



California Regional Water Quality Control Board Central Valley Region

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16 November 2005

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Bureau of Reclamation
Lake Berryessa Field Office

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REVIEW OF FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE USBR'S LAKE BERRYESSA RECREATION OPERATIONS, NAPA COUNTY

On 15 November 2005, Regional Board staff received the U.S. Bureau of Reclamation's *Future Recreation Use and Operations of Lake Berryessa, Final Environmental Impact Statement* that was distributed by the State Clearinghouse. The purpose of the document is to re-define the development and management of visitor services at Lake Berryessa. Regional Board staff previously commented on the draft EIS in a letter dated 22 January 2004. This letter provides specific comments regarding wastewater issues for each of the four alternative actions, and general comments regarding other water quality concerns which may be encountered with any of the alternatives.

Domestic Wastewater Issues

Enclosed with this letter is a summary of the domestic wastewater treatment and disposal systems at each of the seven concessionaire sites. In general, the facilities are minimal at best and do not meet current standards for treatment and/or monitoring. If not for the fact that the concessionaire's contracts expire in 2008-2009 and there was uncertainty as to the future of the sites pending the EIS outcome, Regional Board staff would have already required increased monitoring, including groundwater monitoring, at these sites. Depending on the results of the monitoring or other site-specific factors, staff would have also required improved treatment or disposal techniques.

With the publication of the *Final Environmental Impact Statement*, staff is now in a position to evaluate each of the four alternatives relative to domestic wastewater issues and are able to provide specific comments.

Alternative A (No Action)

If Alternative A is adopted, then staff will update each concessionaire's monitoring and reporting program, requiring flow monitoring, enhanced constituent monitoring, and groundwater monitoring. Depending on the results of the monitoring or other site-specific factors, staff will also required improved treatment or disposal techniques.

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Project	SOL
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California Environmental Protection Agency

Alternatives B, C, and D

All three of these alternatives maintain the use of each of the seven sites currently operated by the concessionaires. While the focus would move from long-term exclusive use trailers to enhanced day use, camping, and short-term lodging, significant quantities of wastewater will still be generated from these new uses. For each of these options, the EIS simply states that

“Necessary maintenance and support facilities would be constructed for support of the above operations. Roadways and other necessary infrastructure (sewage, water, electric service, etc.) would be laid out and constructed based upon the desired final organization of visitor use and support facilities...”

If Alternative B, C, or D is adopted, then Regional Board staff expects to work closely with USBR and its contractors to upgrade each wastewater treatment/disposal system in a timely manner. In general, this would mean submitting a Report of Waste Discharge demonstrating that each proposed system will not degrade water quality. Depending on the timing of upgrading each system, staff may first require enhanced monitoring and/or installation of groundwater monitoring wells.

If Alternative B, C, or D is adopted, we ask that you work closely with our staff (Guy Childs and Mark List) regarding the proposed wastewater improvements and their timing at each facility.

Construction Storm Water Permit

A National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ, is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. On 10 March 2003, as part of the new Phase II storm water regulations, all construction activity that disturbs one acre or greater or is part of a larger common plan of development or sale will require a construction storm water permit. A Construction Activities Storm Water General Permit must be obtained prior to construction. Additional information may be found on the Internet at <http://www.swrcb.ca.gov/stormwtr/index.html>.

Industrial Storm Water Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the State Water Resources Control Board (SWRCB) Water Quality Order No. 97-03-DWQ NPDES, General Permit No. CAS000001.

Water Quality Certification for Wetlands Disturbance

If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Board prior to initiation of project activities. Section 401 of the federal Clean Water Act requires that the project proponent for any project that impacts surface waters of the United States (such as streams and wetlands) must request a 401 Water Quality Certification from the Regional Board. Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

1. Avoidance (Is the project the least environmentally damaging *practicable* alternative?)

2. Minimization (Does the project minimize any adverse effects to the impacted wetlands?)
3. Mitigation (Does the project mitigate to assure a no net loss of functional values?)

Dewatering Permit

If dewatering is required, the proponent must obtain either an NPDES permit for discharge to surface waters, or WDRs (or waiver of WDRs) for discharge to land. The General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001) covers discharges to surface waters only if the discharge does not contain significant quantities of pollutants and is either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 million gallons per day (mgd). The following types of low threat discharges may be covered under the NPDES General Order:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

For discharges of groundwater to land, the project proponent must apply for WDRs or a waiver of WDRs. The Regional Board has adopted a conditional waiver for low-threat discharges to land that may be applicable. The waiver can be downloaded from the Regional Board website at http://www.swrcb.ca.gov/rwqcb5/adopted_orders/Waivers/R5-2003-0008.pdf. Alternatively, the State Water Resources Control Board (State Board) has adopted General WDRs for low-threat discharges to land that may be applicable. The State Board's General Order can be downloaded from the internet at <http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0003.pdf>.

Section 404 Permit

If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. If a Section 404 permit is required by the Corps, the Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If a Section 404 permit is required, the proponent must apply to the Regional Board for a Water Quality Certification under Section 401. For more information on Section 404 Permits, contact the Sacramento District of the Corps of Engineers at (916) 557-5250.

USBR staff are encouraged to contact the following Regional Board staff to discuss questions regarding each of the following permits:

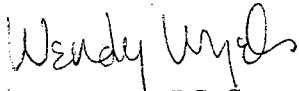
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Domestic Wastewater Discharges	Guy Childs	(916) 464-4648
Storm Water Permits	Rich Muhl	(916) 464-4749
Section 404 Permit	Patrick Gillum	(916) 464-4709
Water Quality Certification	George Day	(916) 464-4606
Dewatering – Surface Water Discharge	Richard McHenry	(916) 464-4655
Dewatering – Land Discharge	Guy Childs	(916) 464-4648

For general information regarding the Regional Board's wastewater concerns at Lake Berryessa, please contact me at (916) 464-4835.



WENDY WYELS, Supervisor
Title 27 and Waste Discharge to Land Programs

Enc: Summary of Wastewater Issues for each USBR Concessionaire within the Lake Berryessa Area

cc w/ enc: Regional Board members
Ruben Oropeza, Napa County Department of Environmental Management, Napa

Enclosure A

SUMMARY OF WASTEWATER ISSUES FOR EACH UNITED STATES BUREAU OF RECLAMATION CONCESSIONAIRE WITHIN THE LAKE BERRYESSA AREA

Note: Document first prepared in March 2004; updated September 2004 and November 2005. Sites are listed in order of perceived impact water quality.

1. Markley Cove Resort: WDR No. 98-084. A USBR concessionaire with a marina/campground/year-round housing facility about three miles west of Monticello Dam. Discharges 11,500 gallons per day (gpd) to two percolation/evaporation ponds. A 2001 Notice of Violation (NOV) was issued for maintenance problems. An August 2001 inspection found general compliance other than excessive vegetation in the ponds. Issued a California Water Code 13267 letter in March 2004 for failure to submit monitoring reports since January 2001. The Discharger is now submitting monitoring reports.

In early 2005, a hiker discovered an apparent discharge of wastewater from the Coleman Spring, which is located about 1,000 feet downslope of the Markley Cove wastewater ponds. The Discharger investigated, finding fecal coliform in the spring water, and later completing a dye test to confirm that wastewater is seeping from the unlined evaporation/percolation ponds and surfacing in the Coleman Spring. Shortly after discovery, the Discharger modified the spring to contain the water in a 15,000 gallon emergency containment pond lined with plastic sheeting. The wastewater is being pumped into a portable tank and hauled on a daily basis to a lift station within the Markley Cove collection system for disposal back into the ponds. However, before containment occurred, an estimated 14,197 gallons of mixed spring water and wastewater was allowed to discharge. This estimate is based on daily spring flows of 1,085 gallons per day (gpd) from 11 February to 24 February 2005. After a request for a formal spill report, staff issued a Notice of Violation (NOV) on 11 October 2005. Staff are also preparing a draft enforcement order to require the Discharger to make facility improvements to prevent wastewater from seeping into Coleman Spring.

Problems: Minimal treatment of waste, no groundwater monitoring required by the WDRs, seepage from wastewater ponds into Coleman Spring.

2. Putah Creek Resort: WDR No. 5-00-020. A USBR concessionaire with a marina/campground/permanent housing facility on the west side of Berryessa. The WDRs allows discharges of up to 100,000 gpd to three aerated percolation/evaporation ponds. In 2002, the Regional Board adopted a \$23,500 Administrative Civil Liability (ACL) Order for deliberate discharges to surface water. Are currently submitting monitoring reports. The Discharger did not install monitoring wells per their WDRs and in February 2004 staff sent a Notice of Violation (NOV) requiring a well installation workplan. Staff inspected the facility on 11 March 2004 and observed that the ponds were over capacity, yet waste continues to flow into ponds. Severe erosion on northern berm of Pond No.1, plus seepage from another area of the berm. NOV sent to Discharger on 12 March 2004 requiring a contingency plan, engineer's evaluation (short and long term improvement workplans) for the seepage and erosion of the berm.

On 23 March and 16 April 2004, the Discharger submitted the contingency plan, and a short term berm improvement workplan. A revised MRP was then issued by the Executive Officer on 22 April 2004

Summary of USBR Lake Berryessa Concessionaires

following receipt of comments from the Discharger. On 16 May 2004, the Discharger submitted the long term berm improvement workplan and on 1 June 2004 submitted a draft groundwater monitoring well installation workplan. Following these submittals, staff met with the Discharger on 13 July 2004 to discuss the workplans. The Executive Officer then issued a Water Code 13267 Order that required the Discharger to complete certain tasks, and submit certain reports. On 26 August 2004 staff inspected the facility and observed the drilling of four geotechnical borings to determine the integrity of material in the berms. No violations were observed during the inspection. Per the CWC Section 13267 Order, three technical reports were due on 1 September 2004. These reports include a description of the installation of vegetative mats along the berm, a water balance that demonstrates adequate disposal capacity, and a report that documents that a bentonite seal was properly installed around the overflow piping in the berm at Pond No. 1. Of the above reports, only the water balance was submitted. Because only one of the five reports was submitted and due to the nature of the violations which lead to the request for the reports, on 22 October 2004, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R5-2004-0539 to the Discharger for \$15,000. The Discharger did not pay the ACL Complaint and requested a hearing before the Board.

On 27 January 2005 the Regional Board adopted \$29,600 Administrative Civil Liability (ACL) Order No. R5-2005-0001 in the amount of \$29,600. The ACL Order stated that if the four reports required by the 30 July 2004 California Water Code 13267 Order were submitted by 1 June 2005, then \$10,000 of the liability would be waived. The four reports were subsequently submitted and the groundwater monitoring wells installed.

In addition to the ACL Order, the Regional Board adopted Cease and Desist Order (CDO) No. R5-2005-0002. The CDO required the Discharger to: (a) not exceed an average monthly dry weather discharge flow of 14,000 gpd, (b) continue to perform daily inspections of the ponds, including daily freeboard measurements and inflow measurements, and (c) submit a Contingency Plan describing steps it taken if the wastewater ponds encroach within two foot of freeboard. The CDO was issued because of exiting ponds lacking capacity, and that the average monthly dry weather discharge flow limit of 30,000 gpd was based on the Discharger's proposal for constructing a fourth wastewater pond, which was never built.

Problems: extreme I/I flows, minimal treatment of waste, lack of disposal capacity.

3. Rancho Monticello Resort: WDR No. 98-085. A USBR concessionaire with a marina/campground/permanent housing area at southern end of Berryessa. The resort discharges up to 70,000 gpd of septic tank effluent to ten evaporation/percolation ponds at four separate sites (Day Park Area, Road 6, Road 8, and Road 12). The facility consists of approximately 465 mobile home units, 100 permanent campsites, 100 weekend campsites, a grocery store and a fuel dock at the marina. A 2001 inspection with USBR found numerous violations and non-submittal of monitoring reports, and staff subsequently required an engineer's report. A 2002 inspection found that the site was in compliance. Monitoring reports are currently being submitted. There was a lack of freeboard in December 2002 and the Discharger brought in Baker tanks to store the wastewater. On 11 March 2004 staff inspected the facility and although acceptable on the date of inspection, USBR reported that a few weeks earlier they were over capacity. The inspection also found that wastewater was running off the sprayfield.

Following the 11 March 2004 inspection, staff issued a NOV on 7 April 2004 requiring the Discharger to make modifications to the sprinkler system and install a tail water interceptor ditch that directs the wastewater into the ponds. The Discharger has documented that it made the modifications. Staff conducted another site inspection on 30 November 2005 and did not observe any violations.

Problems: Minimal treatment of waste, lack of capacity, not chlorinating before spraying on land, inadequate monitoring of sprayfield, and groundwater monitoring is not required by the WDRs. The Discharger does not want to do any improvements until they know if they can continue with their lease.

4. Lake Berryessa Marina Resort: WDR No. 90-150. A USBR concessionaire with a marina/campground/permanent housing area on Berryessa-Knoxville Road. Discharges up to 15,000 gpd to aerated percolation/evaporation ponds and a sprayfield. An October 2002 inspection found that freeboard was less than reported and wastewater appeared to have been sprayed outside the disposal area boundaries. Appears to be a lack of capacity in the ponds. Engineer's report recommends some improvements. Staff inspected facility on 11 March 2004 and determined that they have made some improvements to the system and appear to have capacity now. However, it was determined that the size of the stormwater diversion ditch upslope of one of the ponds needed to be increased.

An inspection report dated 7 April 2004 required the Discharger to provide written documentation that the stormwater diversion ditch had been modified to capture and divert all stormwater around the wastewater ponds. The Discharger did not comply, and the Executive Officer issued a Water Code 13267 Order on 1 September 2004 requiring the Discharger to make the improvements and submit a report. The Discharger has since made the necessary improvements to divert the storm water away from the ponds.

Problems: Do not chlorinate the wastewater before applying it to the sprayfield, no monitoring wells located around the ponds, and the main lift station is within the high water line of the lake. The Discharger does not want to make any more improvements until they know if they can continue their lease.

5. Spanish Flat Resort: WDR No. 5-00-204. A USBR concessionaire with a marina/campground on southwest side of Berryessa. The WDRs allow for the discharge of up to 15,000 gpd of domestic wastewater to two septic tanks followed by discharge to one evaporation/percolation pond. The wastewater system serves approximately 75 mobile homes, a general store, one residence, and a Recreational Vehicle dump station. Approximately 40 portable toilets service other areas of the resort including day use areas, a marina, and approximately 120 overnight campsites. The portable toilets are pumped out by a contracted service. The disposal of wastewater from these toilets is not covered by the WDRs. Completed a major water system evaluation in 2001 and proposed system improvements. The Discharger is currently submitting monthly monitoring reports. Staff conducted site inspection on 30 November 2005 and did not observe any violations.

Problems: Minimal treatment of waste, no flow monitoring, accept chemical toilet waste, WDRs do not require groundwater monitoring, and unregulated discharge of septic waste. Do not know if they made the proposed water system improvements.

6. Pleasure Cove Resort: WDR No. 98-086. A USBR concessionaire with a marina/campground/permanent housing area on south side of Lake Berryessa. Discharges up to 25,000 gpd of septic tank and chemical toilet waste into four percolation/evaporation ponds. Numerous issues at this site resulting in a 2002 Cleanup and Abatement Order. They have done the majority of the work and an August 2003 inspection found general compliance. The Discharger is planning to add a houseboat pump-out dock to the wastewater system. Staff will evaluate the additional wastewater flows to ensure that the discharge meets the requirements of the WDRs, and prepare a revised Monitoring and Reporting Program to include additional monitoring requirements.

Problems: Minimal treatment of waste, no flow monitoring, chemical toilet waste is discharged to one of the four wastewater ponds, multiple discharge sites, and groundwater monitoring is not required by the WDRs.

7. Steele Park Resort: Wastewater from this resort is treated on a contract basis by Napa County through the Napa Berryessa Resort Improvement District's wastewater treatment system, which is regulated by WDR Order No. 95-173. This system has numerous issues and is the subject of ongoing enforcement. Steele Park Resort will not be able to increase its wastewater flows unless the Napa Berryessa Resort Improvement District brings its wastewater system up-to-date.

8. USBR Oak Shores Recreational Area: WDR No. 5-00-202. USBR's day use/boat launch/picnicking area that discharges 3,000 gpd to five aerated, lined evaporation ponds. Water treatment plant backwash water flows to a separate unlined percolation/evaporation pond. Inspections in 2002 and 2001 found that the site was in compliance with its WDRs. Are submitting monitoring reports. Staff conducted a site inspection on 26 August 2004 and did not observe any violations.

Problems: WDRs do not require groundwater monitoring wells.

GJC/WSW
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