

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2004-0097

REQUIRING THE GARBERVILLE SANITARY DISTRICT TO CEASE AND DESIST
FROM DISCHARGING OR THREATENING TO DISCHARGE EFFLUENT IN VIOLATION
OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. R1-2000-58
ID NO. 1B83120OHUM

Humboldt County

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

1. The Garberville Sanitary District (hereinafter discharger) owns and operates facilities for municipal wastewater collection and treatment serving the community of Garberville. The wastewater treatment facility (WWTF) is located in Garberville, California; Township 4 South of the Humboldt Baseline, Range 3 East of the Humboldt Meridian, Section 24 at 44° 39' N latitude, 4° 32' E longitude.
2. The WWTF is designed to treat an average dry weather flow of 60,000 gallons per day (gpd) and a peak wet weather flow of 300,000 gpd. Treatment consists of three oxidation ponds and a chlorine disinfection chamber. Treated wastewater is disinfected using chlorine gas prior to discharge to percolation ponds adjacent to the South Fork of the Eel River. The percolation ponds are located just below the 100-year flood level.
3. On August 25, 2000, the Regional Water Board adopted Waste Discharge Requirements (WDR), Order No. R1-2000-58 for the Garberville WWTF. The WDRs include discharge prohibitions, effluent limitations, and compliance provisions. The discharger has accumulated multiple violations of the terms in Order No. R1-2000-58 and threatens to continue to violate the terms of that Order.
4. Terms in Order No. R1-2000-58 that have been violated and that threaten to be violated are:

A. DISCHARGE PROHIBITIONS

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

B. EFFLUENT LIMITATIONS

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

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average^a</u>	<u>Daily Maximum^b</u>
BOD (20° C, 5-day)	mg/l	50	80
Suspended Solids	mg/l	50	80
Settleable Solids	ml/l	0.1	0.2
Coliform Organisms (Total)	MPN/100 ml	23 ^c	230
Hydrogen Ion	pH	Not less than 6 or greater than 9	

2. The mean daily dry weather flow of waste shall not exceed 60,000 gpd averaged over a calendar month.

C. GENERAL PROVISIONS

14. Adequate Capacity

Whenever a publicly owned wastewater treatment plant will reach capacity within four years, the discharger shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. The discharger shall demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity or how capacity will be increased within 120 days after providing notification to the Regional Water Board. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Regional Water Board Executive Officer, and longer extensions may be granted by the Regional Water Board itself.

5. Self-monitoring reports show chronic effluent limitations violations of some constituents during set time periods. The table below summarizes effluent limitation violations compiled from self-monitoring reports submitted between September 2000 and July 2004:

<u>Parameter</u>	<u>Monthly Average^a</u>	<u>Daily Maximum^b</u>
BOD ₅ (mg/l)	22	2
Suspended Solids (mg/l)	1	-----
Total Coliform (MPN/100)	1 ^c	7
Dry Weather Flow ^d (gallons/day)	9	-----

^a The arithmetic mean of all samples collected in a calendar month

^b The maximum sample of all samples collected in a calendar day

^c Median

^d Dry Weather flow refers to the months June through October

On multiple occasions between September 2000 and July 2004, the discharger failed to report BOD₅, suspended solids, settleable solids, total coliform, and daily flow. Therefore, the actual number of effluent limitation violations that occurred could be higher.

6. Population growth and economic dependence on summertime tourism, have resulted in increased hydraulic loading at the WWTF beyond design capacity. The Discharger has implemented a self-imposed moratorium on additional hookups to the WWTF system until the capacity issue can be resolved. As a result, failing septic systems requiring a connection have been placed on hold. Low-income housing development is also unable to proceed due to capacity concerns of the WWTF.
7. Findings 5 and 6 illustrate the level of increased demand and resulting impacts on the WWTF. Major upgrades are needed to cease operational violations and for the WWTF to achieve required treatment levels. Necessary upgrades are likely to take an extended time period for completion. Upgrades will likely entail preparing a facilities plan, securing funding, planning, compliance with California Environmental Quality Act (CEQA) requirements, design and construction.
8. A Pre-Feasibility Study for the Use of Constructed Wetlands dated September 9, 1999, was prepared for the discharger. The report discussed conditions of the wastewater collection and treatment facilities and provides upgrade alternatives. The feasibility study is an initial step in addressing long-term upgrades to the collection and treatment facilities. Some measures have been implemented by the discharger to reduce effluent limitation violations. The discharger recently contracted with a consulting engineer to produce a facilities plan for WWTF upgrade alternatives. The facilities plan has not been completed yet. Continuing chronic effluent limitation and operational violations indicate deficiencies in the existing wastewater treatment facility.
9. Section 13301 of the Porter Cologne Water Quality Control Act states in part:

“In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of cease and desist order.”

Title 23, California Code of Regulations, Section 2244(b) states:

“Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause and increase in violation of waste discharge requirements or increase the likelihood of violation of requirements.”

The Garberville WWTF does not have adequate capacity to provide wastewater treatment as specified in Waste Discharge Requirements. Therefore, the discharger is in violation

of Waste Discharge Requirements, and additional flow of wastes will further hinder the discharger's ability to comply with Waste Discharge Requirements.

10. Adoption of a Cease and Desist Order is an enforcement action taken by a regulatory agency, and as such, 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 November 29, 2004, 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 the Garberville Sanitary District shall cease discharging waste in violation of Waste Discharge Requirements, Order No. R1-2000-58, 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 schedule and requirements:

Task A. By March 1, 2005, submit for approval by the Regional Water Board Executive Officer, a draft report evaluating viable alternatives for upgrading the wastewater treatment facility. The report shall provide information supporting the viability of the selected process from a financial, design, construction, and CEQA compliance aspect. The facilities plan must indicate a preferred alternative.

Task B. By June 1, 2005, commence the CEQA process for the chosen alternative.

Task C. By January 1, 2006, submit a final report documenting that CEQA process has been completed.

Task D. By June 1, 2006, submit for approval by the Regional Water Board Executive Officer the 10% facilities design report.

Task E. By November 1, 2006, submit for approval by the Regional Water Board Executive Officer the 50% facilities design report.

Task F. By April 1, 2007, submit for approval by the Regional Water Board Executive Officer the final facilities design. The final design shall include a schedule for key stages of construction and project completion.

Task G. By July 15, 2007, submit documentation that financing has been obtained for construction.

Task H. By January 1, 2008, commence construction of the WWTF upgrade.

Task I. By November 1, 2009, complete construction of the WWTF and comply with Waste Discharge Requirements.

It is further ordered that the addition of new flows of wastewater to the wastewater treatment facility (after October 4, 2004) from new residential, commercial, industrial, and/or governmental connections is prohibited until such time that it can be demonstrated to the satisfaction of the Regional Water Board that more connections will not result in additional violations of terms of Order No. R1-2000-58 described in Finding No. 4 above. [Title 23, California Code of Regulations, Section 2244]

Structures with building permits (or substitute final construction approval documents) already issued at the time of the public notice of the cease and desist hearing November 29, 2004 are excluded from this prohibition. [Title 23, California Code of Regulations, Section 2244.1(a)]

Those structures that do not require a “building permit” or are exempted from the permitting process shall be exempted from this prohibition if construction has commenced. [Title 23, California Code of Regulations, Section 2244.1(a)]

The following are excluded from the prohibition:

- a. Discharges from existing dwellings not connected to the sewer system which have methods of waste disposal which are causing more severe water quality problems than those caused by the community sewer system. [Title 23, California Code of Regulations, Section 2244.1(b)(1)]
- b. Discharges which, by reason of special circumstances, if not allowed to connect to the community sewer system would result in extreme public hardship or a public health hazard. This is not intended to mean that economic loss to a community as a whole or to a public agency or private person within the community is by itself cause for not prohibiting additional connections because such a loss is a rule rather than the exception and cannot outweigh the need to prevent an increase in water quality impairment which is the basic reason for the prohibition. [Title 23, California Code of Regulations, Section 2244.1(b)(2)]

If, in the opinion of the Executive Officer, the discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

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, 2004.

Catherine E. Kuhlman
Executive Officer