

California Regional Water Quality Control Board  
North Coast Region

CEASE AND DESIST ORDER NO. R1-2006-0108

(AMENDING AND SUPPLEMENTING EXISTING  
CEASE AND DESIST ORDER NO. R1-2004-0095)

REQUIRING THE CITY OF WILLITS  
TO CEASE AND DESIST FROM DISCHARGING AND THREATENING  
TO DISCHARGE WASTE IN VIOLATION OF  
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2001-0071  
NPDES PERMIT NO. CA0023060  
WDID NO. 1B80078OMEN

Mendocino County

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

1. The City of Willits (hereinafter permittee) owns and operates a municipal wastewater treatment facility (WWTF) located northeast of Willits adjacent to Broaddus and Baechtel Creeks, tributaries to Outlet Creek and the Eel River. The WWTF serves the City of Willits and the Brooktrails Community Services District. The WWTF consists of extended aeration, settling, disinfection, and dechlorination. Design flows are 1.3 million gallons per day (mgd) average dry weather and 3.0 mgd peak wet weather. Current dry weather flows average 0.70 mgd and peak wet weather flows exceed 3.0 mgd.
2. Waste Discharge Requirements Order No. R1-2001-0071 NPDES Permit No. CA0023060 (Order R1-2001-0071), adopted by the Regional Water Board on June 28, 2001 regulates activities at the WWTF.
3. Pursuant to provisions of the Water Quality Control Plan for the North Coast Basin (Basin Plan), Order No. R1-2001-0071 restricts treated effluent discharges to the Eel River and its tributaries to no greater than 1 percent of the receiving water flow during the allowable discharge season occurring from October 1 to May 14 each year.
4. The City of Willits is located in the Little Lake Valley in the upper portion of the Eel River watershed. Stream flows in Little Lake Valley fluctuate rapidly increasing in response to storm events and diminishing rapidly after each storm. Treated effluent flow from the WWTF frequently exceeds 1% of the receiving water flow.
5. Portions of Order No. R1-2001-71 being violated or threatening to be violated by continued discharges include:

**A. "DISCHARGE PROHIBITIONS**

2. The discharge of any waste to property not under control of the permittee is prohibited, except as authorized under D. SOLIDS DISPOSAL.
  3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]
  7. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving waters."
6. Cease and Desist Order No. R1-2001-0071 was issued to the permittee on June 28, 2001. Order No. R1-2001-0077 contained a time schedule with 6 tasks requiring submittal of a draft, final, and certified environmental impact report (EIR) between June 1, 2002, and April 1, 2003. Order No. R1-2001-0071 further required design and complete construction between April 1, 2004, and June 1, 2006. The EIR tasks were completed, however the permittee required additional time to complete design and construction.
  7. On November 29, 2004, the Regional Water Board adopted Cease and Desist Order No. R1-2004-0095, establishing a new time schedule to complete key phases of design and construction. Preliminary design documents for a series of oxidation ponds and treatment wetlands were completed in compliance with Order R1-2004-0095 requirements.
  8. Initial permitting activities pursued by the Permittee indicate that the initial preferred alternative utilizing oxidation ponds and wetlands treatment would not be feasible. As a result, it is appropriate to provide a new time schedule for the Permittee to reassess design requirements and complete construction.
  9. Pursuant to Water Code section 13389 and title 14, California Code of Regulations, section 15321, this is an enforcement action for violations and threatened violations of waste discharge requirements and for the protection of the environment, and as such, is exempt from the requirements of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.).
  10. On November 29, 2006, after due notice to the Permittee and all other affected persons, the Regional Water Board conducted a public hearing and received evidence regarding this Cease and Desist Order.

IT IS HEREBY ORDERED PURSUANT TO WATER CODE SECTIONS 13243, 13300 AND 13301 THAT Cease and Desist Order No. R1-2004-0095 is amended to read:

1. The Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Order No. R1-2001-71 (NPDES Permit No. CA0023060) described in Finding No.5 above, by implementing the following time schedule:

Task A. By **January 1, 2007**, submit 50 percent design plans for a new WWTF headworks.

Task B. By **March 1, 2007**, submit for Executive Officer's review, a variance request to address surface water discharge dilution rates. The variance request shall conform to all requirements identified in accordance with the Implementation Plan, North Coastal Basin contained in the Basin Plan and at a minimum shall include evaluation of the following factors:

- Identification of each constituent of concern (COC) known or reasonably thought to be present in WWTF effluent;
- Documentation of existing water quality for each COC in the receiving water upstream of WWTF influence;
- Comparison of most sensitive beneficial uses identified for the receiving water in the Basin Plan for each COC and their cumulative impacts; and
- Evaluation of water quality and flows required in the WWTF effluent to protect the beneficial uses.

Task C. By **April 1, 2007**, submit final design plans for a new WWTF headworks.

Task D. By **June 1, 2007**, commence construction of the approved headworks design.

Task E. By **June 1, 2007**, submit conceptual design plans describing proposed project. The conceptual design plans shall be accompanied by federal 401/404 permit and water quality certification applications, as necessary.

Task F. By **November 1, 2007**, submit 50 percent design plans for the proposed project.

Task G. By **December 1, 2007**, complete construction of the headworks portion of the proposed project. Major earth-work shall be completed no later than October 1, 2007.

- Task H. By **April 1, 2008**, submit final design plans for the proposed project. The final design shall be accompanied by an application for waste discharge requirements permit renewal.
- Task I. By **June 1, 2008**, commence construction of the proposed project.
- Task J. By **August 1, 2009**, complete construction of the proposed project.
- Task K. By **October 1, 2009**, attain full compliance with Waste Discharge Requirements by completing the implementation of long-term plans for treated effluent disposal during the wintertime season.
2. During the time period described above, the permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with **A. DISCHARGE PROHIBITIONS** 2, 3, and 7 to the maximum extent practicable.

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 November 29, 2006.

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Catherine E. Kuhlman  
Executive Officer