



Cal/EPA

North Coast
Regional Water
Quality Control
Board

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Suite A
Santa Rosa, CA
95403
(707) 576-2220
FAX (707) 523-0135

September 4, 1997

Mr. Randy Poole
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

Dear Mr. Poole:

Subject: Occidental County Sanitation District; Cease and Desist Order No. 97-74 and Time Schedule Order No. 97-75

On August 27, 1997, the California Regional Water Quality Control Board, North Coast Region, adopted the enclosed Order No. 97-74, Cease and Desist Order and Order No. 97-75, Time Schedule Order for the Occidental County Sanitation District and the Sonoma County Water Agency.

Should you have any questions or need assistance, please contact Nathan Quarles at (707) 576-2684.

Sincerely,

Benjamin D. Kor
Executive Officer

NPQ:lmf/ocsdt2

Certified - Return Receipt Requested

Enclosure

File: semi 70-4-12 EPA/SLW/RCB
File: semi 70-4-9 Permit orders



Pete Wilson
Governor

RECEIVED
SEP 8 1997

California Regional Water Quality Control Board
North Coast Region

Order No. 97-74

Requiring the Occidental County Sanitation District
and the Sonoma County Water Agency
to Cease and Desist from Threatening to Discharge
in Violation of Waste Discharge Requirements

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Occidental County Sanitation District (hereinafter OCSD), 2150 W. College Avenue, Santa Rosa, owns a municipal wastewater treatment facility located east of the Town of Occidental. The treatment facility serves the community of Occidental. Treated effluent is disposed of by irrigation during the summer and discharge to Dutch Bill Creek during the winter. The Sonoma County Water Agency (hereinafter SCWA) is under contract to operate and maintain the Occidental Wastewater Treatment Facility.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 93-42 for the wastewater treatment facility on May 27, 1993. Order No. 93-42 also serves as a NPDES Permit and allows the OCSD to discharge up to one percent of the of the flow of the receiving water during the period of October 1 through May 14 of each year and prohibits discharge to Dutch Bill Creek and its tributaries during the period of May 15 through September 30 of each year.
3. The OCSD and the SCWA discharged an estimated 2.17 million gallons of commingled reservoir water and treated effluent to Dutch Bill Creek on May 21-24 and May 28, 1996.
4. The OCSD discharged an estimated 46 million gallons of treated effluent with pH and chlorine residual violations to Graham's Pond in violation of Waste Discharge Requirements, Order No. 93-42. Graham's Pond is considered waters of the state due to its construction and location. Since May 27, 1993, there have been 707 pH violations and 1484 chlorine residual violations. None of these discharges were susceptible to cleanup.
5. The following sections of Waste Discharge Requirements Order No. 93-42, were violated:

A. Discharge Prohibitions

5. The discharge of waste from the Occidental County Sanitation District Wastewater Treatment Plant to Dutch Bill Creek or its tributaries during the period May 15 through September 30 each year is prohibited.

B. Effluent Limitations

1. Wastes discharged to Graham's Pond prior to the time the average annual dry weather flow equals or exceeds 0.034 mgd shall not contain constituents in excess of the following:

| Constituent | Units | 30-Day Average | 7-Day Average | Median | Daily Maximum |
|-------------------------------|----------|---|------------------|--------|------------------|
| Chlorine mg/l Residual | | -- | -- | -- | 0.1 |
| Hydrogen Ion Concentration | pH units | not less than 6.5 nor greater than 8.5 | | | |

The following section of the Water Quality Control Plan for the North Coast Region (Basin Plan) was violated:

Section 4. IMPLEMENTATION PLANS

POINT SOURCE MEASURES

WASTE DISCHARGE PROHIBITIONS:

The Regional Water Board declares that point source waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

North Coastal Basin

4. The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES Permit.

The OCSB violated Waste Discharge Requirements, Order No. 93-42 and the Basin Plan. The SCWA violated the Basin Plan.

6. On January 23, 1997, the Regional Water Board adopted Cease and Desist Order No. 97-6. This Order required the discharger to submit a report detailing short term and long term solutions including a time schedule of key actions to prevent discharging waste contrary to Waste Discharge Requirements Order No. 93-42.
7. The discharger complied with Cease and Desist Order 97-6 by submitting the required report on April 16, 1997 and a subsequent report on June 2, 1997. The reports included time schedules for compliance with waste discharge requirements. The short term solution consists of increasing the storage capacity of the reservoir by blocking the spillway. The short term solution also consists of diverting storm water around the reservoir thus maximizing the current capacity for wastewater storage. Diverting the storm water is physically feasible. However, the project is dependent on the discharger obtaining permission from the property owner and on obtaining funding for the project. The June 2, 1997 report indicates the discharger currently does not have funding for this project.
8. The long term solution consists of creating a Citizens Advisory Committee (CAC), developing alternative capital improvement plans (CIP), approval/rejection of capital improvement plan(s) by rate payers, production of an appropriate California

Environmental Quality Act (CEQA) document, certification of final CEQA document, award bid for CIP, and construction of CIP. Compliance with the long term solution is exacerbated by the fact that no outside funding is available and all costs will be born by the OCSD rate payers. This will affect the decision of which CIP, if any, is chosen. A CAC has been created and has already held its first meeting on March 27, 1997.

- 9. The lack of adequate storage capacity and/or inadequate operation of storage facilities threatens to cause future violations of the discharge prohibition contained in Waste Discharge Requirements, Order No. 93-42 and Waste Discharge Prohibitions contained in the Water Quality Control Plan for the North Coast Region. Therefore, the Regional Water Board will consider the adoption of a Cease and Desist Order pursuant to Section 13301 of the California Water Code.
- 10. The SCWA and the OCSD have a lease agreement for their current storage reservoir. The lease will expire in March, 2003. The land owner has not expressed a willingness to extend the lease. The SCWA and the OCSD have investigated many alternatives. No viable solution has become evident. To further compound this situation, the OCSD and the SCWA do not have the financial resources to develop an appropriate storage facility.
- 11. An evidentiary hearing on this matter was held before the Regional Water Board on August 27, 1997 in the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The Regional Water Board considered all evidence presented at the hearing.
- 12. The adoption of a cease and desist order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321(a)(2), and Water Code section 13389.

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1. Cease and Desist Order No. 97-6 be rescinded.
- 2. The Occidental County Sanitation District and the Sonoma County Water Agency shall cease and desist from threatening to discharge in violation of Waste Discharge Requirements Order No. 93-42 in accordance with the following schedule:

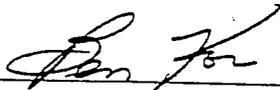
| TASK | DATE |
|---|--------------------|
| <input checked="" type="checkbox"/> A. Implement interim solution to prevent pH and chlorine residual violations. | Forthwith |
| B. Submit a report detailing long term solutions to prevent pH and chlorine residual violations. | September 30, 1997 |
| C. Develop alternative Capital Improvement Plans | March 1, 1998 |
| D. Present CIPs to Rate Payers | November 1, 1998 |
| → E. Select CIP | January 1, 1999 |

*Already submitted
Adopted
5/28/97
Full Cost used
No other work
Presented on 5/28/97*

- F. Draft CEQA Document for Public Review July 1, 1999
- G. Certify Final CEQA Document .
2000 January 1,
- H. Award Bid for Selected CIP March 1, 2001
- I. Complete Construction September 1, 2002

Certification

I, Benjamin D. Kor, 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, North Coast Region, on August 27, 1997.



Benjamin D. Kor
Executive Officer

California Regional Water Quality Control Board
North Coast Region

Time Schedule Order No. 97-75
for

Administrative Civil Liability
in the Matter of
Occidental County Sanitation District
and the Sonoma County Water Agency

Sonoma County

SEP 8 1997

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), hereby gives notice that:

1. The Occidental County Sanitation District (hereinafter OCSD), 2150 W. College Avenue, Santa Rosa, owns and operates a municipal wastewater treatment facility located east of the Town of Occidental. The treatment facility serves the community of Occidental. Treated effluent is disposed of by irrigation during the summer and discharge to Dutch Bill Creek during the winter. The Sonoma County Water Agency (hereinafter SCWA) is under contract to operate and maintain the Occidental Wastewater Treatment Facility.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 93-42 for the wastewater treatment facility on May 27, 1993. Order No. 93-42 also serves as a NPDES permit and allows the OCSD to discharge up to one percent of the of the flow of the receiving water during the period of October 1 through May 14 of each year and prohibits discharge to Dutch Bill Creek and its tributaries during the period of May 15 through September 30 of each year.
3. The OCSD and the SCWA discharged an estimated 2.17 million gallons of commingled reservoir water and treated effluent to Dutch Bill Creek on May 21-24 and May 28, 1996.
4. The following section of Waste Discharge Requirements Order No. 93-42, was violated:
 - A. Discharge Prohibitions
 5. The discharge of waste from the Occidental County Sanitation District Wastewater Treatment Plant to Dutch Bill Creek or its tributaries during the period May 15 through September 30 each year is prohibited.

The following section of the Water Quality Control Plan for the North Coast Region (Basin Plan) was violated:

Section 4. IMPLEMENTATION PLANS

POINT SOURCE MEASURES

WASTE DISCHARGE PROHIBITIONS:

The Regional Water Board declares that point source waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

North Coastal Basin

4. The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits.

The OCSD violated Waste Discharge Requirements, Order No. 93-42 and the Basin Plan. The SCWA violated the Basin Plan.

5. On January 23, 1997, the Regional Water Board adopted Cease and Desist Order No. 97-6. This Order required the discharger to submit a report detailing short term and long term solutions including a time schedule of key actions to prevent discharging waste contrary to Waste Discharge Requirements Order No. 93-42.
6. The discharger complied with Cease and Desist Order 97-6 by submitting the required report on April 16, 1997 and a subsequent report on June 2, 1997. The reports included time schedules for achieving compliance with waste discharge requirements. The short term solution consists of increasing the storage capacity of the reservoir by blocking the spillway. The short term solution also consists of diverting storm water around the reservoir thus maximizing the current capacity for wastewater storage. Diverting the storm water is physically feasible. However, the project is dependent on the discharger obtaining permission from the property owner and on obtaining funding for the project. The June 2, 1997 report indicates the discharger currently does not have funding for this project.
7. The long term solution consists of creating a Citizens Advisory Committee (CAC), developing alternative capital improvement plans (CIP), approval/rejection of capital improvement plan(s) by rate payers, production of an appropriate California Environmental Quality Act (CEQA) document, certification of final CEQA document, award bid for CIP, and construction of CIP. Compliance with the long term solution is exacerbated by the fact that no outside funding is available and all costs will be born by the OCSD rate payers. This will affect the decision of which CIP, if any, is chosen. A CAC has been created and has already held its first meeting on March 27, 1997.
8. The SCWA and the OCSD have a lease agreement for their current storage reservoir. The lease will expire in March, 2003. The land owner has not expressed a willingness to extend the lease. The SCWA and the OCSD have investigated many alternatives. No viable solution has become evident. To further compound this situation, the OCSD and the SCWA do not have the financial resources to develop an appropriate storage facility.
9. The Regional Water Board adopted Cease and Desist Order No. 97-74 on August 27, 1997. Order No. 97-75 establishes a time schedule of key actions for the discharger to prevent discharging waste contrary to Waste Discharge Requirements, Order No. 93-42. It is anticipated that the new Cease and Desist Order Time Schedule, established in Order No. 97-75, is likely to be violated.
10. Under Section 13308(b) of the California Water Code, the Regional Water Board may impose civil penalty for violations of the time schedule based upon the amount reasonably necessary to achieve compliance, not to include any amount intended to

punish or redress previous violations and not to exceed ten thousand (\$10,000) for each day in which the violation occurs.

11. If the OCSD or the SCWA fail to comply with the time schedule contained in this Order, a complaint may be issued pursuant to Water Code section 13323(a) alleging the violation(s) of the time schedule order and setting forth the amount of civil liability due under this Order. The amount of the civil liability may be reduced based on consideration of the specific factors in Water Code section 13327.
12. An evidentiary hearing on this matter was held before the Regional Water Board on August 27, 1997 in the Regional Water Board hearing room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The Regional Water Board considered all evidence presented at the hearing.
13. The adoption of a time schedule order for administrative civil liability is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321(a)(2), and Water Code section 13389.

Administrative civil liability shall be imposed on the SCWA and the OCSD for violation of tasks A. through H. in accordance with the following schedule:

| TASK | DUE DATE | PENALTY ASSESSMENT DATE | CIVIL PENALTY |
|--|-------------------|-------------------------|---------------|
| A. Develop alternative Capital Improvement Plans | March 1, 1998 | April 1, 1998 | \$5,000 |
| B. Present CIPs to Rate Payers | November 1, 1998 | December 1, 1998 | \$500 |
| C. Select CIP | January 1, 1999 | February 1, 1999 | \$500 |
| D. Draft CEQA Document for Public Review | July 1, 1999 | August 1, 1999 | \$5,000 |
| E. Certify Final CEQA Document | January 1, 2000 | February 1, 2000 | \$5,000 |
| F. Award Bid for Selected CIP | March 1, 2001 | April 1, 2001 | \$1,000 |
| G. Complete Construction | September 1, 2002 | October 1, 2002 | \$10,000 |

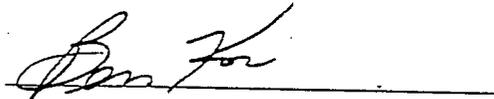
If there are delays beyond the dates specified above, the discharger is liable for \$1000 for each additional day in which the violation occurs.

Time Schedule
Order No. 97-75

-4-

Certification

I, Benjamin D. Kor, 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, North Coast Region, on August 27, 1997.

A handwritten signature in cursive script, appearing to read "Ben Kor", is written over a solid horizontal line.

Benjamin D. Kor
Executive Officer

(ocsdts0.wpd)