

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2004-0115

For

LOLETA COMMUNITY SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY

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. Treated WWTF effluent discharges to an evaporation/ percolation pond, which during winter months, overflows to an unnamed slough, tributary to the Eel River.
2. 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.
3. On June 16, 2004, the State Water Resources Control Board, Office of Operator Certification (OOC), sent written notification to the Permittee documenting that pursuant to Title 23 California Code of Regulations (CCR), Division 3, Chapter 26, Sections 3670-3719.19 the Loleta WWTF is an Extended Aeration treatment facility with a design flow of 0.100 million gallons per day. The Loleta WWTF is a Class II facility. The Chief Plant Operator must hold a minimum Grade II wastewater operator certificate. Individuals performing operational duties in the physical absence of the Chief Plant Operator must hold a minimum Grade I wastewater certificate. Operators in Training may assist provided a minimum Grade I operator is onsite.
4. Until June 29, 2004 the Permittee employed a Grade II Chief Plant Operator. The Permittee has not secured a permanent replacement Grade II Chief Plant Operator or other qualified plant operator(s). Properly licensed operator(s) are needed to cease and prevent operational violations and threatened effluent violations and for the WWTF to consistently achieve acceptable treatment levels.
5. On November 29 and 30, 2004, the Permittee notified the Regional Water Board staff and OOC staff that the WWTF would not be staffed on a daily basis after December 1, 2004. The notification further stated that the WWTF would be staffed only twice between December 1, and December 10, 2004, at which time the WWTF would no longer be staffed at all.

6. Any person who knowingly or negligently violates the terms of an NPDES permit can be held liable for civil penalties under Water Code section 13385, in amounts up to \$25,000 per day, and imprisonment of up to two years, or both.
7. Any person who knowingly or negligently violates the terms of an NPDES permit may also be subject to criminal penalties under Water Code section 13387(b)&(c). A knowing violation can result in fines of up to \$100,000 per day, or by imprisonment in the state prison for up to six years, or both.
8. 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 violated and/or threatens to violate the terms in Order No. R1-2001-59.
9. 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.***

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average¹</u>	<u>Weekly Average²</u>	<u>Daily Maximum³</u>
BOD (20° C, 5-day)	mg/l	30	45	60
	lb/day⁴	25	38	50
Suspended Solids	mg/l	30	45	60
	lb/day⁴	25	38	50
Settleable Solids	ml/l	0.1	-----	0.2
Coliform Organisms (Total)	MPN/100 ml	23⁵	-----	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.***

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:

$$\frac{8.34 \sum_{i=1}^N Q_i C_i}{N}$$

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

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

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

4. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

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)].

21. Operator Certification

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23 CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

10. The beneficial uses of the Eel River and its tributaries, as designated in the Water Quality Control Plan for the North Coast Region, include:
 - a. municipal and domestic supply
 - b. agricultural supply
 - c. industrial service supply
 - d. groundwater recharge
 - e. navigation
 - f. hydropower generation
 - g. water contact recreation
 - h. noncontact water recreation
 - i. commercial and sport fishing
 - j. warm freshwater habitat
 - k. cold freshwater habitat
 - l. wildlife habitat
 - m. rare, threatened, or endangered species
 - n. migration of aquatic organisms
 - o. spawning, reproduction and or early development
 - p. estuarine habitat
 - q. aquaculture
11. The Permittee has caused or permitted or threatens to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of inadequately treated wastes could unreasonably affect water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and could impair water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
12. This Cleanup and Abatement Order is an enforcement action by a regulatory agency being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) in accordance with California Code of Regulations, Title 14, Sections 15308 and 15321.
13. The Regional Water Board reserves the right to take any enforcement action authorized by law. Violations of this Cleanup and Abatement Order may trigger further enforcement actions in the form of Administrative Civil Liabilities in accordance with California Water Code (CWC) Sections 13627 and 13350, a Time Schedule Order under CWC Section 13308, or referral to the Attorney General for injunctive relief or monetary remedies.
14. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing

petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Permittee shall abate the above-described discharges of waste and threatened discharges of waste to surface waters in accordance with the following:

1. Without delay, but no later than December 10, 2004, the Permittee shall submit a copy of a signed contract between the Permittee and one or more certified operators or private firm who will operate the Loleta WWTF. The certification held by the contracted operator(s) or firm shall be at or above the grade required in accordance with Title 23 California Code of Regulations (CCR), Division 3, Chapter 26, Sections 3670-3719.19. At a minimum, the contract shall specify the duration of the agreement, frequency and extent of services to be provided, and circumstances under which the contract can or will be terminated.
2. By February 10, 2005, the Permittee shall submit simultaneous copies for concurrence by the Executive Officer and the Office of Operator Certification, a long-term plan for properly certified oversight and operations at the WWTF.
3. Beginning December 17, 2004, and each Friday thereafter, submit weekly, written status reports describing the progress towards completion of the requirements set forth under Provision 2 above. Each report shall include results of daily contacts and or advertising undertaken during the prior period.
4. If, for any reason, the Permittee is unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the Permittee may request, in writing, an extension of the time as specified. The extension request shall include justification for the delay. An extension may be granted for good cause, in which case this Order will be accordingly revised.

Ordered by _____
Catherine E. Kuhlman
Executive Officer

December 2, 2004