

California Regional Water Quality Control Board  
North Coast Region

Order No. R1-2007-0108

Rescission of  
Administrative Civil Liability Complaint No. R1-2007-0099

For

City of Ferndale  
Wastewater Treatment Facility  
WDID No. 1B83136OHUM  
NPDES No. CA0022721

Humboldt County

The Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) finds that:

1. The City of Ferndale (Discharger) owns and operates the Ferndale Wastewater Treatment Facility (WWTF), located near Ferndale, California. The WWTF is adjacent to Francis Creek near its confluence with the Salt River, a tributary of the Eel River. The WWTF discharges secondary treated domestic wastewater to Francis Creek and consists of a gravity collection system, seven-acre aerated oxidation pond, settling basin, chlorine contact basin, dechlorination system and a treated wastewater aeration system. Design flow is 1.0 million gallons per day (mgd); average dry weather flow is approximately 0.32 mgd; and peak weather flows reach approximately 3.85 mgd.
2. The WWTF is regulated by Waste Discharge Requirements Order No. R1-2000-92 (WDRs), adopted by the Regional Water Board on November 29, 2000. These WDRs serve as a National Pollutant Discharge Elimination System (NPDES) Permit under the Federal Clean Water Act (NPDES No. CA0022721).
3. The Regional Water Board adopted Cease and Desist Order (CDO) No. R1-2003-0049 on May 15, 2003 for noncompliance with Discharge Prohibitions 2 and 6 contained in WDRs. The Regional Water Board amended the CDO with new time schedules and tasks in Order Nos. R1-2005-0087 and R1-2006-0109 on October 12, 2005 and November 29, 2006, respectively.
4. Administrative Civil Liability Complaint No. R1-2007-0099 (Complaint) was issued to the Discharger on November 9, 2007 for violation of the time schedules contained in CDO Nos. R1-2003-0049, R1-2005-0087, and R1-2006-0109. At the time of issuance of the Complaint, the Discharger had not selected a preferred alternative and was not on schedule to meet the final CDO deadline.

5. On December 4, 2007, the Regional Water Board received a letter from the Discharger stating that the City Council chose an extended aeration facility within the existing facility footprint as their preferred alternative. The Discharger already has California Environmental Quality Act (CEQA) document certified for this type of project and, even though the intermediate deadlines have been missed, the Discharger is back on schedule to complete the project by the current CDO deadline of November 1, 2009.

THEREFORE, IT IS HEREBY ORDERED that:

1. Administrative Civil Liability Complaint No. R1-2007-0099 be rescinded.
2. Notwithstanding the issuance of this Order, the Regional Water Board retains continuing jurisdiction to determine compliance with the CDO, as well as the authority to assess penalties for deadlines set forth in R1-2006-0019 that were already missed or for other past and future violations of the Discharger's CDO and WDRs.

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Robert R. Klamt  
Interim Executive Officer

December 11, 2007