results of such analyses.

8. The discharger shall report all instances of noncompliance not reported under Provision D.5 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Provision D.5.

9. The monitoring reports shall be signed by an authorized person as required by Provision D.12.

10. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

B. ANNUAL REPORT

The discharger shall submit an annual report that includes completion of the questionnaire in Attachment No. 1 and any other pertinent information that demonstrates that the discharger has achieved compliance with Facility Design and Operation Specification C.1 and Discharge Specification B.5 of this Order.

C. EFFLUENT MONITORING

1. A liquid grab sample of one of the septic tanks shall be collected as close to the outlet pipe as practical. A minimum of one sample shall be taken every five years. The sample shall be analyzed for the following constituents and reported as part of the annual monitoring report:

PARAMETER	UNIT

pH	Units
Total Dissolved Solids	mg/L
Grease and Oil	mg/L

D. REPORT SCHEDULE

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedules:

MONITORING FREQUENCY	REPORT DUE
Annually	January 30

Ordered by:

ARTHUR L. COE
Executive Officer
May 12, 1994