

North Coast Regional Water Quality Control Board

California Regional Water Quality Control Board North Coast Region

TIME SCHEDULE ORDER No. R1-2025-0015 TO PROVIDE TIME SCHEDULES TO COMPLY WITH ORDER No. R1-2023-0039

CITY OF CRESCENT CITY WASTEWATER TREATMENT FACILITY NPDES No. CA0022576

Del Norte County WDID No. 1A84006ODN

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

1. The City of Crescent City (Permittee) is the owner of the City of Crescent City Wastewater Treatment Facility (Facility) located in Crescent City, California. Operations Management International, Inc (OMI), a member of Jacobs Engineering Group took over responsibility for operations and maintenance of the Facility in September 2019.
2. The Facility discharges treated domestic, commercial, and industrial wastewater and wastewater to the Pacific Ocean, a water of the United States, in accordance with Waste Discharge Requirements (WDRs) Order No. R1-2023-0039 (Permit), adopted on December 12, 2023. The Permit also serves as the National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0022576). The Permit contains discharge prohibitions, effluent and receiving water limitations, compliance provisions and monitoring and reporting requirements.
3. The Permit established new bacteria effluent limitations related to enterococci and total coliform that apply to the discharge of treated wastewater from the Facility. The Permittee has been unable to comply with these final effluent limitations.
4. The Facility serves a population of approximately 15,372 within Crescent City and the surrounding County Service Area (CSA). The CSA has two sub-areas: the Northwest area to the north of the City and the Bertsch Ocean View area to the east of the City.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

The Facility is designed to treat an average dry weather flow of 1.86 million gallons per day (mgd), and a peak wet weather flow of 6.12 mgd of secondary treated wastewater. The Permittee has three significant industrial users, including a cheese factory and two breweries that are covered under local pretreatment permits to discharge to the Facility.

The treatment system consists of a mechanically cleaned screen, a flow-measuring Parshall flume, and a wet well in which five pumps are available to lift the flow to the primary clarifiers. Primary treatment consists of two grit removal tanks followed by two rectangular primary clarifiers. Secondary treatment is provided by operating the rotating biological contactors (RBC) and membrane bioreactor (MBR) in parallel. The RBC system consists of three trains of four-stage, RBCs with a combined surface area of 1.2 million square feet. Flow from the RBCs reach three rectangular secondary clarifiers. Flows from the clarifiers and flow from the MBR unit are commingled and disinfected using sodium hypochlorite and dechlorinated using sodium bisulfite prior to discharge to the Pacific Ocean at Discharge Point 001.

5. The Permittee was previously regulated under WDR Order No. R1-2017-0002 (previous permit), adopted by the Regional Water Board on February 2, 2017, which also contained discharge prohibitions, effluent and receiving water limitations, compliance provisions, and monitoring and reporting requirements. In this previous permit, effluent limitations for fecal coliform bacteria were established based on U.S. EPA's National Recommended Criteria for shellfish harvesting waters and are included in the National Shellfish Sanitation Program's Guide for the Control of Molluscan Shellfish, 2015 Revision. (U. S. Department of Health and Human Services, Food and Drug Administration).
6. Historically, the Facility's compliance monitoring for disinfection relied solely on fecal coliform and the Permittee was generally able to comply with these requirements. Six violations of effluent limitations for disinfection were identified during the term of Order No. R1-2017-0002. Under the new Order, disinfection effluent limitations are now based on requirements related to fecal coliform, enterococci, and total coliform. The Permittee reported 29 violations of disinfection effluent limits in the 2024 calendar year and has demonstrated that they cannot consistently comply with the enterococci and total coliform effluent limitations in their NPDES permit (Order No. R1-2023-0039). The Permittee's initial evaluation of their treatment system indicates that bacteria exceedances are related to operation of the RBCs during periods of treatment flows greater than 1.1 million gallons per day (MGD).
7. On July 29, 2024, the Permittee submitted a Time Schedule Order Request for the Facility that expressed a concern that the Facility would continue to exceed the effluent limits for enterococci and total coliform bacteria and requested

interim effluent limitations for the remainder of the current permit term to allow time for the Permittee to determine what corrective actions are necessary to ensure adequate disinfection of the wastewater is occurring at the Facility. Regional Water Board staff identified that in order to provide the requested TSO, the Permittee must further provide the Regional Water Board a general task list that identifies the anticipated steps and a corresponding time schedule that will allow the Facility to come into compliance with the effluent limitations. The Permittee provided this additional information on March 5, 2025.

8. The Regional Water Board concurs that, based on the monitoring results from calendar year 2024, it is infeasible for the Permittee to immediately comply with final effluent limitations for enterococci and total coliform bacteria during periods of treatment flows greater than 1.1 MGD.
9. Terms in the Permit that the Permittees violate and/or threaten to violate are:
 - 4.1.1.3. **Disinfection:** Disinfected effluent discharged from the wastewater treatment plant through Discharge Point 001 to the Pacific Ocean shall not contain fecal coliform bacteria exceeding the following concentrations, as measured at Monitoring Location EFF-001:
 - 4.1.1.3.1. **Enterococci**
 - 4.1.1.3.1.1. The 6-week rolling geometric mean of enterococci shall not exceed 30 colony forming units (CFU) per 100 mL; and
 - 4.1.1.3.1.2. No sample shall exceed a CFU of 110 per 100 mL.
 - 4.1.1.3.2. **Total Coliform Organisms**
 - 4.1.1.3.2.1. The median value of total coliform bacteria shall not exceed an MPN of 70 per 100 mL in a calendar month; and
 - 4.1.1.3.2.2. Not more than 10 percent of the samples collected in a calendar month shall exceed an MPN of 230 per 100 mL.
10. Water Code section 13300 states: "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

11. Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any waters of the state within its region. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order, pursuant to Water Code section 13267, are necessary to ensure that the future threat to water quality created by activities at the Facility are properly assessed and controlled. Due to the importance of protecting water resources as explained herein, the costs associated with developing the required reports and work plans bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the Regional Water Board to properly regulate and monitor the Facility.
12. Water Code section 13383, subdivision (a) provides the Regional Water Board may establish monitoring, inspection, entry reporting, and record keeping requirements, as authorized by section 13160, 13376, or 13377 for any person who discharges, or proposes to discharge to navigable waters. Subdivision (b) provides that the Regional Water Board may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required.
13. Pursuant to Water Code section 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for enterococci and total coliform bacteria, during the term of this Order, if:
 - a. A cease and desist or time schedule 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 Water Board finds that the Permittee is not able to consistently comply with one or more 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 Water 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.

14. This Order establishes compliance schedules below that address anticipated future violations of final effluent limitations for enterococci and total coliform bacteria. In accordance with Water Code section 13385 (j)(3)(B) and the terms of this Order, MMPs will not be assessed for violations of the final effluent limitations for enterococci and total coliform bacteria during periods of treatment plant flows greater than 1.1 MGD as stipulated in Finding 11 above. Specifically, the Regional Water Board finds that:
 - a. This Order is being issued after July 1, 2000 and specifies the actions the Permittees are required to take to correct the violations of Order No. R1-2023-0039.
 - b. The Permittee is unable to consistently comply with the new disinfection effluent limitations related to enterococci and total coliform bacteria because new or modified control measures are needed to achieve compliance, and the new or modified control measures are necessary and 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. This Order establishes interim effluent limitations for disinfection criteria and establishes a compliance schedule for bringing the Facility into compliance with final effluent limitations for enterococci and total coliform bacteria in the Permit that are as short as possible.
 - d. Provisions 6.3.2.1 of the Permit require the Permittees to develop and conduct a Pollution Minimization Program to identify and control pollutant sources including, but not limited to, enterococci and total coliform bacteria at the Facility.
15. Accordingly, the Regional Water Board finds that MMPs for violations of final effluent limitations when discharging to the Pacific Ocean at Discharge Point 001, as measured at Monitoring Location EFF-001 and as specified in Effluent Limitations sections 4.1.1.3.1 and 4.1.1.3.2 of the Permit do not apply for enterococci and total coliform bacteria during months when the Facility's flow exceeds 1.1 MGD and requires operation of the rotating biological contactors. This exception applies through April 1, 2030, provided the Permittee complies with the interim effluent limitations contained in this Order. If an interim effluent limitation contained in this Order is exceeded, then the Permittee is subject to MMPs for that particular exceedance, as it will no longer meet the exception in Water Code section 13385(j)(3)(B)(i)(ii).

16. The compliance schedule established in this Order is intended to be as short as possible. This Order provides a compliance schedule for the Permittee to investigate why they have been unable to comply with their effluent limitations for enterococci and total coliform bacteria and identify and implement corrective actions to come into compliance with the final effluent limitations for these parameters.
17. This Order requires the Permittee to comply with interim effluent limitations for disinfection. The SIP requires that interim effluent limitations for pollutants be based on past performance or limits in previous orders, whichever is more stringent. Interim effluent limitations for total coliform and Enterococci established in this Order were derived based on Facility performance using available effluent monitoring data at Monitoring Location EFF-001, the point of discharge to the Pacific Ocean. These performance-based interim effluent limitations were calculated using statistical methodology described in the U.S. EPA Technical Support Document for Water Quality-based Toxics Control (TSD) and a statistical tool, RPCalc, developed by State Water Resources Control Board staff to assist State and Regional Water Board staff in the development of interim effluent limitations. The 95th percentile concentrations of each pollutant were calculated at the 95 percent confidence level to determine interim Maximum Weekly Effluent Limitations. The calculated limitations were rounded to the nearest whole number:

Table 1: 95th Percentile Concentrations for Interim Effluent Limitations

Parameter	Units	Maximum Weekly Effluent Limitation
Total Coliform Bacteria	MPN/100 mL	939
Enterococci	MPN/100 mL	610

The interim limitations in this Order are intended to ensure that the Permittee maintains at least its existing performance while investigating the necessary means and implementation of prevention measures to improve performance of their disinfection system to the extent possible and completing all tasks required by the compliance schedules. The Permittee remains subject to the permit's final effluent limitation for fecal coliform, thereby ensuring that current performance for this parameter is maintained.

18. The Regional Water Board has notified the Permittee, interested agencies and persons, of its intent to issue a Time Schedule Order in accordance with Water Code section 13167.5.
19. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to CWC section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to

implement a NPDES permit. (Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555-556.).

IT IS HEREBY ORDERED, pursuant to Water Code section 13300, 13267 and 13383, the Permittee shall comply with the following requirements and schedule of actions to comply with the Permit:

1. The Permittee shall comply with the following interim effluent limitations in the interim period established by this Order:

Disinfection. During months where the total monthly Facility flow has exceeded 1.1 MGD and has required the operation of the rotating biological contactors, disinfected effluent discharged from the wastewater treatment plant through Discharge Point 001 to the Pacific Ocean shall not contain total coliform bacteria and enterococci exceeding the following concentrations, as measured at Monitoring Location EFF-001:

- a. The maximum value of total coliform bacteria shall not exceed an MPN of 939 per 100 mL in a calendar week; and
 - b. The maximum value of enterococci shall not exceed an MPN of 610 per 100 mL in a calendar week;
2. All required reports and documents shall be submitted to the Regional Water Board. The Pollutant Minimization Program requires Executive Officer approval prior to its implementation.
 3. The Permittee shall implement the tasks in the following compliance schedule in order to achieve compliance with the final effluent limitations for disinfection in sections 4.1.1.3.1 and 4.1.1.3.2 of the Permit at the earliest possible date in accordance with the following schedule:

Table 4: Compliance Schedule, Tasks and Dates to Achieve Compliance with the Proposed Permit

Task	Task Description	Compliance Date
A	Submit a Treatment System Evaluation Work Plan for Executive Officer review and approval. The Work Plan shall outline a method to evaluate the Facility's disinfection system and identify alternative means to compliance, such as procedural changes, additional process infrastructure, or alternative treatment, to achieve compliance with the final effluent limitations for enterococci and total coliform bacteria.	July 1, 2025

Task	Task Description	Compliance Date
B	Submit a Treatment System Evaluation Technical Report for Executive Officer review and approval. The Technical Report shall identify all methods evaluated, results of the Discharger's technical evaluation, the corrective action that has been chosen to achieve compliance with all effluent limitations of the Facility's wastewater, and include a schedule that identifies all necessary tasks to comply with the final limitations that is as short as practicable.	October 31, 2025
C	Submit Semi-Annual Assessment Reports identifying the status of the Treatment System Evaluation and any current or planned projects that are intended to bring the Permittee into compliance with the final effluent limitations for enterococci and total coliform bacteria. The reports shall include: <ul style="list-style-type: none"> i. Summary of data collected to date. ii. Evaluation of the Facility performance with regard to disinfection and compliance with final effluent limitations. iii. Evaluation of the potential for operational modifications to achieve desired effluent disinfection. iv. Summary of any implemented operational modifications. 	Semi-Annually (January 1 and July 1 of each year)
D	The Permittee shall submit to the Regional Water Board Executive Officer the complete preliminary design specifications and identify funding sources for the selected corrective action.	December 31, 2027
E	The Permittee shall submit written verification and an electronic copy of the complete design plans and specifications for construction of the corrective action to the Regional Water Board Executive Officer.	December 31, 2028
F	The Permittee shall complete construction of the chosen corrective action and submit a final report to the Regional Water Board Executive Officer, including as-built plans of the completed corrective action.	December 31, 2029
G	Achieve full compliance with final effluent limitations for enterococci and total coliform bacteria.	May 1, 2030

4. Until the Permittee can achieve full compliance with the Permit, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements

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identified in the Proposed Permit or any future waste discharge requirements issued for the Facility.

5. If the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in this Order, the Permittee may request, in writing, that the Regional Water Board Executive Officer grant an extension of the time. The extension request shall include justification for the delay and shall be submitted at least 21 days prior to the respective deadline to be considered timely. A minor extension may be granted by the Regional Water Board Executive Officer for good cause.
6. If the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Regional Water Board 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 13268, 13350, and/or 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the North Coast 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 California Code of Regulations, title 23, sections 2050. The State Water Board must receive the petition by 5:00 p.m., 30 days after 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 by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the [Internet](#) or will be provided upon request.

Ordered by: _____

Valerie Quinto

Executive Officer

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