

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2004-0001
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 expanded or replaced. The WWTF has reached organic treatment capacity.
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 Cease and Desist Order 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 Cease and Desist Order 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 99-54 modified the additional 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 Cease and Desist Order 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 All previous cease and desist orders were rescinded by CDO Order No. R1-2000-72.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 and the CDO was modified by the Regional Water Board on January 24, 2002 (CDO No. R1-2002-0005). CDO No. R1-2002-0005 was adopted to include a time schedule for increasing hydraulic capacity through the ocean outfall and for completing design of a new WWTF. The Permittee is in compliance with CDO No. R1-2002-0005.

6. On August 13, 2003, the Permittee estimated all 220 connections would be completed or assigned by mid-December, 2003. The Permittee requested 160 additional connections on the basis of flow and organic loading reductions accomplished since computation of the 220-connection limit. The Permittee also estimates that, based on the rate of new connection use during the past four years, the Permittee's need for new connections until completion of a new WWTF is 147 new connections. The Permittee alleges that per capita organic loading has been reduced from 0.16 to 0.12 pounds of biochemical oxygen demand (BOD) per day and that flow per connection has been reduced from 390 to between 200 and 250 gallons per day. By letter dated December 16, 2003, the Permittee requested an additional 55 single family residential connections to be used by a large targeted housing project (Del Norte Point Apartments) that may be funded in early 2004.
7. The Permittee has installed larger effluent pumps to prevent wet-weather discharge of chlorinated effluent to storm drains that discharge into Crescent City Harbor. The Permittee has begun collection system rehabilitation work to reduce wet-weather flows. Castle Rock Fish Processing has suspended discharges to reduce organic loading. These actions have reduced violations of effluent limitations. The Permittee must continue an aggressive program of pretreatment enforcement and collection system rehabilitation to remain in compliance with Waste Discharge Requirements Order No. R1-2000-71 while planning and construction proceed on new wastewater treatment facilities.
8. 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.
9. The Permittee has complied or can comply with conditions cited in Finding No. 8 above with the possible exception of having the financial resources to construct a new WWTF, which currently is estimated to cost \$48 million. Existing CDO No. R1-2002-0005 contains a time schedule to complete design of a new WWTF by August 1, 2005. It is appropriate to modify CDO R1-2000-72 to allow an additional two years of new connections to the WWTF (at the current rate of new connections) plus an additional 55 new connections for the proposed targeted housing project until the design is complete and the Permittee obtains financing for the new WWTF.
10. 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.

11. On February 11, 2004, **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:

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 2244]:

- 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.

The City shall provide an acceptable pretreatment ordinance within a reasonable period of time.

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 February 11, 2004.


Catherine E. Kuhlman
Executive **Officer**