

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2001-42

RECISION
OF
CEASE AND DESIST ORDER NO. 97-40
REQUIRING THE CITY OF FORTUNA
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING TO
DISCHARGE WASTES IN VIOLATION OF REQUIREMENTS CONTAINED IN
WASTE DISCHARGE REQUIREMENTS, ORDER NO. 94-24

FOR

CITY OF FORTUNA
WASTEWATER TREATMENT FACILITY

Humboldt County

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

1. The City of Fortuna owns and operates a municipal wastewater treatment facility (WWTF). During winter storm events, wastewater flows exceeding 3.0 mgd are diverted to three large storm water holding/oxidation ponds. Some prolonged winter storm events cause wastewater flows to exceed 3.0 mgd for extended periods, filling the holding/oxidation ponds to capacity. Wastewater that exceeds capacity of the holding/oxidation ponds is treated to meet effluent standards for waste stabilization ponds and is chlorinated and dechlorinated prior to discharge to Strongs Creek near its confluence with the Eel River (discharge SN 002).
2. High flows in Strongs Creek during a January 1997 storm event backed up through discharge SN 002 and deposited debris in the chlorine contact chamber for discharge SN 002. Subsequent damage to the chlorine contact chamber resulted in discharge of inadequately disinfected wastewater from SN 002 in violation of effluent limitations contained in Waste Discharge Requirements Order No. 94-24, adopted by the Regional Water Board on June 23, 1994.
3. On May 22, 1997, the Regional Water Board issued Cease and Desist Order No. 97-40 requiring the City of Fortuna to cease and desist from discharging or threatening to discharge wastes in violation Waste Discharge Requirements Order No. 94-24 (NPDES Permit No. CA0022730). The Cease and Desist Order requires completion of three tasks:
 - a. Submit a report documenting the completed repairs to the chlorine contact chamber for discharge SN 002 (storm flow) by June 15, 1997.

- b. In the event the structure is not repairable, submit a schedule for design and construction of a new contact chamber by June 15, 1997.
 - c. Complete construction of treatment modifications and begin full compliance with Order No. 94-24 by November 1, 1997.
- 4. The City of Fortuna constructed a new chlorine contact chamber for SN 002 (storm flow) and has demonstrated consistent compliance with Order No. 94-24.
- 5. Regional Water Board actions to rescind cease and desist orders are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Title 14, California Code of Regulations Section 15061 (b)(3) and California Water Code Section 13389.
- 6. The Regional Water Board, notified the public and interested agencies of its intent to rescind Order No. 97-40 and has provided an opportunity for comment.
- 7. The Regional Water Board in a public hearing, heard and considered all comments pertaining to this matter.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. 97-40 for the City of Fortuna be rescinded.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on April 26, 2001.

Lee A. Michlin
Executive Officer