

California Regional Water Quality Control Board
North Coast Region

CEASE AND DESIST Order No. R1-2016-0043

REQUIRING
THE COLLEGE OF THE REDWOODS WASTEWATER TREATMENT FACILITY
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING
TO DISCHARGE EFFLUENT IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS ORDER No. R1-2016-0041

NPDES No. CA0006700
WDID No. 1B80121OHUM

Humboldt County

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

1. The College of the Redwoods (hereinafter Permittee) owns and operates a municipal wastewater treatment facility (Facility) located in Eureka, California. The Facility provides secondary level treatment of domestic and commercial wastewater for a population of approximately 5,700 people on the College of the Redwoods campus by treating up to 0.1 million gallons per day (MGD). Wastewater is treated in a package plant by activated sludge and clarification processes, then disinfected with sodium hypochlorite, and dechlorinated with sodium metabisulfate prior to discharge. Treated wastewater travels overland to White Slough, a tidally influenced estuarine tributary of Humboldt Bay.
2. The Facility is currently regulated by Waste Discharge Requirements, Order No. R1-2016-0041, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0006700, WDID No. 1B80121OHUM, adopted by the Regional Water Board on December 15, 2016 with an effective date of February 1, 2017. Order No. R1-2016-0041 includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions, including final effluent limitations for copper, ammonia, nitrate, silver, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, bis(2-ethylhexyl)phthalate, and 2,3,7,8-TCDD equivalents.
3. Section 13301 of the California Water Code states “When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist, and direct that those persons not complying with the requirements or discharge prohibitions to (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action.”

4. Order No. R1-2016-0041 identified in Finding 2 above implements provisions of the California Toxics Rule (CTR) and the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) by requiring the Permittee to monitor its effluent for CTR constituents that may have reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water. As further described in Finding 7, the Permittee’s performance history has indicated that the Facility will be unable to consistently comply with final effluent limitations for copper, ammonia, and nitrate by the effective date of Order No. R1-2016-0041.
5. The Permittee is violating or threatening to violate the following terms in Order No. R1-2016-0041:

IV. Effluent Limitations and Discharge Specifications

A. Final Effluent Limitations

1. Final Effluent Limitations – Discharge Point 001

- a. The discharge of secondary treated wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program (MRP) (Attachment E).

Effluent Limitations for Discharge Point 001

Parameter	Units	Effluent Limitations	
		Average Monthly (AMEL)	Maximum Daily (MDEL)
Copper	µg/L	3.2	5.4
Ammonia	mg/L	1.1	2.3
Nitrate	mg/L	10	17

6. The Permittee collected additional monitoring data for copper, ammonia and nitrate that indicate the effluent contains levels of these constituents that may be discharged at concentrations that will cause, have the reasonable potential to cause, or contribute to an excursion above applicable water quality objectives. The data collected shows the copper concentration range from 4.2 to 26 µg/L, ammonia concentrations range from 0.043 to 37 mg/L, and nitrate concentrations range from 0.51 to 29 mg/L.
7. Based on the monitoring data, the Regional Water Board finds that the Facility is unable to consistently comply with final effluent limitations for copper, ammonia and nitrate in Order No. R1-2016-0041.

- 8.** Pursuant to California Water Code section 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for copper, ammonia and nitrate if:

 - a.** A cease and desist order is issued on or after July 1, 2000, and specifies the actions that the Permittee is required to take in order to correct the violations that would otherwise be subject to MMPs;
 - b.** The regional board finds that the Permittee is not able to consistently comply with one of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days;
 - c.** The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations, and where the time schedule exceeds one year, the time schedule includes interim requirements and actions and milestones leading to compliance; and
 - d.** The Permittee has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code section 13263.3.
- 9.** Pursuant to California Water Code section 13385(j)(3)(B), the Regional Water Board finds that:

 - a.** The Cease and Desist Order No. R1-2016-0043 (CDO) is being issued after July 1, 2000, and specifies the actions the Permittee is required to take to correct the violations or threatened violations of Order No. R1-2016-0041, specifically.
 - b.** The Permittee will be unable to consistently comply with the final copper, ammonia and nitrate effluent limitations by February 1, 2017, or the effective date established for Order No. R1-2016-0041 because new or modified control measures will be needed for the Permittee to comply, and the new or modified control measures are dependent on the completion of a series of studies, thus the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
 - c.** Requirements of the CDO establish a time schedule for bringing the Facility into compliance with the final copper, ammonia and nitrate effluent limitations that is as short as possible. A maximum of 42 months and 15 days are provided to the

Permittee to complete a series of studies, and based upon the findings from those studies, to design, install and implement control measures that will lead to compliance with final effluent limitations.

- d.** Provisions VI.C.2 and VI.C.4 of Order No. R1-2016-0041 require the Permittee to develop and implement a pollution minimization program, as required by the Executive Officer, and source control measures designed to identify and control pollutant sources including copper at the Facility. The specific elements needed for completion are included in the Requirements of Order No. R1-2016-0041.
- 10.** The compliance schedule for copper, ammonia and nitrate established in the CDO accounts for the considerable uncertainty in determining effective measures (e.g., address water supply corrosivity, treatment plant upgrades, applicability of a site specific translator or water effect ratio) necessary to achieve compliance with final effluent limitations. The CDO allows time for the Permittee to first explore measures to address water supply corrosivity and treatment plant modifications before requiring further actions which are likely to be more costly and take more time to investigate and implement. The compliance schedule is based on reasonably expected times needed to evaluate potential compliance measures in a step-wise manner. The Regional Water Board may wish to revisit these assumptions as more information becomes available from the Permittee's evaluations.
- 11.** The CDO requires the Permittee to comply with interim effluent limitations for copper, ammonia and nitrate. Interim limitations for copper, ammonia and nitrate are based on existing performance of the Facility. These interim limitations are intended to ensure that the Permittee maintains at least the existing performance while completing all tasks required by the compliance schedule.
- 12.** In accordance with the Water Code section 13385(j)(3) and the terms of the CDO, no MMPs will be assessed for violations of the final copper, ammonia and nitrate effluent limitations so long as the Permittee complies with the interim effluent limitations and compliance schedule included in the CDO.
- 13.** The CDO is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA). The CDO serves to enforce and implement Order No. R1-2016-0041 and the adoption and modification of a NPDES permits is exempt from CEQA requirements pursuant to Water Code section 13389. (Pacific Water Conditioning Ass'n, Inc. v. City and County of Riverside (1977) 73 Cal. App. 3d 546, 555-556). In addition, the CDO is exempt from CEQA pursuant to section 15321 of title 14 of the California Code of Regulations, this is an enforcement action for violations and threatened violations of waste discharge requirements, and no unusual circumstances exist that make the exception inapplicable.
- 14.** On December 15, 2016, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding the CDO.

- 15.** 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 Water Code Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of the CDO. 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 CDO may request the Regional Water Board to reconsider this CDO. To be timely, such request must be made within 30 days of the date of this CDO. 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. If the Permittee chooses to request reconsideration of this CDO or file a petition with the State Water Board, the Permittee must comply with the CDO while the request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to California Water Code sections 13301, the Permittee shall cease discharging waste contrary to the effluent limitations contained in Finding 5, above, and comply with the following requirements:

1. The Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Order No. R1-2016-0041 (NPDES Permit No. CA0006700) described in Finding 5 above by implementing the following compliance schedule:

Task	Task Description	Compliance Date
A	Collect and analyze copper concentrations from at least one round of samples at key locations within the potable water system. Summarize all data required under Task A in a written report of findings and submit for Regional Water Board staff review.	August 1, 2017
B	Complete a comprehensive inventory of potential copper sources on campus. Develop and submit a copper monitoring workplan and implementation schedule for Regional Water Board Executive Officer review and approval to conduct monitoring of identified potential copper sources.	February 1, 2018
C	Implement the copper monitoring workplan per the approved schedule.	No later than June 1, 2018
D	Prepare and submit a source reduction action plan, including a map, descriptive summary of findings, and actions proposed to reduce/eliminate identified copper sources, for review and approval by the Regional Water Board Executive Officer. The source reduction action plan shall include verification monitoring and a proposed	January 1, 2019

Task	Task Description	Compliance Date
	implementation schedule.	
E	Implement the source reduction action plan per the approved schedule.	No later than July 1, 2019
F	Comply with final copper, ammonia and nitrate effluent limitations.	Earliest possible date but no later than June 1, 2020

2. The Permittee shall comply with the following interim effluent limitations for copper, ammonia and nitrate, as established by this CDO for the Permittee to reach compliance with final effluent limitations set forth in Order No. R1-2016-0041, no later than June 1, 2020:

Interim Effluent Limitations for Discharge Point 001

Parameter	Units	Average Monthly Effluent Limitation
Copper	µg/L	24
Ammonia	mg/L	28
Nitrate	mg/L	38

3. If the Executive Officer of the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Executive Officer may take all actions authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code sections 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

CERTIFICATION

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, North Coast Region, on December 15, 2016.

Matthias St. John
 Executive Officer