

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR THE REGULAR MEETING OF FEBRUARY 6, 2004**

Prepared on December 30, 2003

**ITEM: 27**

**SUBJECT: Rescission of Waste Discharge Requirements for Gardner Ranch Biosolids Application Site, Santa Barbara County-- Order No. 96-30**

**KEY INFORMATION**

Location: On south bank of Santa Ynez River across from Buellton  
Type of Waste: Biosolids (non-hazardous treated municipal sludge)  
Design Capacity: 100 acres for agronomic application of biosolids  
Present Volume: 124 cubic yards per year  
Reclamation: Land-applied biosolids is a soil amendment.  
Existing Order: Order No. 96-30

**SUMMARY**

Mr. Slick Gardner (hereafter Discharger) owns and operates the Gardner Ranch's biosolids application site. (Biosolids are biological sludges generated by municipal wastewater treatment plants.) In the past, the Discharger violated several waste discharge requirements in Order No. 96-30, and was in violation when last inspected by Regional Board staff. The small biosolids volume currently transported to the site can be reclaimed at another site regulated by waste discharge requirements adopted by the Regional Board. Therefore, staff proposes the Board rescind Order No. 96-30.

**DISCUSSION**

**Background.** Order No. 96-30 identifies 100 acres of the 1,600 acre Gardner Ranch as the biosolids application site, which lies about 1,000 feet from the Santa Ynez River. The groundwater table is approximately 200 feet below the ground surface. The application site is on moderately sloping topography comprised of fine sandy loam soils.

Biosolids reclamation by application to land is a well-regulated and widely practiced means of disposing of municipal wastewater treatment plant solids while improving the tilth and fertility of agricultural lands. Accordingly, the City of Santa Barbara, City of Solvang, City of Buellton, and the Montecito Sanitary District had previously sent

biosolids to the Gardner Ranch for reclamation. At present, only Buellton sends less than one-half a cubic yard per day (annual average) to the site. Buellton plans to send its biosolids to the Engel and Gray composting facility after analyses demonstrate the feasibility of composing the material and other logistical issues are worked out.

**Violations of Waste Discharge Requirements Order No. 96-30.**

1. Application Specification No. B.9 states:

"Biosolids applied to land must be tilled into the soil within 48 hours of its application."

A staff inspection on September 26, 2003 found substantial volumes of biosolids (sewage sludge) on the ground surface that had clearly not been disked into the soil for many days.

2. Application Specification No. B.11 states:

"Transportation, storage, and application of biosolids shall be done in such a manner that nuisance conditions do not develop."

When left exposed on the ground surface, the anaerobic decomposition of sewage sludge eventually generates offensive odors. The case

file includes evidence of odor complaints from the Ranch's neighbors, indicating the untilled solids caused a nuisance condition.

3. The Discharger failed to pay the specified annual fee for the following fiscal years (FY): 1999-2000, 2000-2001, and 2001-2002.
4. On May 24, 2002, Regional Board staff faxed the Discharger a request for payment of outstanding fees for FY 1999 through 2002. Attached to the message were *Final Notices for Annual Waste Discharge Requirement Fees* (Final Notice) for FY 1999 through 2001, and the invoice for FY 2002-2003. The Final Notices stated: "failure to pay may result in rescission of existing waste discharge requirements." The Discharge submitted no payments.
5. Therefore, on February 25, 2003, the Executive Officer notified the Discharger in writing of the following:
  - a. The annual fees for four years, with FY 2002-2003 added to the list, were unpaid,
  - b. Payment should be sent to the State Board,
  - c. In accordance with the California Water Code, the Regional Board may assess civil liability for nonpayment up to \$1,000 per day, and
  - d. The Regional Board may rescind Order No. 96-30 if fees remained unpaid.
6. The Discharger did not pay the fees. To collect, Regional Board staff had to meet with the Discharger, who signed a cashier's check to cover the unpaid fees for the three FYs through FY 2001-2002.
7. On August 7, 2003, the State Water Resources Control Board (State Board) sent the Discharger a Demand for Payment of the Annual Fee of \$400 for FY 2002-2003, which was due on October 29, 2002.
8. When no payment was received, on October 2, 2003, the State Board sent the Discharger a Notice of Violation (NOV) of Waste Discharge Requirements (in accordance with California

Water Code Section 13260). The NOV stated that failure to pay required fees is a misdemeanor in accordance with California Water Code Section 13261. *To date, the Discharger has not responded to the notice.*

9. Monitoring and Reporting Program No. 96-30 requires the Discharger to submit semi-annual and annual monitoring reports including the results of biosolids and groundwater monitoring. The Discharger submitted no report in the calendar years 2000, 2001, 2002, or 2003.

Order 96-30's Finding No. 10 states: "[d]ischarge of waste is a privilege and not a right, and authorization to discharge is conditional upon the discharge complying with the provisions of Division 7 of the California Water Code and any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance. Compliance with this Order should assure this and mitigate any potential adverse changes to water quality due to the discharge."

Order No. 96-30 limits the application of biosolids at the site to less than six cubic yards per day. An alternative reclamation site is available; that is, the composting facility operated by Engel and Gray near the City of Santa Maria. The Regional Board regulates operations at this site through waste discharge requirements specified in Order No. 99-11. Engel and Gray has violated no provision of Order No. 99-11. The facility composts biosolids from several municipal wastewater treatment plants, including the Cities of Lompoc, San Luis Obispo, and Solvang. Engel and Gray have agreed to accept the biosolids now sent to the Discharger's site from the City of Buellton.

**CONCLUSION AND RECOMMENDATION**

In violation of Order No. 96-30 and the California Water Code, the Discharger has chronically not reclaimed biosolids in accordance with waste discharge requirements adopted by the Regional Board, has not paid the required annual fee for FY 2002-2003, and has not submitted the required monitoring reports. The continued cost of collecting the fees and enforcing Order No. 96-30 likely does not warrant the Regional Board's continued regulation of this application site. By not complying with the Regional Board's requirements in Order No. 96-30, the Discharger has demonstrated the Regional Board should not grant him the privilege of allowing waste discharge at the application site. Moreover, the biosolids now reclaimed there can be reclaimed at an alternative site in compliance with waste discharge requirements adopted by the Regional Board. Therefore, staff recommends rescission of Order No. 96-30. Staff is also investigating and considering enforcement options for the violations listed above.

**COMMENTS**

City of Buellton – No response  
City of Solvang – No response  
Engel and Gray – No response  
Santa Barbara County Environmental Health Services – No response  
Slick Gardner – No response

**RECOMMENDATION**

Rescind Order No. 96-30, as proposed.

**ATTACHMENT**

1. Waste Discharge Requirements Order No. 96-30

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