

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

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 13-14, 2017
Prepared on July 5, 2017

ITEM NUMBER: 10

SUBJECT: Cambria Community Services District, Emergency Water Supply Project, Cambria, San Luis Obispo County, Consideration of Cease and Desist Order No. R3-2017-0016; Response to Written Public Comments

KEY INFORMATION: Prosecution Staff's Response to Comments Received on the Tentative Cease and Desist Order

COMMENTS

The Central Coast Water Board received 22 comment letters from members of the public regarding the tentative Cease and Desist Order (CDO) against the Cambria Community Services District (Cambria CSD). Cambria resident Mary Webb also provided a list of 187 individuals who added their names to an online petition in support of the tentative CDO. The Prosecution Team staff has provided responses to the various collective themes or specific topics raised by the commenters. Individual letters and the petition are included as attachments.

Essentially, half the comment letters supported the tentative CDO and half were in opposition to the tentative CDO. The main concept expressed by commenters against adoption of the tentative CDO was the expense of trucking waste from the surface impoundment to offsite disposal. The remainder of this supplemental sheet provides the primary topics raised in the comment letters along with Prosecution Team responses.

GENERAL COMMENTS AND STAFF RESPONSES

1. The surface impoundment should be allowed to dry out naturally. Trucking the residual waste to south San Luis Obispo County will require 1,600 trips and \$1.2 million. This is too expensive and environmentally damaging.

Prosecution Team Response: Cambria CSD has not provided Water Board staff with a plan that details how many truck loads it would require to empty the impoundment. The number of tanker truck trips to empty the impoundment must be evaluated and weighed against allowing the waste to evaporate naturally. Additionally, the Prosecution Team alleges that Cambria CSD would continue to be in violation if the waste were to remain. According to the Cambria CSD's estimates, allowing the impoundment contents to evaporate over time will take several years. According to the evaporation rates used to design the surface impoundment, 600,000 gallons per year are expected to evaporate. It will take more than 10 years at that rate to remove liquids from the surface impoundment, assuming average rainfall. The pollutants contained in the surface impoundment will become more concentrated as liquids evaporate. Prior to the impoundment's becoming inundated, multiple pollutants were at concentrations that exceed maximum contaminant levels (MCLs). The tentative CDO requires the Cambria CSD to either upgrade the impoundment to comply with the permit or properly cease and desist the

impoundment and remove its contents as soon as possible. Allowing long-term storage of increasingly concentrated pollutants in an impoundment that does not meet regulatory design standards is not acceptable.

2. The amount of rain received this winter and resulting flooding was unanticipated.

Prosecution Team Response: State regulations required Cambria CSD to design the impoundment to withstand flooding from a 1,000-year storm. While last winter's storms were significant, these storms were not close to the 1,000-year event level. The Prosecution Team alleges the Cambria CSD failed to design, maintain, and operate the impoundment in compliance with the regulations, and indicates that the tentative CDO is necessary because the Cambria CSD has not demonstrated that it can operate the impoundment in compliance with its permit. Surface impoundments, because they contain concentrated liquid waste, present a significant risk to water quality and must be maintained in accordance with the regulations.

3. The tentative CDO is designed to punish the Cambria CSD. The Water Board should be helping the Cambria CSD comply with permitting requirements.

Prosecution Team Response: The Cambria CSD has spent significant resources on the impoundment and the Emergency Water Supply system. Similarly, Water Board staff has spent an unprecedented amount of staff resources helping the Cambria CSD with permitting, facility construction technical assistance and troubleshooting, and permit compliance, relative to other facilities within the region. Water Board staff assigned to the Emergency Water Supply project and related facilities estimates that approximately 25-30% of their time has been spent overseeing compliance with these permits since the Emergency Water Supply facility began operation in January 2015. This amount of oversight is not sustainable, and far exceeds the amount of oversight a typical facility of this size receives in assistance with permit compliance. That the Cambria CSD has difficulty staying in compliance despite the Water Board's assistance demonstrates Prosecution staff's point that the Cambria CSD should cease and desist non-compliant operation of the impoundment. Small community service districts are sometimes not readily equipped to manage technically complex systems along with the associated compliance and legal requirements, and Water Board staff cannot provide the degree of assistance that would reasonably narrow this continuous non-compliance gap.

4. The impoundment's contents are not toxic and pose no current threat to water quality

Prosecution Team Response: Discharge of the impoundment's contents through a leaking liner would result in degradation of groundwater, which is connected by underflow to the creek, linking then to the estuary and ocean. As previously noted, concentrations of multiple pollutants exceeded MCLs prior to the impoundment's becoming inundated. At this time, it has not been determined whether the liner has leaked. Cambria CSD is required to follow a statistical evaluation in accordance with Title 27 and as presented in Cambria CSD's approved report of waste discharge for evaluating whether a leak has occurred or whether a condition of nuisance has occurred through a leak entering the Vadose Zone Monitoring System (VZMS). Although Cambria CSD has stated that they will follow this procedure, they have not submitted the results of this leak analysis to date. Liquids have not been present in the VZMS since March 7, 2017, which implies the liquids detected in the VZMS during January and February 2017 were due to

infiltration of the system from elevated groundwater; however, the definitive determination regarding the source of the water is via the Title 27 statistical procedure.

5. The Water Board approved the vadose zone monitoring system; therefore, it is unfair for the Water Board to impose expensive brine removal. Data show that water intrusion is from rising groundwater, not a leaking liner. There is no imminent threat to water quality.

Prosecution Team Response: The Water Board relies on permittees and their consultants to properly design and engineer these types of waste containment systems. In this case, Cambria CSD's analyses of anticipated high groundwater levels and impacts from a 1,000-year, 24-hour storm event were flawed. Invalid design is not justification for the Cambria CSD to continue to operate the impoundment in violation of the permit. As noted above, the tentative CDO requires the Cambria CSD to either upgrade the impoundment to comply with the permit, or properly cease and desist the impoundment's usage and remove its contents as soon as possible. The tentative CDO includes a requirement (page 4 of the tentative CDO) for the Cambria CSD to provide a workplan with milestones and a timeline within 30 days of adoption of the CDO if Cambria CSD opts to discontinue use of the surface impoundment:

"If the Discharger chooses to discontinue using the existing Class II surface impoundment for the storage of designated wastes from the EWS facility, the Discharger shall provide the following for Executive Officer's approval:

- a) *A final closure plan and timeline for closing the facility in accordance with WDR Order No. R3-2014-0047, specifications 20, 21, and 22; or*
- b) *The Discharger may propose a detailed plan and timeline for the cleaning and re-purposing of the surface impoundment."*

Water Board staff will work with Cambria CSD to ensure emptying of the surface impoundment occurs as soon as reasonably possible.

ATTACHMENT

- 1) Public Comments on Tentative CDO

Also available at:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/enforcement/docs/2017_0016_public_comments_on_cambria_ccsd_cdo.pdf