California Regional Water Quality Control Board
North Coast Region

CEASE AND DESIST ORDER NO. R1-2004-0096

REQUIRING THE LOLETA COMMUNITY SERVICES DISTRICT
TO CEASE AND DESIST FROM DISCHARGING AND THREATENING
TO DISCHARGE WASTE IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2001-59
NPDES NO. CA0023671
WDID NO. 1B80081OHUM

Humboldt County

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

1. The Loleta Community Services District (hereinafter Permittee) owns and operates a municipal wastewater treatment facility (WWTF) located in Loleta, California. WWTF effluent discharges to an evaporation/ percolation pond, which during winter months, overflows to an unnamed slough, tributary to the Eel River. The WWTF provides secondary treatment via a gravity collection system, an aeration basin, clarifier, sludge storage vault, chlorine contact chamber, chlorine and sulfur dioxide flow-proportioning equipment. Design capacity is 100,000 gallons per day (gpd); average dry weather flow is approximately 56,000 gpd; and peak wet weather flows reach approximately 522,000 gpd. Two industrial plants discharge high-strength waste to the WWTF—a cheese factory and a powdered milk producer.

2. The WWTF is regulated by Waste Discharge Requirements (WDRs) Order No. R1-2001-59, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023671, WDID No. 1B80081OHUM, adopted by the Regional Water Board on June 28, 2001. The WDRs/NPDES Permit includes discharge prohibitions, effluent and receiving water limitations, solids disposal specifications, and compliance provisions. The Permittee has accumulated multiple violations of the terms in Order No. R1-2001-59.

3. Terms in Order No. R1-2001-59 that have been violated or threaten to be violated are:

A. DISCHARGE PROHIBITIONS

2. Creation of a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code is prohibited.

4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.

B. EFFLUENT LIMITATIONS

1. Representative samples of the discharge shall not contain constituents in excess of the following limits.

Constituent	Unit	Monthly Average[1]	Weekly Average[2]	Daily Maximum[3]
BOD (20° C, 5-day)	mg/l	30	45	60
	lb/day[4]	25	38	50
Suspended Solids	mg/l	30	45	60
	lb/day[4]	25	38	50
Settleable Solids	ml/l	0.1	-----	0.2
Coliform Organisms (Total)	MPN/100 ml	23[5]	-----	230
Hydrogen Ion	pH	Not less than 6.5 nor greater than 8.5		

2. A minimum total chlorine residual of 1.5 mg/l shall be maintained at the end of the disinfection process.

3. There shall be no detectable levels of chlorine in effluent discharged to Discharge SN 001, using a minimum detection limit of 0.1 mg/l.

4. The arithmetic mean of the BOD (20° C, 5-day) and Suspended Solids values, by weight, for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same time during the same period (85 percent removal).

E. GENERAL PROVISIONS

5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this permit [40 CFR 122.41 (e)].

[1] The arithmetic mean of all samples collected in a calendar month.
[2] The arithmetic mean of all samples collected in a calendar week, Sunday to Saturday.
[3] The maximum sample of all samples collected in a calendar day.
[4] The daily discharge (lbs/day) is obtained from the following calculation of any calendar day:

$$\frac{8.34}{N} \sum_{i}^{N} Q_i C_i$$

[5] 30-day median. The median of all effluent samples collected in a 30-day period.

4. Self-monitoring reports show chronic effluent limitation violations of some constituents during set time periods. The table below summarizes effluent limitation violations compiled from self-monitoring reports submitted between July 2001 and June 2004:

Parameter	Monthly Average[1]	Daily Maximum[2]	Daily Minimum
BOD_5 (lb/day)	2	-----	-----
Suspended Solids (lb/day)	4	-----	-----
Suspended Solids % Removal	1	-----	-----
Total Coliform (MPN/100)	1[5]	4	-----
Hydrogen Ion (pH)	-----	0	9
Cl_2 Detected in Effluent (mg/l)	-----	45	-----
Cl_2 Disinfection Residual (mg/l)	-----	-----	32

Between July 2001 and March 2002, the Permittee failed to report chlorine disinfection residual. In addition, the Permittee did not report periods of power outages since Order R1-2001-59 was issued in 2001. Therefore, the actual number of violations that occurred could have been higher.

5. Excessive infiltration and inflow (I/I) of storm water to the Loleta WWTF has been a concern since the early 1990s. The Permittee conducted smoke tests in 1991 and 2002 as well as a video survey in 1994 to identify potential sources of I/I to the WWTF collection system. Though some repairs have been made, peak wintertime flows still exceed more than nine times the average dry weather flows. NPDES regulations define excessive infiltration as exceeding 275 gpd/person. Wet weather flows commonly exceed this figure and reach as high as 700 gpd/person. Forty-two (42) of the ninety-eight (98) documented effluent violations occurring between July 2001 and June 2004 correlate to excessive inflow at the WWTF.

6. The Permittee reported that during the peak wet weather flow of 522,000 gpd on February 17, 2004, the clarifier tank overflowed within the WWTF. Treatment of wastewater overflowing from the clarifier was inadequately treated as the waste had not been disinfected.

7. No backup or auxiliary power source is available to the WWTF in the event of power outage. Treatment at the Loleta WWTF is dependent on aerobic digestion, which occurs in the aeration basin. Electricity is required to power the blowers essential to the aerobic digestion process. During an inspection on April 25, 2003, the WWTF operator informed Regional Water Board Staff that potable water must be turned on manually to operate the chlorination system in the event of power outage. The WWTF does not have any functional alarm system in place to alert the operator to power outages, leaks in the chlorination and dechlorination systems, or any other problem related to waste water treatment operations. Therefore, during power outages, raw sewage continues to enter the WWTF by gravity and the discharge is inadequately treated until power is restored.

8. Repairs and/or upgrades are needed to cease operational violations and for the WWTF to consistently achieve acceptable treatment levels. Necessary upgrades are likely to take an extended time period for completion. Upgrades will likely entail evaluation, planning, securing of funds, design, and construction.

9. Pursuant to Section 15321, Title 14, California Code of Regulations, adoption of a cease and desist order is an enforcement action for the protection of the environment and is exempt from the requirements of the California Environmental Quality Act.

10. On November 29 2004, 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.

THEREFORE IT IS HEREBY ORDERED pursuant to California Water Code Sections 13267, 13243, 13300 and 13301 that:

1. The Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Order No. R1-2001-59 (NPDES Permit No. CA0023671) described in Finding No. 3 above as well as any succeeding permit with the same terms as are being violated described in this Cease and Desist Order by complying with the following time schedules:

   Task A By April 1, 2005, submit a plan for Regional Water Board Executive Officer concurrence, to upgrade to the WWTF allowing treatment operations to continue uninterrupted during times of power outage (provide emergency power). The plan shall also address suitable alarm systems to alert the operator of any failure at the WWTF in a timely manner.

   Task B By April 1, 2005, submit a report for Regional Water Board Executive Officer concurrence, summarizing the I/I concerns identified during the 1991, 1994, and 2002 evaluations of the WWTF collection system. The report shall include:

      1. A description of the location and likely cause of each source or potential source of I/I identified during previous evaluations;
      2. A corresponding description of I/I source locations within the collection system that have been corrected, the manner in which the correction was accomplished, and date completed;
      3. A description of areas within the collection system requiring further I/I source evaluation;
      4. Plan view map(s) drawn to scale depicting the locations described under items 1 through 3 above.
      5. A proposed time schedule for eliminating excessive I/I within five years.

      The April 1, 2005, report shall be accompanied by a definitive plan to systematically identify, prioritize, and eliminate cost-effective I/I sources.

Task C By July 1,2005, and each subsequent July 1 thereafter; submit a copy of the Permittee'' fiscal plan for implementing the tasks required by this Cease and Desist Order. The plan shall include:

1. Tasks scheduled for implementation between the period of the July 1 submittal date and June 30 of the following year;
2. The budget amount allocated to accomplish each specific task to be conducted during the ensuing 12 month period;
3. A running tabular summary of all progress made to complete Tasks A and B listed above.

Task D By November 1,2005, complete WWTF upgrades to accommodate auxiliary power ensuring operation of essential treatment system functions including, but not limited to, aeration basin blowers as well as the chlorination and dechlorination system. Install an alarm system to alert the WWTF operator to power outages and failure of critical treatment components.

Task E By December 1,2009, complete WWTF collection system repairs and upgrades to eliminate excessive I/I.

2. If, in the opinion of the Executive Officer, the Permittee fails to comply with the provisions of this Order, the Executive Officer may initiate further enforcement action.

CERTIFICATION

I, Catherine 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 29,2004.

Catherine Kuhlman

Catherine E. Kuhlman
Executive Officer

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