



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor



October 28, 2003

Mr. Thomas L. Bolich
Director of Public Works
701 Ocean Street, Room 410
Santa Cruz, CA 95060-4070

Dear Mr. Bolich:

BUDGETING, OPERATIONS, AND COMPLIANCE AT BOULDER CREEK GOLF AND COUNTRY CLUB, WASTE DISCHARGE REQUIREMENTS ORDER NO. 01-034, BOULDER CREEK GOLF AND COUNTRY CLUB WASTEWATER TREATMENT FACILITY, SANTA CRUZ COUNTY, WDID NO. 3 44 080 1001

Thank you for your May 15, 2003 letter, notifying Regional Board staff that the property owners of County Service Area (CSA) #7, Boulder Creek Golf and Country Club Wastewater Treatment Facility, successfully petitioned the Santa Cruz Board of Supervisors to reject a sewer service charge increase. Based on the Board of Supervisors' decision, the County stated that it would not be able to adequately fund the wastewater treatment system's operation and maintenance throughout fiscal year 2003-2004. The purpose of this letter is to advise the County and CSA #7 members that proper operation and maintenance includes adequate program funding and lack of operation and maintenance funding is not an excuse for violation of waste discharge requirements.

The Central Coast Regional Board regulates wastewater discharges from CSA #7 with Waste Discharge Requirements Order No. 01-034. Provision No. 4 of the Order requires CSA #7 to comply with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*. Standard Provision No. A.12 requires the proper operation and maintenance of facilities and systems for collection, treatment, and control of wastewater. Proper operation and maintenance includes effective performance and adequate funding.

In accordance with California Water Code Section 13263(g), all discharges of waste into (ground or surface) waters of the state are privileges, not rights. Furthermore, discharges of waste into waters of the state may only occur with due authorization as administered through waste discharge requirements (such as Order No. 01-034), and those discharges must occur only in designated disposal areas. No owner or operator, public or private, has the right to violate waste discharge requirements. The responsible entity (i.e., owner) will be held accountable for such violations.

Violations and Enforcement

Per Standard Provision No. E.3, any person who violates waste discharge requirements and/or who intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into surface waters of the state may be liable for civil and/or criminal remedies, as appropriate, pursuant to California Water Code Sections 13350, 13385, and 13387.

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The following table summarizes some significant CSA #7 violations which occurred from May 2002 through September 2003, with potential maximum penalties applicable to the owners of CSA #7 (please note this is not a complete listing of violations). A Notice of Violation was issued on July 22, 2003, for the May 27 violation, while all other violations were verbally enforced.

Date	Spill Volume (gal.)	Discharge Type	Description	Maximum Potential Liability
5/14/02	1,080	Secondary treated effluent	Due to force main failure	\$ 10,800
6/13/02	13,000	Combination of fresh water and untreated sewage	Contractor broke fresh water main while repairing sewer lateral for residence – caused sewer pump station to overflow	\$ 130,000
11/5/02	45,000 – 63,000	Tertiary treated effluent	Due to force main failure	\$ 630,000
5/27/03	1,000	Secondary treated effluent	Due to force main failure	\$ 10,000
9/8/03	40	Untreated sewage	Low volume, but significant because caused by force main failure (chronic in nature)	\$ 400

In response to the above violations, the owners of CSA #7 are subject to a potential maximum civil liability assessment of \$781,200 (\$10 per gallon of waste discharged). Regional Board staff have withheld recommendations for further enforcement pending the County's effort to secure the necessary resources to correct the problems. If such actions are not taken, staff is compelled by law to recommend higher levels of enforcement, which include administrative civil liability.

The Regional Board will not tolerate adverse impacts to water quality or threats thereof, especially when the owners of CSA #7 are aware of necessary system problems, repairs, modifications, and budgetary adjustments. If appropriate corrective actions for the above violations are not implemented, and/or if further unauthorized discharges of wastewater are allowed to occur, it is Regional Board staff's intent to progressively enforce Waste Discharge Requirements Order No. 01-034.

Privatization of System Operation

The County has indicated it is considering a private company to operate the Boulder Creek Wastewater Treatment Facility. In some similar Regional Board cases, the long-term integrity of wastewater collection, treatment, and disposal systems has been substantially compromised by privatization. For example, initial bids from private companies can promise lower operating costs over the course of the contract. Those lower costs, however, can also contribute to the degradation of infrastructure as the private company seeks to maximize profits. The end of the contract may leave the owners with a system in serious need of repair or replacement, while the private company can allow the contract to lapse without concern for required remedies. Regional Board staff recommend the owners of CSA #7 approach such an option with great caution.

As an indication of the Regional Board's concern over the privatization of community wastewater treatment systems, our Basin Plan prohibits discharges from new (installed after September 16, 1983) community subsurface disposal systems unless the facilities are operated by a public agency. In cases where such an agency is unavailable, the Regional Board may accept a private entity's oversight only if adequate financial, legal, and institutional resources are demonstrated (Basin Plan, Section VIII.D.3.i). While this prohibition does not appear to apply to CSA #7 due to its age, this prohibition illustrates the Regional Board's

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experience with the operation of such systems for profit and the potential serious threats to water quality which may result. Whether operated by a public or private institution, the owners of CSA #7 will be held accountable for violations of applicable waste discharge requirements.

It is imperative that the owners of CSA #7 objectively assess their facility's budgetary requirements to protect public health, protect water quality, assure adequate funding, provide proper operations and maintenance, and comply with Waste Discharge Requirements Order No. 01-034.

If you have questions, please contact Todd Stanley at (805) 542-4769 or Tstanley@rb3.swrcb.ca.gov, or Chris Adair at (805) 549-3761.

Sincerely,

Bradley E. Hageman
for Roger W. Briggs
Executive Officer

	ROUTE DATA	COPY	ATT.
	DIRECTOR		
1	ASST. DIR. SPEC. SVCS	✓	
2	SOLID WASTE ENG.		
	LANDFILL OPERATIONS		
	WATER CON/FLOOD CONT.		
	STORM WATER MANG.		
	CONSTRUCT. 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 / DEVELOPM T.		
	TRANSP / RD. PLANNING		
	ASST. DIR. ADMIN. SVCS		
	REAL PROPERTY / FLEET		
	CSA / PRGM ADMIN.		
	SAFETY OFFICER / LIVE OAK P.		

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Task: 126-50
File: Discharger Correspondence; Santa Cruz CSA #07 / Boulder Crk Golf & Co. Club