

Note: This document has been prepared by the Central Valley Water Board's Prosecution Team

ITEM: 21

SUBJECT: Napa Berryessa Resort Improvement District, Wastewater Treatment System, Napa County

BOARD ACTION: *Consideration of a Cease and Desist Order and Connection Restriction*

BACKGROUND: The Napa Berryessa Resort Improvement District (Discharger) owns and operates a wastewater treatment facility near the southwestern arm of Lake Berryessa. The facility was constructed to serve a residential subdivision and a lakeside resort on land owned by the U.S. Bureau of Reclamation. Wastewater receives secondary treatment and is disinfected before it is discharged to four spray fields on a hillside above the lake. The Discharger is regulated by Waste Discharge Requirements (WDRs) Order 95-173, which allows treatment and disposal of a monthly average flow of 50,000 gallons per day.

The Discharger has been in violation of its the WDRs since at least 1995. Most of the violations have been due to inadequate storage and disposal capacity, and include significant discharges of wastewater to Lake Berryessa. The Central Valley Water Board adopted Cease and Desist Order (CDO) 96-232 in 1996 and CDO R5-2006-0113 in 2006 to provide an enforceable schedule for the Discharger to construct improvements to prevent the wastewater overflows. The 2006 CDO included a sewer connection restriction because of the serious capacity deficit.

The Discharger has not constructed the facility expansion required by either CDO. This failure to comply resulted in the discharge of over 1.4 million gallons of treated effluent to Lake Berryessa from January through June 2010. These spills occurred despite the fact that Reclamation's resort was closed in October 2009, influent flows were in compliance with the WDRs for the first time in many years, and inflow/infiltration (I/I) was significantly less than previous years. It appears that the Discharger's recent engineering studies have underestimated the lack of capacity at the facility, and therefore need to be updated.

The proposed CDO requires a re-evaluation of I/I and the overall capacity of the facility. It continues the connection restriction on the housing development, and also expands the connection restriction to include Reclamation's resort, which is not currently connected to the Discharger's system. It allows the Discharger until October 2015 to plan, finance, and construct improvements to manage current influent flows, as well as future flows from Reclamation's resort. It also allows the Discharger until October 2017 to construct improvements to control the flows from full build-out of the subdivision. The Discharger may elect to combine the two construction projects, or may elect to build capacity for the resort at an earlier date. Once sufficient capacity is present, the sewage connection restriction can be lifted. Alternatively, the Discharger may request that the Board consider allowing interim

Note: This document has been prepared by the Central Valley Water Board's Prosecution Team

sewage connections before it constructs the final project. Interim connections are allowed under specific conditions described in Title 22 and in the proposed Order.

ISSUES:

Comments were received from the Napa Berryessa Resort Improvement District, the U.S. Bureau of Reclamation, and The Pensus Group (Reclamation's resort concessionaire). The Prosecution Team has made revisions to address the comments, but two issues remain:

1. Should the hearing be delayed? Reclamation and Pensus have requested that the hearing be delayed. However, the proposed Order contains time-critical tasks that must be completed this winter to minimize spills and complete the important pre-design studies. The proposed Order allows almost a year for negotiations. However, if the parties agree, the facility expansion could be expedited to accommodate the resort earlier than the deadlines in the proposed Order. Therefore, the Prosecution Team believes that there is no reason to delay consideration of this Order.
2. Should the Order require installation of a background groundwater monitoring well? The Prosecution Team believes that a determination of background groundwater quality is needed to support revision of the WDRs for the planned facility expansion. Although the Discharger installed a background monitoring well, it has consistently been dry. It is possible that groundwater exists within the deeper fractured bedrock, and the Discharger should make a good faith attempt to install a functional background well.

RECOMMENDATION:

The Prosecution Team recommends that the Board issue the Discharger a third, and last, Cease and Desist Order containing a time schedule to make capacity improvements at this facility. Because the Discharger has asked for at least five years to finance, plan, and construct the improvements, the Prosecution Team also recommends that the Board (a) continue the connection restriction on the housing subdivision which was initiated with the 2006 CDO, and (b) expand the connection restriction to include Reclamation's resort, which has not discharged into the system since October 2009.

Mgmt. Review _____ WSW _____

Legal Review PEP _____

September 22/23 2010

Central Valley Regional Water Quality Control Board meeting

11020 Sun Center Dr. #200

Rancho Cordova, CA 95670