



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Coast Regional Water Quality Control Board**

November 15, 2013

Mr. John Presleigh  
Department of Public Works  
Santa Cruz County  
701 Ocean Street, Room 410  
Santa Cruz, CA 95060

**CERTIFIED MAIL 7008 1140 0003 4708 8773**

**RETURN RECEIPT REQUESTED**

**and via email to [dpwweb@co.santa-cruz.ca.us](mailto:dpwweb@co.santa-cruz.ca.us)**

Dear Mr. Presleigh:

**NOTICE OF VIOLATION AND WATER CODE SECTION 13267 ORDER FOR 2012 UNAUTHORIZED EFFLUENT DISCHARGES, WDR ORDER NO. 01-034, BOULDER CREEK CSA #7, BOULDER CREEK GOLF & COUNTRY CLUB WWTP, SANTA CRUZ COUNTY, WDID 3 441000001**

On September 17, 2012, we received an electronic report of a sanitary sewer spill from Boulder Creek Golf and County Club's (Boulder Creek CC) collection system due to equipment failure that occurred on September 10, 2012. On December 10, 2012, we received an electronic report of a sanitary sewer spill from Boulder Creek CC's collection system due to equipment failure that occurred on December 4, 2012. Central Coast Water Board staff discussed these spills with your staff and determined that treated effluent was discharged during each event. Effluent discharges are subject to Waste Discharge Requirements Order No. 01-034. County staff reported these events in the CIWQS SSO Module as collection system spills subject to Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ. Order No. 01-034, Provision 4, and Standard Provisions and Reporting Requirements C.3 and C.5 establish the reporting requirements for unauthorized discharges of treated or partially treated effluent (i.e., verbal notice within 24 hours and written report within five days, or with self-monitoring reports, depending on the circumstances). Please distinguish between collection system spills and unauthorized effluent discharges and report accordingly.

According to your spill reports, the spills resulted from pump station failure and force main or pressure pump equipment failure. Santa Cruz County Department of Public Works (SCDPW) operators estimated each spill consisted of approximately 15,000 gallons of wastewater and lasted approximately eight and eleven hours, respectively. All wastewater discharged during the December 4, 2012 event entered Boulder Creek. The County's report for the September 10, 2012 event, however, provides contradictory information by indicating in one section that the spill did not reach Boulder Creek, but then stating in another report section that the spill impacted Boulder Creek.

Order No. 01-034, Prohibition No. 2 prohibits the County from discharging waste to areas other than those designated reclamation and leachfield areas shown in Attachment A of the Order. Each of the above events represents a violation of Prohibition No. 2. California Water Code

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., EXECUTIVE OFFICER

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section 13350 provides that any person who, in violation of waste discharge requirements, discharges waste into the waters of the state may be subject to civil liability of up to \$5,000 for each day the violation occurs or up to \$10 per gallon discharged if imposed by the Water Board. Alternatively, the court may impose liability of up to \$15,000 for each day the violation occurs or up to \$20 per gallon discharged.

Furthermore, unauthorized waste discharges to waters of the U.S. violate Clean Water Act section 301, which prohibits all discharges to such waters except those authorized by permit. Water Code section 13385 provides that any person that violates a requirement of Clean Water Act section 301 may be subject to civil liability of up to \$10,000 for each day the violation occurs, and up to \$10 per gallon of waste discharged but not cleaned up over 1,000 gallons if imposed by the Water Board. Alternatively, the court may impose liability of up to \$25,000 for each day the violation occurs, and up to \$25 per gallon of waste discharged but not cleaned up over 1,000 gallons. SCDPW's receipt of this Notice of Violation (NOV) does not preclude the Water Board from taking further enforcement action for the violations cited in this NOV, and the Water Board reserves the right to take any enforcement action authorized by law.

According to the reports provided, SCDPW operators reported the spills and repaired the failed equipment in a timely manner after the spills were discovered. However, the large volume of sewage spilled was a direct result of the long period of time between the incidents' occurrences and their discoveries. To prevent recurrence of such problems, we understand that SCDPW has upgraded the SCADA system's remote connection to alert operators of spills in a timely manner.

In accordance with Order No. 01-034, Standard Provision A.23, and California Water Code section 13267, not later than December 18, 2013, SCDPW is hereby required to submit a technical report describing actions taken (or to be taken) in response to the September and December 2012 events, to prevent effluent spills from the treatment facility that may result from similar circumstances. For the September 10, 2012 event, the report must clarify whether the spill did or did not reach surface waters, or if uncertain, provide the reasoning and any available evidence (e.g., pictures, inspection reports) supporting the uncertainty of the spill destination. The report must also include an implementation schedule for those actions not yet completed and a list of revised Operations and Maintenance (O&M) Manual (or other documents as applicable) sections with descriptions of the revisions. In addition, the SCDPW may attach to the report excerpts of the revised documents. For example, SCDPW's responses to the spills may have included revising sections of operational documentation related to inspection schedules, maintenance scheduling or techniques, and capital improvement. For the purposes of this paragraph, the term "actions" refers to both administrative actions such as O&M Manual revisions, and structural actions such as replacing a pump. If the SCDPW elects not to revise the O&M Manual or other documentation related to the facility's operation and maintenance, the report must include justification.

The Water Board's requirement that you submit the report described above is made pursuant to section 13267 of the California Water Code. Pursuant to section 13268 of the Water Code, a violation of Water Code section 13267 requirements may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. The Water Board reserves the right to take any enforcement action authorized by law.

The Water Board needs the required information in order to ensure ongoing protection of water quality and public health and to determine the Boulder Creek CC's compliance with Order No. 01-034. The SCDPW is required to submit this information because it is the owner and/or

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operator of the wastewater treatment facility that produced the September and December 2012 effluent spills, and based on the available data you are responsible for the discharge. The evidence supporting this requirement is included in CIWQS, the discussion above, and other Water Board records as needed.

More detailed information is available in the Water Board's public file on this matter. Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Please contact **Cecile DeMartini** at (805) 542-4782, [cecile.demartini@waterboards.ca.gov](mailto:cecile.demartini@waterboards.ca.gov), or Chris Adair at (805) 549-3761 if you have questions.

Sincerely,



cn=Harvey C. Packard,  
o=Central Coast Regional Water  
Quality Control Board, ou,  
email=hpackard@waterboards.  
ca.gov, c=US  
2013.11.15 14:26:29 -08'00'

for Michael J. Thomas  
Assistant Executive Officer

cc:

Cheryl Wong via email to [Cheryl.Wong@co.santa-cruz.ca.us](mailto:Cheryl.Wong@co.santa-cruz.ca.us)  
Dave Roberts via email to [David.Roberts@co.santa-cruz.ca.us](mailto:David.Roberts@co.santa-cruz.ca.us)  
Scott St. Denis via email to [dpw210@co.santa-cruz.ca.us](mailto:dpw210@co.santa-cruz.ca.us)  
Gary Dubinsky via email to [dpw154@co.santa-cruz.ca.us](mailto:dpw154@co.santa-cruz.ca.us)  
Thomas Bolich via email to [dpw023@co.santa-cruz.ca.us](mailto:dpw023@co.santa-cruz.ca.us)  
Todd Stanley via email to [todd.stanley@waterboards.ca.gov](mailto:todd.stanley@waterboards.ca.gov)  
Matthew Buffleben via email to [matthew.buffleben@waterboards.ca.gov](mailto:matthew.buffleben@waterboards.ca.gov)

CRD/xxx  
p:\wdr\wdr facilities\santa cruz co\santa cruz csa #7 - boulder creek country club\nov 11-13 bldr crk gcc eff spills-  
fin.docx  
ECM # 210116  
CIWQS NOV Reg Measure ID 393788

	ROUTE DATA	COPY	ATT.
1	DIRECTOR	✓	
2	ASST. DIR. SPEC. SVCS.	✓	
	RECYCLING/SOLID WASTE		
	LANDFILL OPERATIONS		
	WATER CON/FLOOD CONT.		
	STORM WATER MANG.		
	CONSTRUCTION ENG.		
3	SANITATION ENG.	✓	
	WATER & WASTEWATER		
	ASST. DIR. TRANSPORT		
	ROAD OPS. ENG.		
	PERMITS / ENCROACH.		
	DRAINAGE OPERATIONS		
	RD. MAINT. OPERATIONS		
	RDA ENG.		
	ROAD DESIGN ENG.		
	SURVEY / DEVELOPMENT.		
	TRANSP / RD. PLANNING		
	ASST. DIR. ADMIN. SVCS.		
	REAL PROPERTY / FLEET		
	CSA / PRGM ADMIN.		
	SAFETY OFFICER / LIVE OAK P.		
	PERSONNEL / MIS		