

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2015-0040  
AMENDING ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2012-0016  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMIT CA0105023 FOR  
SEELEY COUNTY WATER DISTRICT  
Seeley – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds:

1. Seeley County Water District (hereinafter Discharger) owns and operates a wastewater treatment plant (WWTP) serving the unincorporated community of Seeley. The current total design capacity of the wastewater treatment plant is 0.25 MGD and is located at 1898 West Main Street, Seeley, CA 92273.
2. On September 19, 2007, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order R7-2007-0036 (NPDES Permit CA0105023) for the Discharger to regulate discharges of treated wastewater. WDRs Order R7-2007-0036 contains specific effluent limitations, prohibitions, specifications, and provisions that were necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
3. On March 1, 2011, the Regional Board Assistant Executive Officer issued Administrative Civil Liability (ACL) Complaint R7-2010-0030 to the Discharger for violations of the effluent limitations for Biochemical Oxygen Demand (BOD) and bacteria and that the Discharger reported in its Electronic Self-Monitoring Reports (eSMRs) from August 2009 to September 2010. Additional violations are found in eSMRs from March 2011 to August 2011.
4. On September 28, 2011, the Regional Water Board received a letter from the Discharger that requested the Regional Water Board issue a Cease and Desist Order (CDO) for the WWTP. Based on the information in the Discharger's letter and the Discharger's self-monitoring reports, the Discharger has violated effluent limitations in WDRs Order R7-2007-0036 for bacteria from August 2009 to September 2011. The Regional Water Board found that the Discharger threatened continued violations of effluent limitations for bacteria in WDR Order R7-2007-0036. Subsequently, on November 17, 2011, the Regional Water Board issued CDO R7-2011-0058 requesting the Discharger to prepare and implement a Pollution Prevention Plan to achieve full compliance with the effluent limitation in WDR Order R7-2007-0036 by August 31, 2015.
5. On May 7, 2012, the Regional Water Board adopted Settlement Agreement and Administrative Civil Liability Order (ACLO) R7-2012-0016 pursuant to Government Code section 11415.60. ACLO R7-2012-0016 imposed one-hundred thirteen thousand three-hundred eighty dollars and thirty-five cents (\$113,380.35) in administrative civil liability against the Discharger. Of the assessed amount, the Discharger paid a total of eight thousand three hundred eighty dollars and thirty-five cents (\$8,380.35) to the State Water Pollution Cleanup and Abatement Account, and the Regional Water Board suspended the remaining one-hundred and five thousand dollars (\$105,000) in liability upon completion of a Compliance Project (CP) as stipulated in ACLO R7-2012-0016. The Discharger proposed to construct a series of Evaporation/Percolation Ponds as CP to eliminate its NPDES discharge. ACLO R7-2012-0016 requires the Discharger to complete the CP by August 1, 2015.

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6. On January 17, 2013, the Regional Water Board adopted Waste Discharge Requirements (WDR) Board Order No. R7-2013-0019 for the Discharger's Evaporation/Percolation Pond Pilot Project. The Pilot Project was necessary to determine the feasibility of disposing of the wastewater onsite through evaporation and percolation.
7. In early 2013, the Discharger discovered that the WWTP effluent entering the Evaporation/Percolation Pond Pilot Project resulted in the destabilization of the pond's side slope along the New River Basin and transmitted wastewater directly to the New River. On October 1, 2013, the Discharger reported that the concept to dispose of the final wastewater effluent to Evaporation/Percolation Ponds was deemed unfeasible.
8. On March 20, 2014, the Regional Water Board adopted Board Order No. R7-2014-0037 rescinding the WDR Board Order No. R7-2013-0019 for the Evaporation/Percolation Pond Pilot Project.
9. On April 15, 2014, in a letter to the Executive Officer (EO), the Discharger requested a CP extension of the deadline of the construction of the Wastewater Treatment Plant Improvements because it was not feasible to implement the CP it had originally proposed. As background on the matter, the Discharger reports that it had a large turn-over of staff, board members, and key consultants in the organization. Regional Water Board staff has determined that the Discharger needs additional time to return into full and sustained compliance with its Board Order for factors beyond the reasonable control of the Discharger. In a Regional Water Board letter dated June 12, 2014, and consistent with ACLO R7-2012-0016 the EO granted a CP extension to August 1, 2016 for compliance with ACLO R7-2012-006.
10. On April 29 and July 10, 2015 the Discharger submitted letters requesting the CP be changed from the construction of Evaporation/Percolation Ponds to additional effluent filtering and ultraviolet (UV) system at the WWTP. Based on the information in the Discharger's letters, the Evaporation/Percolation Pilot Test indicated that percolating water through the entire evaporation/percolation pond bottom was technically infeasible due to a soil piping problem that resulted in wastewater being discharged into the New River. The Discharger reports that correcting the piping problem to have adequate evaporation/percolation ponds would be economically prohibitive.
11. The Discharger now proposes as its CP to install additional filters with automatic backwash system and an UV unit to the existing disinfection system which will further reduce the bacterial concentrations of effluent. The estimated construction cost for the installation of the additional filter and inline UV system is \$150,000. The bacterial concentration tests, taken after the improvements to the existing filter and UV system, have demonstrated that the existing system coupled with the proposed CP (additional filters and UV unit) are capable of reliably maintaining the maximum bacterial concentration below the effluent limitations set forth in WDR Board Order No. R7-2007-0036.
12. The Regional Water Board is presently considering amending CDO R7-2011-0058 to provide the Discharger an extension until August 1, 2016 to bring its discharge into full compliance with its NPDES permit. It is the Regional Water Board staff's opinion that, if the extension is granted, the proposed CP also satisfies the requirements of Cease and Desist Order (CDO) R7-2011-0058.
13. The Regional Water Board published Public Notice 7-15-33 for this Special Board Order on August 3, 2015 about this proposed amendment to ACLO R7-2012-0016.

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14. Issuance of this Special Board Order amending ACLO R7-2012-0016 to enforce CWC, Division 7, Chapter 5.5 is exempt from the provisions of CEQA (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies") Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Administrative Civil Liability Order R7-2012-0016 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Special Board Order as well as with those portions of ACLO R7-2012-0016 that were not amended by this Special Board Order:

Pages 2-3, Modifications are shown below:

- 9. CP Descriptions:** The Parties agree that this resolution includes the completion of the CP described in Finding 11 of this Special Order.
- 10. CP Completion Date:** The CP shall be completed by August 1, 2016 ("CP Completion Date"). A final report certifying the completion of the CP shall be provided to the Regional Water Board and the State Water Resources Control Board's (State Water Board) Division of Financial Assistance by October 15, 2016.
- 11. Cost of CP:** The cost estimate to implement the CP is approximately one hundred fifty-thousand (\$150,000) (Attachment C). The amount of liability to be suspended upon completion of the CP is one hundred five thousand dollars (\$105,000). No additional liability above and beyond the one hundred five thousand dollars (\$105,000) shall be suspended for costs incurred to complete the CP in accordance with this Stipulation. The Discharger represents that it will guarantee implementation of the CP identified in this Stipulation by remaining liable for the Suspended Liability until all the CP is completed and accepted by the Regional Water Board in accordance with the terms of this Stipulation.
- 12. Failure to Complete the CP:** If the Discharger fails to complete the CP by August 1, 2016, as required by this Special Order, the Regional Water Board shall issue a Notice of Violation (NOV). As a consequence, the Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account the Suspended Liability within 30 days of receipt of the NOV.

I, Robert E. Perdue, 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, Colorado River Basin Region, on September 17, 2015.



ROBERT E. PERDUE, Executive Officer