

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2002-0025
I.D. No. 1B84083OMEN

CEASE AND DESIST ORDER
MODIFYING ORDER NO. R1-2001-23
REQUIRING
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1,
WASTEWATER TREATMENT FACILITY,
TO
CEASE AND DESIST FROM DISCHARGING WASTE
CONTRARY TO REQUIREMENTS PRESCRIBED BY
THE
NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Mendocino County

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

1. On June 22, 1995, the Regional Water Board adopted Order No. 95-47, NPDES Permit No. CA0023078, Waste Discharge Requirements for the Fort Bragg Municipal Improvement District No. 1 (permittee), Fort Bragg Wastewater Treatment Facility (WWTF). The Order includes Effluent Limitations that must be met before treated wastewater from the Fort Bragg WWTF can be discharged to the Pacific Ocean. The Order was due to expire on June 21, 2000.
2. On January 23, 1997, the Regional Water Board found that the permittee was discharging waste in violation of Order No. 95-47. The Regional Water Board adopted Cease and Desist Order No. 97-2, requiring the permittee to repair a secondary biofilter on or before September 22, 1997. A second Cease and Desist Order, No. 98-126, was adopted on December 10, 1998, by the Regional Water Board after the aforementioned repairs failed to improve effluent quality to the extent of conforming with Order No. 95-47. The permittee submitted the report on February 26, 1999, as required by Order No. 98-126. The report proposed a Time Schedule for completing an evaluation to determine cost-effective infiltration/inflow reduction and for construction of treatment improvements.

3. On March 22, 2001, the Regional Water Board rescinded Cease and Desist Order No. 98-126 and adopted Cease and Desist Order No. R1-2001-23, which modified the time schedule to reflect a nine month delay in NPDES permit renewal.
4. Also on March 22, 2001, the Regional Water Board considered a draft renewed permit for the WWTF (draft Order, NPDES Permit No. CA0023078, Waste Discharge Requirements for the Fort Bragg Municipal Improvement District No. 1, Fort Bragg Wastewater Treatment Facility). In response to an objection by an interested party who alleged a lack of proper notice of late permit revisions, the Regional Water Board did not adopt the Order and postponed the hearing until June 28, 2001. Before the hearing, the Regional Water Board received a letter from legal counsel representing the City of Fort Bragg requesting significant modifications of the draft Order. This letter also contained many other, highly technical comments on the draft permit. Regional Water Board staff is currently preparing a response to these comments.
5. In a letter dated January 14, 2002, the City of Fort Bragg requested that some of the time deadlines in Order R1-2001-23 be further extended until issues relating to the requested permit modifications are resolved. Because of the complexity of these issues, the response from Regional Board staff and the adoption of the draft renewal permit is taking longer than anticipated. The requested permit modifications, if allowed, may affect the necessity of the treatment improvements proposed to satisfy Order No. R1-2001-23. Further, the permittee is currently in compliance with Order R1-2001-23 because it submitted the conceptual and project designs to the Regional Water Board for authorization and commenced the California Environmental Quality Act (CEQA) process in compliance with the modified Time Schedule. In recognition of the permittee's compliance with Order R1-2001-23, the Time Schedule included in this Order adjusts the permittee's proposed Time Schedule to reflect the delay in permit renewal, with the exception of those scheduled tasks that have already been completed.
6. Pursuant to Section 15321, Title 14, California Code of Regulations, and California Water Code Section 13389, this is an action to enforce an NPDES permit for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act (CEQA).
7. On March 28, 2002, after due notice to the discharger 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 Cease and Desist Order No. R1-2001-23 is rescinded and the Fort Bragg Municipal Improvement District No. 1, Fort Bragg Wastewater Treatment Facility shall comply with the following time schedule:

<u>Task</u>	<u>Compliance Date Report of Compliance Due</u>
Complete CEQA process	March 1, 2003
Advertise for construction bids	May 1, 2003
Award construction contract	June 1, 2003
Commence construction	July 1, 2003
Complete construction	September 1, 2004

Certification

I, Susan Warner, 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 March 28, 2002.

Susan A. Warner
Executive Officer