



## Central Valley Regional Water Quality Control Board

9 December 2019

Patrick Coveño, Warden  
California Department of Corrections  
Mule Creek State Prison  
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### ***WATER CODE SECTION 13260 ORDER, REQUEST FOR A REPORT OF WASTE DISCHARGE, AND SUMMARY OF SITE INSPECTION, CALIFORNIA DEPARTMENT OF CORRECTIONS—MULE CREEK STATE PRISON, AMADOR COUNTY***

The Central Valley Water Board regulates the California Department of Corrections and Rehabilitation's (Discharger) Mule Creek State Prison facility under Waste Discharge Requirements (WDRs) Order R5-2015-0129 for the treatment, storage, and disposal of domestic wastewater from the prison and adjacent Cal Fire Facility, as well as the industrial wastewater from prison industry operations.

There are two primary compliance issues with the current WDRs that must be addressed:

1. The current WDRs and Monitoring and Reporting Program (MRP) do not require any specific monitoring of flow or quality of the industrial waste streams. Industrial contaminants have been detected in the wastewater effluent, stormwater, and groundwater. The treatment plant is not designed to treat for these constituents.
2. The facility has also lost some of its spray irrigation fields due to an expansion of the prison in 2015. The Discharger has not yet replaced this lost disposal capacity, which may have led to overloading of the remaining sprayfields.

This Water Code 13260 Order requires the submittal of a Report of Waste Discharge (RWD) which will include information needed to address these two issues and update the Waste Discharge Requirements. Summaries of the two compliance issues are described below.

These issues were investigated and discussed during our inspection with CDCR staff on 25 July 2019. A summary of that inspection is included below.

### **25 July 2019 Inspection**

On 25 July 2019 Regional Board staff from the Non-15 Permitting and Compliance and Enforcement Units conducted an inspection of the facility. The inspection included the

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treatment plant, sprayfields, storage reservoir, Prison Industry Authority facilities, and industrial operations occurring within the prison. These industrial activities included the coffee roasting operation, meat packing operation including the smokehouse, processing, and storage, two textile operations, welding and carpentry shops, janitorial training facilities, laundry facilities, and meal packaging operations. Board staff observed numerous cleansers, detergents, solvents, and other chemicals used in these industrial processes. Waste chemicals generated by the processes are also stored on site for future disposal. These chemicals and the management practices described by the Discharger are likely contributing to the industrial waste constituents that have been detected in the wastewater system, storage reservoir, stormwater system, and in the groundwater.

In addition, despite several months of hot, dry weather there was still a significant amount of stagnant water in the creek and surrounding lowlands. Mule Creek was dry upstream of the bridge to the Mule Creek Infill Complex (MCIC), and it appeared that all tailwater controls were in place and maintained around the sprayfields. A spill had occurred on 13 July 2019, but only 5000 gallons of effluent had been reported to have been discharged to the creek. The amount of water in the seasonally dry Mule Creek far exceeded the reported spill volume. Therefore it appears that heavy hydraulic loading of the fields is causing seepage into the dry creek bed.

### **Compliance Issues to be Addressed in Amended Waste Discharge Requirements**

The current wastewater treatment plant is not designed or operated to effectively remove VOCs or SVOCs. This lack of treatment has led to VOCs passing through the plant. Consequently, VOCs have been detected in the plant effluent, effluent storage reservoir, and groundwater underlying the storage reservoir and land application areas. In order to properly treat these waste constituents, industrial and domestic waste streams must either be segregated and treated individually with the appropriate technology, or the existing WWTP must be upgraded to treat for all constituents in the combined waste stream.

### **Decreased Disposal Capacity and Groundwater Impacts**

In 2014 the construction of the MCIC over existing sprayfields significantly decreased the total disposal capacity for the facility. In addition (and possibly as a consequence), there have been groundwater impacts due to excessive nitrate and salt loading of some sprayfields. Excessive hydraulic loading has also been noted to be a probable cause of small amounts of water in Mule Creek even in the dry season (tailwater discharge has been ruled out during Board staff's most recent inspection).

The Discharger has been seeking additional capacity to make up for the lost sprayfield area, most notably with the development of Woodard Bottom Sprayfields. However, the land that the Woodard Bottom Sprayfields is built on is not owned by the Discharger, and no agreement with the landowner has been made allowing the Discharger to dispose of any wastewater on this property. The Regional Board has not issued any approval to dispose of any treated wastewater to that facility at this time.

California Water Code (CWC) Section 13173(b) defines designated waste as:

*"Nonhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan;"*

The VOCs and SVOCs detected at Mule Creek State Prison are a designated waste as defined by CWC Section 13173(b).

### **Water Code Section 13260 Request for Report of Waste Discharge**

Section 13260 of the California Water Code states, in part:

- (a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:*
  - (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of waters of the state, other than into a community sewer system.*

Section 13261 of the California Water Code states, in part:

- (a) A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly...*
- (b)(1) Civil liability may be administratively imposed by a regional board or the state board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding one thousand dollars (\$1,000) for each day in which the violation occurs. Civil liability shall not be imposed by the regional board pursuant to this section if the state board has imposed liability against the same person for the same violation.*

Section 13264 of the California Water Code states, in part:

- (a) No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (1) The issuance of waste discharge requirements pursuant to Section 13263.*

Section 13265 of the California Water Code states:

*Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.*

Section 13376 of the California Water Code states, in part:

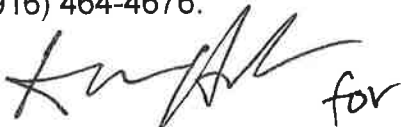
*A person who discharges or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state...shall file a report of the discharge in compliance with the procedures set forth in Section 13260.*

### **Response Required**

CDCR is responsible for Mule Creek State Prison as the owner of the property where the industrial activities and subsequent discharges of waste are taking place. These discharges pose an unacceptable risk to the water quality of the state.

No later than **1 June 2020**, the California Department of Corrections and Rehabilitation shall submit a Report of Waste Discharge fully describing how the compliance issues described above will be addressed, in accordance with Water Code section 13260.

If you have any questions regarding this letter, please contact Kenny Croyle at (916) 464-4676.

A handwritten signature in black ink, appearing to read 'Andrew Altevogt', followed by the word 'for' in a cursive script.

ANDREW ALTEVOGT  
Assistant Executive Officer

cc: Nickolaus Knight, Office of Enforcement, SWQCB, Sacramento  
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