

Executive Officer's Summary Report  
9:00 a.m., March 15, 2012  
River Lodge Conference Center  
1800 Riverwalk Drive  
Fortuna, California

Item: 2

Subject: Public Hearing on Order No. R1-2012-0018 to consider Rescission of Cease and Desist Order No. R1-2008-0110 for the **City of Ferndale Wastewater Treatment Facility**, NPDES Permit No.CA0022721, WDID No. 1B831360HUM

### DISCUSSION

Pursuant to provisions of the Basin Plan, discharges of treated wastewater to the Eel River and its tributaries shall not exceed one percent (1:100) during the allowable discharge period from October 1 through May 14. The City of Ferndale (hereinafter Discharger or City) owns and operates a municipal wastewater treatment facility (WWTF) in the Eel River watershed subject to the Basin Plan discharge rate limitation. The City's treated effluent is discharged to Francis Creek near the confluence with the Salt River during the wintertime discharge period. Historically, the Salt River was wide and deep enough to be used as a shipping channel. Over time, the Salt River experienced significant reductions in channel capacity from sediment deposition and prolific growth of in-stream vegetation. As a result, the volume of effluent discharged from the Ferndale WWTF consistently exceeds one percent of the receiving water flow in violation of permit and Basin Plan requirements. For this reason, the City of Ferndale has been under a Cease and Desist Order to comply with Basin Plan discharge rate requirements since May 2003.

The Basin Plan provides for the Regional Water Board to consider, for cause, exceptions to the waste discharge rate limitations. Discharge rate exceptions are required to be defined in National Pollutant Discharge Elimination System (NPDES) permits for each discharger, on a case by case basis. The Discharger applied and was granted an exception to the waste discharge rate limitation during adoption of its current NPDES Permit Order No.R1-2009-0034. Among other factors required by the Basin Plan the city's exception is predicated upon protection of all beneficial uses in the receiving water.

In order to meet the conditions necessary for a discharge rate exception and ultimately comply with Cease and Desist Order No. R1-2008-0110, the Discharger constructed a new WWTF. The new WWTF is capable of consistently treating wastewater to tertiary level quality through the operation of extended aeration, clarifiers, disc filters and

ultraviolet disinfection. Tertiary level treatment is defined under these circumstances as the ability to achieve 10 mg/l as a monthly average for biochemical oxygen demand and total suspended solids respectively. In addition, the new WWTF is designed to achieve total nitrogen removal to a minimum of 10 mg/L. Based upon performance modeling for the new WWTF, the Discharger demonstrated consistency with Basin Plan exception requirements for a discharge rate at one hundred percent of the receiving water flow (1:1). Compliance with the discharge rate exception will continue to be evaluated through ongoing monitoring of WWTF performance and receiving water quality as required under the city's NPDES permit.

The City has achieved compliance with the final tasks required under the cease and desist order by completing construction of a new wastewater treatment facility and achieving full compliance with NPDES final effluent limitations. A copy of the draft order rescinding Cease and Desist Order No. R1-2008-0110 was posted on the Regional Water Board website and mailed to the Discharger, interested agencies, and persons. This item was opened for public comment between January 11, 2012, and February 10, 2012. No comments were received from either the Discharger or any other interested party.

PRELIMINARY STAFF  
RECOMMENDATION:

Adopt Order No. R1-2012-0018 as proposed.