

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2005-0035
NPDES Permit No. CA0022756
ID No. 1A84006ODN

MODIFYING CEASE AND DESIST ORDER NO. R1-2000-72
ISSUED FOR THE CITY OF CRESCENT CITY
MUNICIPAL WASTEWATER TREATMENT FACILITY

Del Norte County

The Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. On September 22, 2000, the Regional Water Board adopted Order No. R1-2000-71, Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756 for the City of Crescent City Municipal Wastewater Treatment Facility (WWTF). Order No. R1-2000-71 includes effluent limitations that must be met before treated wastewater can be discharged to the Pacific Ocean.
2. The City of Crescent City (hereinafter Permittee) is violating or threatening to violate Order No. R1-2000-71 until such time as the existing WWTF is upgraded.
3. Cease and desist orders (CDO) for existing and threatened violations of the Permittee's discharge permit have been in effect for the WWTF since 1997. Specifically, on February 27, 1997, the Regional Water Board adopted CDO No. 97-17, which documented violations of effluent limits contained in the then-existing waste discharge requirements for the WWTF. Thereafter, the Regional Water Board adopted CDO Nos. 98-24 and 99-54 for existing and/or threatened violations of then-existing waste discharge requirements. Order No. 98-24 included a prohibition on additional discharges into the WWTF until it could be demonstrated that additional capacity is available. Order No. 99-54 modified the discharge prohibition contained in Order No. 98-24 by changing the prohibition on additional connections to a restriction on the addition of new wastewater flows to the equivalent of 220 single-family dwelling units (which translates to 85,800 gallons per day). This action was based on the Permittee's success at interim improvements to the WWTF and collection system infiltration/inflow reduction. A large fish processing facility also closed during the interim period.
4. On September 22, 2000, the Regional Water Board adopted CDO No. R1-2000-72 for threatened violations of the newly adopted (reissued) NPDES permit (Waste Discharge Requirements Order No. R1-2000-71). All previous cease and desist orders were rescinded by CDO No. R1-2000-72. CDO No. R1-2000-72 continued the connection restriction to the WWTF, allowing the addition of no more than the equivalent of 220 single-family dwelling units. The CDO also established a time schedule for completing environmental documents pursuant to the California Environmental Quality Act (CEQA) leading to design and construction of a new WWTF.

5. The Permittee complied with time schedules contained in CDO No. R1-2000-72, requiring completion of CEQA documents. The Regional Water Board modified the CDO on January 24, 2002 (CDO No. R1-2002-0005) to include a time schedule for increasing hydraulic capacity through the ocean outfall and for completing design of a new WWTF. The Permittee currently is in compliance with CDO No. R1-2002-0005.
6. By January 2004, the Permittee had used nearly all if it's allowed 220 new connections. On February 11, 2004 the Regional Water Board adopted Order R1-2004-0001, allowing 160 new connections in addition to the 220 connections allowed by Order No. R1-2000-72. This action was based on flow and organic loading reductions accomplished since computation of the 220-connection limit. By March 25, 2005, the Permittee had assigned all but 20 of the 160 additional connections authorized by Order No. R1-2004-0001, although only 16 of those assigned connections had completed construction. The Permittee has requested 500 additional connections on the basis of organic loading reductions through industrial pretreatment since computation of the 160-connection limit.
7. Pursuant to Title 23 of the California Code of Regulations, section 2244.3(b), prohibitions or restrictions on additional discharges to a WWTF may be removed by the Regional Water Board if the Board finds that: 1) consistent compliance with waste discharge requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, 2) the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, 3) the corrective measures necessary to achieve compliance with requirements will be placed into operation by the discharger in the shortest practicable time, 4) all practicable interim repairs and improvements to the treatment process of the discharge that can be made have been made, and 5) during the interim period of time until compliance with requirements can be fully achieved the treatment processes of the discharge will be so managed, operated, maintained, and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.
8. The Permittee installed larger effluent pumps in 2002 to prevent wet-weather discharge of chlorinated effluent to storm drains that discharge into Crescent City Harbor. The present outfall is undersized for the larger effluent pumps. The Permittee has completed high priority collection system rehabilitation work to reduce wet-weather flows, and intends to construct a larger diameter outfall during the summer of 2005. These actions have reduced violations of effluent limitations. The Permittee must continue an aggressive program of collection system rehabilitation and complete the larger diameter outfall in order to remain in compliance with Waste Discharge Requirements Order No. R1-2000-71 while design and construction proceed on improvements to wastewater treatment facilities.

9. On May 19, 2004, the Permittee informed Regional Water Board staff that additional capacity and treatment reliability would be provided through upgrading of the existing twenty-five year old WWTF instead of constructing a new WWTF. This change came through an independent review process that concluded the growth rate in the Crescent City area is not as high as originally thought and that the new WWTF would be more expensive than Crescent City could support. Final design of improvements to the WWTF is due by August 1, 2005.
10. In January 2005, Rumiano Cheese Company installed a pretreatment plant to reduce its contribution to organic loading going into the WWTF. Monitoring data for early operation of the pretreatment facility (February-May 2005) indicate that the pretreatment plant removes organic loading on the WWTF by the equivalent of 500 single family dwelling units (DUEs), which equates to 270 lbs/day of BOD. Additional monitoring should be conducted to confirm long-term reliability and availability of the calculated additional capacity.
11. CDO No. R1-2004-0001 identified industrial discharges into the WWTF as affecting performance of the WWTF and required that "The City shall provide an acceptable pretreatment ordinance within a reasonable period of time." Pretreatment compliance inspections were conducted by EPA contractor Tetra Tech in June 2003 and June 2004. Deficiencies were noted, and the City hired a consultant to evaluate the City's pretreatment ordinance and program. An acceptable pretreatment ordinance has not been submitted.
12. The Permittee has complied with or can comply with conditions cited in Finding No. 7 above, with the possible exception of having the financial resources to construct WWTF improvements, which currently are estimated to cost \$20 million. It is appropriate to modify CDO R1-2000-72 to allow additional new connections as the Permittee completes elements of the revised WWTF improvements and continues to monitor success of Rumiano Cheese Company's pretreatment facility.
13. This is an enforcement action and is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15321.
14. On June 21, 2005, after due notice to the Permittee and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that the third provision of Cease and Desist Order No. R1-2000-72 is amended to read:

1. The addition of new flows of wastewater to the wastewater treatment facility **from** new residential, commercial, industrial, **and/or** governmental connections is restricted as follows until such time that it can be **demonstrated** to the satisfaction of **the** Regional Water Board that such connections **will** not result in additional violations of waste discharge requirements, [Title **23**, California Code of **Regulations**, section 22441:
 - the equivalent of 220 single family dwellings or 86,000 gallons per day, whichever is less, authorized by Order No. R1-2000-72; plus
 - the equivalent of 160 single **family** dwellings or 36,000 gallons per **day**, whichever is less, authorized by Order No. R1-2004-0001; plus
 - the equivalent of 500 single family dwellings (270 lbs/day of BOD).
2. By September 1, 2005, the Permittee shall submit a draft pretreatment ordinance addressing the **deficiencies** outlined in the 2003 and 2004 Tetra Tech Pretreatment Compliance Inspection reports and a time schedule for adoption and **implementation** of the ordinance. Failure to comply with this requirement may result in the revocation of this amendment to Order No. R1-2000-72.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a **full, true, and correct copy of an** Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 21, 2005.



Catherine E. Kuhlman
Executive Officer