

Samantha Stoughtenger

From: Kenny, Brendan@Waterboards <Brendan.Kenny@waterboards.ca.gov>
Sent: Wednesday, May 30, 2018 10:06 AM
To: Samantha Stoughtenger
Cc: Kenny, Brendan@Waterboards; 'cityofloyalton@digitalpath.net'
Subject: RE: City of Loyalton Update

Follow Up Flag: Follow up
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Hi Samantha,

That is good news to hear. Yes the CAO is still active and is enforceable. I checked our records and it appears that Loyalton has not been submitting the Quarterly Progress Reports required by the CAO. It is critical that Loyalton gets back on track with the report submittals. Management was understanding while the City was in litigation over the construction issues. However, it is my understanding that the litigation was completed about a year ago and we have not received any progress reports since. I have cc'd the City on this e-mail. Failure to comply with the CAO requirements can carry a fine of \$10,000 a day.

The first Quarter 2018 progress report which was due **1 May 2018** should thoroughly detail the work completed to date to comply with the CAO as well as the City's plans to repair or replace the pond liners now that litigation has ended. The report should also contain a schedule for completing the repairs and conducting an electronic leak test to verify the integrity of the liners.

If you would like, give me a call to discuss further.

Thanks,

Brendan

Brendan Kenny
Engineering Geologist
CVRWQCB R5s
(916)464-4635

From: Samantha Stoughtenger [mailto:ssstoughtenger@farrwestengineering.com]
Sent: Tuesday, May 29, 2018 11:48 AM
To: Kenny, Brendan@Waterboards <Brendan.Kenny@waterboards.ca.gov>
Subject: City of Loyalton Update

Good Morning Brendan,

I hope you had a wonderful holiday weekend! I just wanted to send a brief update on where we are at with the City of Loyalton. After closing out the NOV requirements, we began helping the City spend the remaining \$600k in USDA grant funds that expire at the end of June 2018. One portion of the money was used to hire a certified contractor (ProPipe) to complete a systemwide updated CCTV study. We have only received preliminary results of that study at this time but the sewer collections system is in fairly good condition for the age. ProPipe did identify 10 spot repair locations and 4 full-wrap repair locations where they could conduct non-destructive repairs on the system. The City has authorized such repairs to be completed on the system and paid for them by the remaining USDA grant funds. ProPipe is mobilizing to

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**CLEANUP AND ABATEMENT ORDER R5-2013-0700
FOR**

**CITY OF LOYALTON
WASTEWATER TREATMENT FACILITY
SIERRA COUNTY**

This Order is issued to the City of Loyalton (Discharger) based on provisions of California Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board or Board) to issue a Cleanup and Abatement Order (CAO), and Water Code section 13267, which authorizes the Board to require the submittal of technical reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. The Discharger owns and operates a municipal wastewater treatment facility located at 403 Poole Lane, Loyalton in Sierra County.
2. For the purposes of this Order, the term "Wastewater Treatment Facility" (WWTF) shall mean the wastewater collection system, the wastewater treatment ponds, constructed wetlands, wastewater storage ponds, recycled water distribution piping, and the land application area. Grandi Ranch owns the land application area (LAA). The LAA is located in Section 11, T2N, R15E, MDB&M.
3. Several Orders have been adopted regarding the wastewater treatment facility. They consist of:
 - a. Waste Discharge Requirements (WDRs) Order 5-01-069 and Water Recycling Requirements (WRRs) Order 5-01-051 were adopted by the Central Valley Water Board on 16 March 2001. The Orders regulated the treatment, storage, onsite disposal of wastewater, and also allowed recycled water to be applied on the Bar One Ranch.
 - b. Cease and Desist Order (CDO) R5-2005-0089 was adopted by the Central Valley Water Board on 24 June 2005. Because of excessive inflow and infiltration into the community collection system, limited disposal area, and restrictions on land application due to weather conditions, the Order required design and construction of a system that complies with the storage capacity requirements of WDRs Order 5-01-069.
 - c. WDRs Order R5-2009-0108 was adopted by the Central Valley Water Board on 8 October 2009. The Order rescinded WDRs Order 5-01-069 and WDRs Order 5-01-051, and allows the discharge of wastewater to recently constructed wetlands, lined wastewater storage ponds and 65 acres of land application area located on the Grandi Ranch. Order R5-2009-0108 requires 120 acre feet of storage at the wastewater treatment facility and 65 acres of land application area.

of tailwater diversion box and surrounding grade to ensure that wastewater applied to the land application area remains contained on-site. The corrective action plan was also to contain a description of how wastewater would be managed to maintain compliance with Order R5-2009-0108 while the liner inspection and repairs were performed on the storage ponds. The repairs were to be completed by 15 September 2011.

13. On 12 September 2011, the Discharger submitted a status report and request for a time extension to resolve issues identified during staff's inspection. The report stated that erosion of the north pond berm was being addressed, rodent holes in the pond berms were being repaired, vegetation around the ponds was being minimized, the pond aerators were operational, and the chlorine generator was not leaking. Additionally, the report requested additional time to investigate and complete repairs to the wastewater storage pond liners and tailwater diversion box.
14. On 10 January 2012, the Executive Officer issued a *Water Code Section 13267 Order for Technical and Monitoring Reports*. The Order was issued because the Discharger did not submit the Corrective Action Plan required by the 23 June 2011 NOV. The Order required the Discharger to submit a technical report/corrective action plan by 28 February 2012 that addresses necessary repairs for the storage pond liners and eliminate the seeps in the wastewater storage ponds. Additionally, the Order required the Discharger to submit past due monthly and quarterly monitoring reports for the period of August 2011 through November 2011 (inclusive).
15. On 7 March 2012, the Discharger requested a 60 day extension to submit the corrective action plan required by the 10 January 2012 Water Code Section 13267 Order. The extension request was approved.
16. On 27 April 2012, the Discharger submitted the previously requested corrective action plan. The corrective action plan cited shallow groundwater conditions and inadequate site grading as the most likely cause of air entrapment and subsequent bubble formation in the storage ponds. Additionally, the corrective action plan provided three potential solutions to stop the occurrence of bubbles in the storage ponds. However, the report concluded that additional groundwater characterization in the vicinity of the storage basins was necessary before identifying the appropriate corrective action. The corrective action plan also stated that stability issues with the interior basin berm may exist and further evaluation of the interior berm, which separates the north and south storage ponds would be required.
17. On 13 June 2012, the Discharger submitted a status report stating that the City has received grant funding in the amount of \$1.4 million to investigate and repair the storage pond liners. Proposed options for repairing the liners and eliminating future bubbles from forming in the storage ponds include adding more ballast to the pond liners, intercepting upgradient groundwater which may be pooling beneath the pond liner, or removing the liners, re-grading the site and reinstalling the liners with increased bottom

source to Little Last Chance Creek as stated in the Basin Plan, are agricultural supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; spawning, reproduction, and/or early development; and wildlife habitat.

26. The beneficial uses of the underlying groundwater are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.

27. Water Code section 13304(a) states, in relevant part:

Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

28. Water Code section 13267(b) states, in relevant part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste 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.

29. The technical reports required by this CAO are necessary to ensure compliance with this CAO and WDRs Order R5-2009-0108, and to ensure the protection of water quality. The Discharger owns and operates the facility that discharges waste subject to this CAO and WDRs Order R5-2009-0108.

30. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to California Code of Regulations, title 14, section 15321(a)(2).

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, the City of Loyalton shall cleanup and abate the WWTF in accordance with the scope and schedule set forth below, in order to comply with WDRs Order R5-2009-0108.

1. **Beginning 1 May 2013**, and continuing quarterly until this Order is rescinded, the Discharger shall submit quarterly progress reports describing the work completed to date to comply with each of the requirements described below. The Quarterly Progress

The *Corrective Action Report* shall describe whether any of the above permits are required and shall document that the Discharger has applied for them.

8. By **15 February 2015**, the Discharger shall submit the as-built drawings and certification that the storage ponds have been re-constructed and have a storage capacity of 120 acre feet while maintaining two feet of freeboard.
9. In addition to the above, the Discharger shall comply with WDRs Order R5-2009-0108 and all applicable provisions of the Water Code that are not specifically referred to in this Order.

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional.

Any person signing a document submitted under this Order 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 knowledge and 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."

If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer.

If the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to the Water Code sections 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley 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 this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition