

**This Document Has Been Prepared by the Central Valley Water Board's Prosecution Team**

ITEM: 18

SUBJECT: City of Lone Wastewater Treatment Facility, Amador County

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

BACKGROUND: The City of Lone (the "City") owns and operates a wastewater treatment facility that provides secondary treatment and effluent disposal to land via percolation/evaporation ponds. The City's 1995 Waste Discharge Requirements ("WDRs") limit the monthly average dry weather flow to 1.2 million gallons/day ("MGD"). The wastewater treatment facility is adjacent to Sutter Creek, with the closest pond approximately 100 feet from the creek.

On 11 July 2003, the Board issued Cease and Desist Order R5-2003-0108 because of degradation of groundwater, seepage into Sutter Creek, and the City's failure to submit a Report of Waste Discharge ("RWD") for an unpermitted effluent disposal pond. In regard to the groundwater, dissolved iron is 260 times higher downgradient of the facility than upgradient, and dissolved manganese is 730 times higher downgradient than upgradient. The downgradient concentrations greatly exceed the secondary Maximum Contaminant Limits for drinking water. The 2003 CDO required that the City come into compliance with the groundwater limitations of the WDRs, submit plans to either prevent seepage into the Creek or obtain an NPDES permit, and submit a complete RWD that addressed predicted growth.

The City submitted the plans and reports required by the CDO. However, although the RWD was submitted in 2005, it was never deemed acceptable, and has been revised numerous times over a five-year period. The most recent RWD describes a facility expansion and upgrade that includes tertiary treatment, UV disinfection, and additional evaporation and percolation ponds for disposal of treated wastewater.

The RWD is currently considered inadequate because the proposed expansion would likely exacerbate the seepage discharge to the creek and cause surfacing groundwater at the south side of the facility. Also, the RWD does not demonstrate that the proposed changes would bring the City has not come into compliance with the groundwater limitations of the WDRs and the 2003 CDO. Finally, the RWD states that the treatment plant capacity of the existing plant is 0.55 MGD as a monthly average dry-weather flow and that the disposal capacity of the existing ponds is 0.75 MGD as a monthly average, which is less than the 1.2 MGD flow limit in the current WDRs.

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Staff's analysis of the influent flow data found that there was a lack of capacity within the current treatment and disposal system, and therefore the draft CDO included a sewer connection restriction. The draft CDO also included interim flow limits based on the existing capacity, and required that the Discharger stop the seepage of degraded groundwater to Sutter Creek, apply for an NPDES permit to regulate the seepage, or stop the mechanism that is causing elevated iron and manganese in groundwater in violation of State Board Resolution 68-16.

**ISSUES**

The Discharger submitted comments on the draft CDO, which are addressed in the attached Response to Comments and which resulted in several changes to what had been originally proposed.

The Discharger provided additional information regarding its commitment to accept wastewater from the ARSA system. Staff reevaluated the flow data since September 2007 and found that the City exceeded its 0.75 MGD disposal capacity for only one month, and was near capacity five months. For the remainder of the time, the City was significantly below its disposal capacity. Treatment capacity is not an issue, as the ARSA wastewater is already treated and goes straight to the disposal ponds. The additional data demonstrate that the slight capacity deficit does not justify a sewer connection restriction, so the connection restriction has been removed from the CDO. In addition, the City should have the ability to limit its growth so that it complies with the interim flow limits of the draft CDO. The City did not comment on the interim flow limits.

With the removal of the connection restriction, the City is in agreement with the content and requirements of the CDO. The City did request minor changes in several due dates; those requests have been accommodated.

The only comments received during the public comment period were from the City, but other interested parties may wish to speak at the hearing. The Discharger has stated that it will not contest the CDO as proposed in this agenda package.

**RECOMMENDATION:** Staff recommends Board adoption of the proposed Cease and Desist Order without a sewer connection restriction.

Mgmt. Review WSW \_\_\_\_\_  
Legal Review PEP \_\_\_\_\_

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