
Santa Ana Regional Water Quality Control Board

August 25, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Richard Warne
Interim City Manager
City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

**CALIFORNIA WATER CODE SECTION 13267 ORDER: DIRECTIVE FOR
INVESTIGATION FOR ADDRESSING BEAUMONT WASTEWATER TREATMENT
PLANT CAPACITY**

Dear Mr. Warne:

The Santa Ana Regional Water Quality Control Board (Regional Board) is charged with the protection of beneficial uses of surface water and groundwater in parts of Orange, Riverside, and San Bernardino counties that are located within the Santa Ana River Watershed. The Beaumont Wastewater Treatment Plant (Facility) is located at 715 W. 4th Street in the City of Beaumont (City) and is owned by the City and operated by Utilities Partners LLC (a private contractor) under the National Pollutant Discharge Elimination System (NPDES) permit No. CA0105376 and Waste Discharge Requirements and Master Reclamation Permit Order No. R8-2015-0026 (Discharge Permit). The Facility is a tertiary treatment facility that discharges effluent to Cooper's Creek, San Timoteo Groundwater Management Zone (GMZ), Marshall Creek, and Beaumont GMZ. Beneficial uses of the Beaumont and San Timoteo GMZs include municipal supply, industrial service supply, industrial process supply and agricultural supply. Cooper's Creek and Marshall Creek are tributary to San Timoteo Creek, the beneficial uses of which include groundwater recharge, body contact recreation, non-body contact recreation, warm water aquatic habitat and wildlife habitat. The Facility treats domestic and commercial/industrial wastewater generated within the City, parts of Calimesa, and Highland Springs (portions of unincorporated area of Cherry Valley). The Facility has a maximum capacity of 4 million gallons per day (MGD).

Background: "Maximum Benefit" Salt Plan

In 2014, the Regional Board approved amendments to the Water Quality Control Plan for the Santa Ana Basin (Basin Plan) that established alternative total dissolved solids (TDS) and nitrate-nitrogen water quality objectives (called "maximum benefit")

objectives) for the San Timoteo and Beaumont GMZs. The “maximum benefit” TDS and nitrogen objectives are less stringent than the 2004 established “antidegradation” objectives for these Groundwater Management Zones. Pursuant to the Basin Plan, the “maximum benefit” objectives, rather than the “antidegradation objectives,” are applied to the City’s Facility discharge and this application is contingent on the implementation by the City and other watershed partners of their “maximum benefit” commitments. The “maximum benefit” commitments are a specific program of projects and requirements specified in Chapter 5 Implementation, sections VI.B.2 and VI.B.3 for the San Timoteo GMZ and for the Beaumont GMZ, respectively. The City’s Permit includes language that requires implementation of the “maximum benefit” Program. If the Regional Board determines that any or all of the maximum benefit program commitments are not being implemented in accordance with the schedule(s) shown in the Basin Plan, then maximum benefit is not demonstrated and the more stringent antidegradation TDS and nitrate-nitrogen objectives apply, and the Facility’s permit would be amended accordingly.

Pursuant to the Basin Plan, Chapter 5, section VI.B.2.A.4 and section VI.B.3.A.4, the City committed to submit by January 30, 2015 a “Plan and Schedule for the Construction of Salt Mitigation Facilities.” On January 28, 2015, the City submitted their proposed Plan and Schedule. On March 26, 2015, the Regional Board Executive Officer approved those plans and schedule for construction of salt mitigation facilities. . As acknowledged in the City’s plan and schedule, the City must have these desalting facilities in place no later than March 1, 2020. Plant capacity expansion was not part of those plans and schedule.

Wastewater Treatment Plant Capacity

In November 2015, Regional Board staff independently became aware that the Facility’s waste flows had exceeded 75% of the design capacity. Therefore, on November 20, 2015, Regional Board staff sent the City a letter reminding the City of its requirement under the Discharge Permit, Standard Provision VI.A 15., to file a written report with the Regional Board within 90 days after the average dry-weather waste flow for any month equals or exceeds 75% of the design capacity of the waste treatment and/or disposal facilities. Transmittal of the report must be signed by the senior administrative officer and also must include a certification that the policymaking body, in this case, the City Council, is adequately informed in the matter. The City’s Permit further requires that the report provide an estimate of when the average daily dry-weather flow rate will equal or exceed the design capacity of the treatment and/or disposal facilities and that the City submit a schedule for studies, design, and/or other steps needed to provide additional capacity for the waste treatment and/or disposal facilities before the waste flow rate equals the design capacity of 4.0 MGD.

The City provided no response to the November 20, 2015 letter.

On April 19, 2016, Regional Board staff issued a Notice of Violation (NOV) to the City for violating Standard Provision VI.A.15 of the Discharge Permit for failure to report

within 90 days after the average daily dry weather flow into the plant beginning in March 2014 exceeded 75% of the Facility's design capacity. The NOV requested the City respond by May 19, 2016.

On May 3, 2016, the City submitted its response to the NOV. As noted in the City's response, Facility capacity has exceeded 75% since March 2014, yet no explanation was provided as to why the City failed to file the required 75% capacity report for more than two years. Currently, the Facility is averaging approximately 3.1 MGD which exceeds 75% of design capacity. The City reported in the May 3, 2016 response to the NOV that based on a worst-case scenario that took into consideration actual growth for 2014, the City will add no more than 500 dwelling units per year resulting in the current treatment plant capacity of 4 MGD being reached by 2024. This projection does not account for planned connections from commercial and industrial facilities. Notwithstanding the City's flow projections, Regional Board staff notes that Facility average dry weather flows increased by 0.3 MGD from February to March in 2014 and Board staff are concerned that a similar increase could cause an exceedance of the Facility's capacity.

In addition, information on the City's website under "Major Project Status as of February 16, 2016" indicates that as many as 11,304 dwelling units are under development and as many as 2,978 additional dwelling units are being proposed. According to the documents on the City's website, "City of Beaumont Commercial and Industrial Landowner List," there are approximately 1,300 acres of commercial and industrial development proposed. Taking into consideration these two website documents and estimating approximately 250 gallons per day per dwelling unit, the flows into the Facility could increase by as much as 3.6 MGD if all of the proposed developments are built and connected.

The City's May 3, 2016 response reports that it has issued a Request for Proposals to evaluate the feasibility of two (2) options for Facility expansion, namely: 1) expand/upgrade the existing Facility¹ and continue to provide services, or 2) abandon the existing Facility and regionalize wastewater treatment by sending wastewater to Yucaipa Valley Water District. The City presented a tentative schedule indicating a March 2020 construction completion date for whichever option is selected. Further, the City stated that it hopes to make its decision by December 2016. These plans are to address both the design capacity of the Facility and the salt mitigation obligations of the Basin Plan and current Discharge Permit. However, Regional Board staff are concerned that the schedule provided by the City may not be met due to overlapping tasks and a very aggressive time frame to complete such tasks. For instance, prior to the completion of the CEQA Process, the Preliminary Design will have been started and completed, and the final design will have been started. Usually preliminary design, financing and CEQA must be completed before final design begins. Further, we also note that the financial plan is to be completed by December 2017 and construction will

¹ Based on a 5 year average of 315 new homes and some commercial sites.

begin January 2018. It should be noted that completing a financial plan is not the same as securing financing to allow construction to proceed.

California Water Code Section 13267 Requirements

Section 13267 of the California Water Code (Water Code) provides that the Regional Board may require any person who has discharged, discharges, or is suspected of having discharged or discharging waste that could affect the quality of water within its region, to furnish technical or monitoring reports. Section 13267 of the Water Code also provides that 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.” Information regarding the design, size and capacity of any plant expansion or the size and capacity of any conveyances to the proposed regional plant along with respective schedules is imperative preventing the current treatment plant from exceeding design flows and potentially exceeding discharge limitations that could adversely impact water quality of surface and ground waters of the state. The Discharge Permit, Provision VI.C.6.a., already has a schedule for meeting the Basin Plan Salt Mitigation requirement with which the City is currently not complying. Given contradictory information regarding planned and/or potential expansion, the Regional Board is also concerned about the Facility’s capacity issues. This Order requires documents to be submitted to the Regional Board that the City will consider in making its decision whether to expand the Facility or regionalize its wastewater treatment. Submittal of these documents represents a minimal cost. Other items are designed to assist in evaluation of the two alternatives related to water quality, in addition to financial or other planning considerations. The costs of such items bear a reasonable relationship to determining the environmental impacts from approaching and/or exceeding design capacity as the City moves forward, and in achieving compliance with the salt mitigation requirements in the Discharge Permit.

Therefore, pursuant to section 13267 of the Water Code, it is hereby ordered that the City perform and submit the following:

- 1) Conduct an inflow and infiltration study during the next wet season and identify appropriate actions based on the results. The results of this study and expected actions with a schedule for completion of the proposed actions shall be submitted to the Regional Board no later than May 30, 2017.
- 2) By October 17, 2016, provide an accurate estimate of potential dwelling units and equivalent dwelling units that will be added to the collection system for all planned development including residential, commercial and industrial development to include all development within the city as well as any development outside of the City. The City shall provide a schedule or tentative schedule for completion of each project that has the potential to increase treatment plant flows along with the projected discharge volume. The City shall also provide the associated development schedule for each project.

- 3) Provide a complete list of existing and proposed commercial and industrial facilities along with their respective SIC codes and respective wastewater flow to the Facility every 6 months by December 15th and June 15th beginning December 15, 2016. Each semi-annual report shall identify commercial and industrial daily wastewater flow and report those industrial and commercial facilities that exceed 5% of the average dry weather hydraulic or organic capacity of the facility. In addition, the report shall identify any existing or proposed categorical industrial users that contribute to the City's Facility (<https://www.epa.gov/eg/industrial-effluent-guidelines>).
- 4) By December 31, 2016, submit a report, subject to the Executive Officer's approval, identifying the City's plan for preventing exceedance of the plant capacity. In that report, the City shall identify the unit operations that limit the Facility's current design capacity as well as a contingency plan to address exceeding capacity should flows into the Facility approach design capacity.
- 5) By December 31, 2016, develop and submit a feasibility study that addresses the following two options for plant expansion: Option 1 - plant expansion to include advanced wastewater treatment and brine disposal; and Option 2 - the construction of new conveyance facilities to the Yucaipa Valley Water District wastewater treatment plant.
- 6) By May 31, 2017, complete a preliminary design for either option 1 or option 2 and submit that design to the Regional Board.
- 7) By December 31, 2017, provide a financing plan for the final plant expansion or regionalization, whichever is chosen. The City shall demonstrate that it has secured appropriate funding to complete either option 1 or option 2 no later than July 1, 2018.
- 8) By December 31, 2017, develop and submit to the Regional Board the final plant expansion project design, or the proposal for regionalization and an analysis of the effect of the City's flows on Yucaipa Valley Water District, depending on which alternative is selected.
- 9) Provide a semi-annual report and supporting information to validate that the City's average dry weather flows will not be exceeded prior to the completion of either option 1 or option 2 of the selected plant capacity expansion plan. These semi-annual reports shall be submitted by December 15th and June 15th of each year beginning in December 2016.
- 10) On a monthly basis and commencing on September 15th, 2016, provide 12 months of influent continuous pH and electrical conductivity (EC) readings as well as a certification that both the pH and the EC meter have been functioning

and calibrated in accordance with SWA 846 Standard Methods. The pH and EC readings shall be reported in electronic format, preferably Microsoft Excel.

Failure to submit the required reports, plans and schedule to the Regional Board by the designated due dates may subject the City to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268 (a) and (b) of the Water Code.

Section 13267 of the Water Code requires that reports be submitted under penalty of perjury. Every report must include a statement, "I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment for knowing violations."

The issuance of this Order is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15262, Chapter 3, Title 14 of the California Code of Regulations because this Order only requires feasibility or planning studies for possible future actions which the Regional Board has not approved, adopted, or funded. The Regional Board did consider environmental factors associated with this Order and finds that the actions required in this Order will ensure future protection of water quality and those associated beneficial uses the Regional Board is charged to protect.

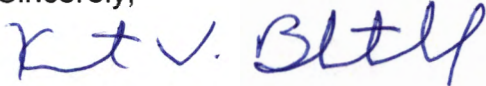
Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:
http://www.waterboards.ca.gov/public_notices/petition/water_quality
or will be provided upon request.

The actions taken in this order do not preclude the Regional Board from taking enforcement actions, including but not limited to actions pursuant to Section 13385 of the Water Code for violations of Provisions VI.A.15 and VI.C.6.a of the Discharge Permit as mentioned at the beginning of this Order and in the NOV sent on April 19, 2016.

Should the City find that it cannot meet any specific deadline or schedule they must notify the Executive Officer 30 days prior to the prescribed due date. The Executive Officer may extend any specific deadline at his discretion.

If you have any questions, please contact Chuck Griffin at (951) 782-4996, or by email: Chuck.Griffin@waterboards.ca.gov, or you may contact Hope Smythe, at (951) 782-4493, or by email: Hope.Smythe@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc: David Rice, SWRCB, Office of Chief Counsel (David.Rice@waterboards.ca.gov)
Julie Macedo, SWRCB, Office of Enforcement (Julie.Macedo@waterboards.ca.gov)
Amer Jakher, City of Beaumont (ajakher@beaumontcares.com)
Joe Zoba, Yucaipa Valley Water District (jzoba@yvwd.dst.ca.us)
Eric Fraser, Beaumont Cherry Valley Water District (eric.fraser@bcvwd.org)
Jeff Davis, San Gorgonio Pass Water Agency (jdavis@sgpwa.com)
Art Vela, City of Banning (avela@ci.banning.ca.us)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|-------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

Postmark
Here

Postage

\$

Total Postage

Richard Warne
Interim City Manager
City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Sent To

Street and A

City, State, ZIP

7076 0910 0002 0530 0650 2000 6271