
North Coast Regional Water Quality Control Board

California Regional Water Quality Control Board North Coast Region

Cease and Desist Order No. R1-2022-0018

REQUIRING THE CITY OF HEALDSBURG TO CEASE AND DESIST FROM DISCHARGING OR THREATENING TO DISCHARGE EFFLUENT IN VIOLATION OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. R1-2022-0017

**NPDES No. CA0025135
WDID No. 1B820460SON
Sonoma County**

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

1. The City of Healdsburg (hereinafter Permittee) owns and operates facilities for municipal wastewater collection, treatment, reclamation and disposal serving the City of Healdsburg. For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, or policy are held to be equivalent to the references to the Permittee herein.
2. The City of Healdsburg Wastewater Treatment, Reclamation and Disposal Facility (Facility) is designed for an average dry weather flow rate of 1.4 million gallons per day (mgd) and maximum sustained peak wet-weather flow of 4.0 mgd. The Facility was upgraded from a pond-based secondary treatment facility to a tertiary treatment facility in 2008. The current Facility consists of influent screening, grit removal, extended aeration with biological nutrient removal (BNR), microfiltration through hollow membrane fibers (membrane bioreactor), and ultraviolet (UV) light disinfection. The tertiary, disinfected effluent is discharged to the Basalt Pond, which is physically connected to and has a substantial nexus to the Russian River and is a water of the United States. Basalt Pond is owned by Syar Industries, Inc.
3. The Facility has been regulated by Waste Discharge Requirements (WDR) Order No. R1-2016-0015, National Pollutant Discharge Elimination System (NPDES)

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

Permit (Permit) No. CA0025135, WDID No. 1B82046OSON, and Cease and Desist Order No. R1-2016-0016, adopted by the Regional Water Board on June 16, 2016. The permit expired on July 31, 2021, and has been administratively extended because the Permittee submitted a Report of Waste Discharge for its permit renewal in a timely manner.

4. WDR Order No. R1-2022-0017 is proposed for adoption concurrently with this Cease and Desist Order. Upon adoption of Order No. R1-2022-0017, it will serve as the current NPDES Permit for this Facility effective October 1, 2022. The Permit includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions. This Cease and Desist Order will become effective upon adoption.
5. The Regional Water Board adopted the *Water Quality Control Plan for the North Coast Region* (hereinafter Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The Basin Plan identifies present and potential beneficial uses for the Russian River, of which Basalt Pond is part.
6. The Permittee is violating or threatening to violate the following terms in Order R1-2022-0017:
 - a. Discharge Prohibition 3.11 of WDR Order No. R1-2022-0017, which states:

“The discharge of waste to the Russian River and its tributaries is prohibited during the period from May 15 through September 30 of each year.”
7. The Permittee is violating or threatening to violate the following provision of the Basin Plan (section 4. Implementation Plans, North Coastal Basin, Prohibition 4) that prohibits point source waste discharges in the following location:

“The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream’s flow as set forth in NPDES permits.”
8. 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 (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.”

9. The Permittee has been the subject of several previous cease and desist orders, including Order Nos. R1-2004-0065, R1-2006-0002, and R1-2010-0035. The Permittee addressed many of the effluent limitation violations, including acute toxicity, biochemical oxygen demand, and total suspended solids, that were the subject of these previous cease and desist orders by completing its Facility upgrade project in May 2008, which increased the wastewater treatment capability from secondary to tertiary and added nitrification (conversion of ammonia to nitrate) and denitrification (conversion of nitrate to nitrogen gas for release into the atmosphere).
10. Previous cease and desist orders have included compliance schedules for the Permittee to cease its discharge to Basalt Pond during the period May 15 through September 30 of each year, and the applicable final compliance date has been extended several times in response to letters submitted by the Permittee on April 11, 2012, and April 24, 2014. More recently, a letter submitted by the Permittee on April 4, 2016, during the public comment period for the Cease and Desist Order No. R1-2016-0016, the Permittee further requested that the final compliance date be extended further.
11. The Permittee was unable to consistently comply with seasonal discharge prohibition as included in WDR Order No. R1-2016-0015. Cease and Desist Order No. R1-2016-0016 established an interim a compliance schedule for the Permittee to achieve compliance with the seasonal discharge prohibition by July 31, 2021. Additionally, Cease and Desist Order No. R1-2016-0016 established interim effluent limitations and a compliance schedule for the Permittee to achieve compliance with final effluent limitations for total recoverable copper by December 1, 2017. Compliance with the final effluent limitations for total recoverable copper has been achieved.
12. On February 8, 2021, the Permittee submitted a written request to extend the final compliance date provided within Cease and Desist Order No. R1-2016-0016 to the Regional Water Board. The letter describes the Permittee's progress toward ceasing its discharge to Basalt Pond during the period May 15 through September 30 of each year, summarizes the Permittee's on-going efforts to expand the recycled water distribution system to a greater number of agricultural users, and identifies those remaining tasks needed to complete the recycled water system expansion. The letter further requests an extension to the final compliance date to allow the new recycled users to engage with the program and for the Permittee to gain experience on how to manage the upgraded recycled water distribution system to reliably comply with the seasonal discharge prohibition.
13. On November 18, 2021, the Regional Water Board issued an updated Notice of Applicability of Coverage to the Permittee that expanded the allowable recycled water uses available to the Permittee. The new recycled water uses approved under this letter are Pasture/Cut Hay Irrigation, Vineyard Frost Control, Orchard

Irrigation, Cannabis Irrigation, and Consumption of Disinfected Tertiary Recycled Water by Non-Dairy Livestock.

14. The Permittee successfully complied with Discharge Prohibition III.I of WDR Order No. R1-2016-0015 during the 2021 calendar year. Approximately 92 million gallons of tertiary treated wastewater were distributed to various recycled water users during this period, removing the need for the Permittee to discharge to Basalt Pond. While this demonstrates an 84 percent increase in the Permittee's recycled water use from the previous year, the Permittee recognizes that lower rainfall and water use due to drought conditions, and the COVID-19 pandemic have reduced wastewater flows and these low flow conditions may not continue to enable the City to comply with Discharge Prohibition III.I in the short term.
15. This Order, Order No. R1-2022-0018, replaces Cease and Desist Order No. R1-2016-0016.
16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.) ("CEQA") pursuant to Water Code section 13389 since the adoption or modification of an NPDES permit for an existing source is statutorily exempt and this Order only serves to implement an NPDES permit. Issuance of this Order is also exempt from CEQA pursuant to section 15321 of title 14 of the California Code of Regulations.
17. On August 4, 2022, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Order.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13243, 13300 and 13301, that:

1. Cease and Desist Order No. R1-2016-0016 is rescinded, except for enforcement purposes, and is replaced by this Order.
2. The Permittee shall cease and desist from discharging and threatening to discharge waste to Basalt Pond between May 15 and September 30 of each year in violation of the seasonal discharge prohibition identified in the Permittee's NPDES Permit by implementing the following time schedule:

Task	Task Description	Compliance Date
A	Complete construction of agricultural or urban recycled water transmission pipeline to serve additional acreage as needed to increase the Permittee’s recycled water use to achieve compliance with the seasonal discharge prohibition, Discharge Prohibition 3.11 of WDR Order No. R1-2022-0017.	October 31, 2022
B	Submit written progress reports describing compliance efforts to the Executive Officer. The progress reports shall describe progress on completion of the recycled water system, including funding status, construction progress, negotiations with potential recycled water users, and any problems encountered during the prior six months. Each report shall also evaluate progress for achieving full compliance with the seasonal discharge prohibition by September 30, 2024. Regional Water Board staff may periodically present an informational update to the Regional Water Board based on the progress reports.	April 1 and October 1 of each year until full compliance with the seasonal discharge prohibition is achieved
C	Achieve compliance with the seasonal discharge prohibition, Discharge Prohibition 3.11 of WDR Order No. R1-2022-0017.	No later than September 30, 2024

3. If the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirements above or is not confident in their ability to meet the identified final compliance date for circumstances beyond the permittee’s control, the Permittee may request, in writing, that the Regional Water Board grant an extension of the time. The extension request shall include justification for the delay.

4. If the Regional Water Board Executive Officer 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 section 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

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 State Water Board must receive the petition no later than 5 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or state holiday, the petition must be received on the

next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://waterboards.ca.gov/public_notices/petitions/water_quality or 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.

To be timely, such request must 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. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

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 October 7, 2022.

Matthias St. John
Executive Officer

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