



California Regional Water Quality Control Board
Lahontan Region



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Arnold Schwarzenegger
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AUG 27 2008

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In the matter of Violation of Waste Discharge)
 Requirements in Board Order No. 6-94-94)
 U.S. Forest Service)
 Lassen National Forest, Eagle Lake District) **Notice of Violation**
 Wastewater Treatment Facility)
 Lassen County, WDID 6A188505700)

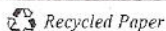
NOTICE OF VIOLATION TO THE U.S. FOREST SERVICE, LASSEN NATIONAL FOREST, LASSEN COUNTY

The Lassen National Forest Eagle Lake Wastewater Facility (Facility) which services the camp grounds at Eagle Lake is regulated by the California Regional Water Quality Control Board, Lahontan Region (Water Board). The Facility is regulated by Waste Discharge Requirements in Board Order No. 6-94-94 and this Notice of Violation is to inform the U.S. Forest Service Lassen National Forest (Forest Service) of its violation of the Board Order.

INSPECTION

Water Board staff inspected the Facility on August 11, 2008, and last summer. In both inspections it appeared that rocks from the beneath the pond liners protruded through the liner, breaking the integrity of the liner. The holes observed last year were fixed last year after they were pointed out to the Forest Service. This year the holes were identified again by a complaint and confirmed by Water Board staff. Inspections by persons outside the Forest Service should not be needed to identify holes in the liner given the number of hard objects that are still beneath the liner of evaporation ponds 1 and 2. The holes were near the level of the effluent and it appears from salt and debris deposits on the edge of the liners that one or more of the holes may have released wastewater, or a mixture of wastewater and precipitation, to areas beneath (adjacent to) the pond liners.

California Environmental Protection Agency



VIOLATION

Water Board Order No. 6-94-94, under the General Requirements and Prohibitions section, requires the following:

- "2. There shall be no discharge, bypass, or diversion of raw or partially treated sewage, sewage sludge, grease, or oils from the collection, transport, treatment, or disposal facilities to adjacent land areas or surface waters."
- "5. The discharge shall not cause a pollution as defined in Section 13050 of the California Water Code, or a threatened pollution."
- "7. The discharge of wastewater except to the authorized disposal site is prohibited."
- "8. The integrity of pond liners shall be maintained throughout the life of the ponds and shall not be diminished as the result of any maintenance or cleaning operations."

The Forest Service is in violation of the Board Order because three holes were identified in 2008 that may have allowed, or threatened to allow, sewage to be discharged to the subsurface, which we consider as adjacent land. Any discharge of waste outside the ponds is an unauthorized discharge location supporting that prohibition No. 3 and No. 7 were violated. The three holes also indicate that the pond integrity is not being maintained since regular damage to the liner is occurring and prohibition No. 8 is also violated. Whether a release has occurred or not the evaporation ponds will continue to have problems due in part to the fact that large hard objects, which we believe are rocks, are in contact with the liner. The wastewater treatment and evaporation ponds and underlying rocks threaten to create a condition of pollution in violation of prohibition No. 5.

Other Violations associated with Reporting

Additionally, the Board Order requires compliance with *Standard Provisions for Waste Discharge Requirements* and the *General Provisions for Monitoring and Reporting*. *Standard Provisions for Waste Discharge Requirements* requires the following:

- "2.a. Pursuant to California Water Code 13267(b), the discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance."
- "6. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the waste discharge requirements. ..."

In reference to item 2.a., above, the liners of the evaporation and primary ponds are control measures needed to maintain compliance with the requirements of the Board Order.

In reference to item 6, above, in the last two years holes in pond liners were identified by others. Finding holes on a regular basis indicates the Forest Service is having difficulty in maintaining the integrity of ponds or is not properly operating the ponds, as needed to achieve (and maintain) compliance. In the future we expect the Forest Service to notify the Water Board upon identifying any hole(s) and to follow up within two weeks with a written follow up on the corrective actions taken or proposed to comply with the requirements at the earliest time, and with a timetable for correction (General Provision 3.9). (Additionally, a copy of all the written follow up reports should also be attached to and submitted with the next required semi-annual report.)

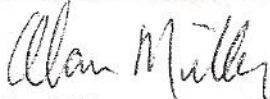
SUMMARY

The Forest Service is in violation of the Board Order and maintaining compliance with the Board Order may be difficult due to the number of rocks that appear to be located under the liner. The Forest Service must develop alternatives to comply with the order. On August 14, 2008, we received your letter in response to our letter of February 11, 2008, outlining actions proposed to follow-up the liner problems from 2007. We look forward to working with the Forest Service on solutions to bring the Forest Service back into compliance with the Water Board Order.

FURTHER ENFORCEMENT ACTIONS

The Water Board will be taking additional enforcement actions as authorized by law and as needed to ensure or to compel future compliance. Under the California Water Code, the Water Board will consider a number of options, including but not limited to, orders requiring technical reports (Water Code section 13267) and a time schedule order that may include stipulated penalties if compliance is not achieved by established dates (Water Code section 13308).

If you have any questions regarding this matter, please call Rob Tucker at (530) 542-5467, or me at (530) 542-5430.



Alan Miller
Chief North Basin Regulatory Unit

cc: Terri Frolli/Eagle Lake Ranger District/Lassen National Forest
John Allison
Lassen County Environmental health