

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 5-01-717

CLEANUP AND ABATEMENT ORDER
FOR
GOLDEN HILLS COMMUNITY SERVICES DISTRICT,
GOLDEN HILLS SANITATION COMPANY, INC., AND
A.B. LAND DEVELOPMENT, INC.
KERN COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. The Golden Hills Sanitation Company, Inc. (GHSC) owns and operates the Golden Hills Community Wastewater Treatment Facility (WWTF) on land owned by the Golden Hills Community Services District (GHSCD). The GHSC and GHSCD are named as Dischargers in Waste Discharge Requirements (WDRs) Order No. 81-122. Wastewater has historically been discharged from the WWTF to Tom Sawyer Lake (a man-made reservoir) and was originally intended for subsequent reuse on the Golden Hills Country Club, Inc. golf course as the development of Golden Hills filled in. The real property occupied by Tom Sawyer Lake and the golf course is owned by A.B. Land Development, Inc. (ABLDI).
2. The WWTF is located approximately 5 miles west of the City of Tehachapi. The WWTF is regulated by WDRs Order No. 81-122, adopted by the Board on 11 December 1981, for a 30-day dry weather discharge of 0.20 million gallons per day (mgd) of treated wastewater to Tom Sawyer Lake. The most recent self-monitoring reports submitted by the GHSC indicate that WWTF flows are approximately 0.019 mgd.
3. As described in Finding No. 2 of WDRs Order No. 81-122, the WWTF consists of an extended aeration package treatment plant, chlorination facilities, rapid sand filter, approximately 2,500 feet of force main, and a wet weather effluent storage reservoir (Tom Sawyer Lake) of approximately 110 acre-feet.
4. WDRs Order No. 81-122, Discharge Specification No., B.1, states, "Neither the treatment nor the discharge shall cause a pollution or nuisance as defined by the California Water Code, Section 13050."
5. Wastewater Reclamation Requirements (WRRs) Order No. 81-123 regulates the reclamation of treated effluent from Tom Sawyer Lake on the golf course.
6. WRRs Order No. 81-123, Specification No., A.11, states, "The use of reclaimed wastewater shall not cause a nuisance or pollution as defined by the California Water Code Section 13050."
7. California Water Code (CWC) Section 13050 (m) provides, in part, that:

"Nuisance" means anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - (3) Occurs during, or as a result of, the treatment or disposal of wastes.
8. Following objectionable odor complaints and a fish kill, the Executive Officer issued the GHSC and GHCS D a 21 June 2000 Notice of Violation (NOV), pursuant to CWC Section 13267, in part, for creating odor nuisance conditions. The NOV required the GHSC and GHCS D to provide a technical report of interim measures to mitigate development of nuisance odors from the lake. The GHSC submitted a 29 June 2000 letter indicating that it installed three 10 hp portable pumps along the banks of Tom Sawyer Lake to aerate its contents and mitigate the nuisance odor conditions and that it would continue to do so to prevent future odors. The GHCS D implemented the mitigation.
 9. On 29 May 2001 and 4 June 2001, the Board received complaints from neighborhood residents that Tom Sawyer Lake was again producing strong objectionable odors, primarily in the evenings. One resident submitted photographs showing that the lake water was pea soup green with algae.
 10. On 7 June 2001, Board staff inspected the site. Although objectionable odors were not detected during the inspection, the inspector did observe that the lake water was turbid and light green due to excessive algae. These conditions are consistent with a eutrophic impoundment. However, the GHSC indicates that it ceased discharge of wastewater to the lake in January 2001. The GHSC also indicates lake conditions are exacerbated because all fresh surface water runoff that historically flowed into the lake providing dilution and dissolved oxygen have been diverted around it.
 11. Pursuant to CWC Section 13267, the Executive Officer issued the GHSC a NOV on 14 June 2001, in part, for creating nuisance odor conditions. The NOV required the GHSC to submit a technical report by 5 July 2001 describing measures it intended to implement to immediately and permanently abate nuisance conditions created by discharges to Tom Sawyer Lake.
 12. The Board received additional nuisance odor complaints on 12 June, 21 June (4 total), and 22 June (4 total) from residents near Tom Sawyer Lake.
 13. Due to the ongoing odor complaints, Board staff contacted the GHSC D and GHSC on 20 June 2001 and 22 June 2001 to inform them of the latest rash of odor complaints. Neither entity was willing then to implement mitigation measures.
 14. The Board received additional nuisance odor complaints on 25 June (3 total), 26 June (2 total), and 27 June (4 total) from residents near Tom Sawyer Lake.

15. In response to the 14 June 2001 NOV, the GHSC submitted a 28 June 2001 letter that fails to describe mitigation measures and denies that its waste discharge is the cause of the objectionable odors.
16. The residents have stated that the odors smell like sewage, gas, and rotten eggs and are so objectionable they are forced to close their doors and windows. At least four residents have complained of nausea, three have complained of headaches, and one has complained that the odors made him vomit. One resident said he is considering selling his home because of the odors. As described, the odors are indecent and offensive to the senses, obstructing the free use of property, and have interfered with the residents' comfortable enjoyment of life and property. The odors may have been injurious to health. Based on this, the criteria in CWC Section 13050 (m)(1) have been met.
17. Board staff has received over twenty complaints from residents nearby Tom Sawyer Lake, as well as concerned citizens of Tehachapi, regarding nuisance odors emanating from Tom Sawyer Lake. The complaints described in Finding Nos. 9, 12, and 14 indicate the odors have affected at the same time a considerable number of persons as well as the entire community and neighborhood and the criteria in CWC Section 13050 (m)(2) have been met.
18. The GHSC has been the only discharger of wastes into Tom Sawyer Lake. As reclamation has not been employed since approximately 1993, waste disposal has been by percolation and, primarily evaporation since that time. The GHSC chronically submits late and incomplete self-monitoring reports. The reports submitted for December 2000 through April 2001 contain only three effluent BOD results (130 mg/l, 11 mg/l, and 70 mg/l). Areal source water has a conductivity @ 25 ° C of approximately 550 µmhos/cm. The reported effluent conductivity is typically high and around 1140 µmhos/cm. Based on this limited data, the WWTF effluent is highly variable and often contains significant concentrations of waste constituents. Even if effectively and consistently operated, the activated sludge WWTF would not remove appreciable amounts of nutrients such as nitrogen and phosphorous that are in the domestic wastewater. Nitrogen and phosphorous are usually found in domestic wastewater in significant concentrations, and are typically limiting nutrients in aquatic environments. Results of samples collected by Board staff on 7 June 2001 indicate the water in Tom Sawyer Lake has elevated waste constituent levels reflective of concentration by evaporation. The total dissolved solids, EC, chloride, sulfate, sodium and magnesium were 5500 mg/l, 8100 µmhos/cm, 1600 mg/l, 2300 mg/l, 1400 mg/l, and 300 mg/l, respectively. The BOD, a non-conservative constituent, was present at a concentration of 80 mg/l, which is atypical for a surface water body. Based on the above, the waste constituents discharged to the lake by the GHSC have concentrated by evaporation and because of a lack of flow through the lake. This concentration effect has caused eutrophic conditions, as evidenced by the high algae and turbidity levels observed in the lake water by staff and complainants, the pattern of evening and morning odor generation, and the characteristic septic descriptions of the odors. The evidence indicates that the odors from the lake are caused by the past disposal of wastes by the GHSC, thereby satisfying the criteria in CWC Section 13050 (m)(3).

19. Based on the information in the Findings in this Order, the GHSC, GHCSO, and ABLDI have caused or permitted waste to be discharged or deposited in waters of the state and have created nuisance odor conditions as defined by CWC Section 13050 and in violation of WDRs Order No. 81-122 and WRRs Order No. 81-123.
20. On 2 July 2001, the GHCSO informed Board staff by telephone that it, in collaboration with the owner of A.B. Land Development, Inc., began aerating the lake by installing pumps and spraying lake water over the lake on 29 June 2001. Based on the discussion, the GHCSO indicated this would continue for one week, after which the owner of A.B. Land Development, Inc., intended to install a different form of aeration. The GHSC, GHCSO, and ABLDI have not submitted to the Board documentation confirming the nature or duration of agreements reached during the 29 June 2001 meeting nor proposing a permanent solution to the recurring odor problems. Therefore, further enforcement is appropriate.
21. Section 13304(a) of the California Water Code provides that:

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 ...
22. Section 13267(b)(1) of the California Water Code provides that:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges or is suspected of discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.
23. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt for the provisions of the California Environmental Quality Act, pursuant to Title 14, California Code of Regulations, Section 15321(a)(2).
24. Any person affected adversely by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of the date on which the Board took action. Copies of the law and regulations applicable to filing petitions will be provided on request.

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IT IS HEREBY ORDERED that, pursuant to Sections 13304 and 13267 of the California Water Code, the Golden Hills Community Services District, Golden Hills Sanitation Company, Inc., and A.B. Land Development, Inc., shall:

1. Employ by **10 July 2001**, and continue to employ whatever means are necessary to abate violations of WDRs Order No. 81-122 and WRRs Order No. 81-123, and potentially the creation of nuisance odors at Tom Sawyer Lake. Means may include, as necessary, aeration of the lake water, dilution of lake water with clean water, and/or operational or other changes that ensure aerobic conditions in the water of Tom Sawyer Lake.
2. Submit to the Board by **16 July 2001** the previously required technical report with a complete written description of measures implemented to comply with item No. 1. The report shall include a list of the names, titles, and responsibilities of employees from the GHSC, GHSCD, and ABLDI responsible for the effective implementation and operation of the measures and how they can be contacted in the event of future problems.
3. Submit to the Board by **30 July 2001** a technical report identifying specific permanent measures and a schedule, not to exceed 90 days, for implementation of the measures that will ensure long-term compliance with WDRs Order No. 81-122 and WRRs Order No. 81-123.
4. By **29 October 2001**, complete measures that ensure elimination of nuisance odors at Tom Sawyer Lake.

Technical reports shall be prepared by a civil engineer registered in the State of California and experienced in the design of wastewater treatment and disposal facilities. All reports, plans, and time schedules are submitted under penalty of perjury and subject to review and approval of the Executive Officer. Conditions of approval to effect compliance with this Order shall be considered an enforceable part of this Order.

Failure to comply with this Order may result in administrative assessment of civil liability of up to \$1,000 and \$5,000 per day of violation, as appropriate, pursuant respectively to Section 13628 and Section 13350 of the California Water Code. Failure to comply may also result in referral to the Attorney General with a request that the superior court assess greater amounts.


for GARY M. CARLTON, Executive Officer
7-3-2001
(Date)