
North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report October 5, 2023

ITEM: 5

SUBJECT: Public Hearing on Order No. R1-2023-0021 (CDO Rescission Order) to consider Rescission of Cease and Desist Order No. R1-2016-0012 as modified by Order No. R1-2020-0020 (CDO) for the City of Eureka (Permittee), Elk River Wastewater Treatment Plant, WDID NO. 1B82151OHUM, NPDES NO. CA0024449 (Justin McSmith)

BOARD ACTION: The Board will consider adoption of the CDO Rescission Order that rescinds the CDO.

BACKGROUND: The CDO was first adopted in 2016 and revised on June 18, 2020. The CDO was issued to bring the Permittee into compliance with Discharge Prohibition III.A and III.E of NPDES Order R1-2016-0001.

Discharge Prohibition III.A states that “The discharge of waste to Humboldt Bay is prohibited unless it complies with the State Water Board, Water Quality Control Policy for the Enclosed Bays and Estuaries of California (1974, 1995).”

Discharge Prohibition III.E. states, “The discharge of untreated or partially treated waste (receiving a lower level of treatment than secondary as described in section II.A of the Fact Sheet) from anywhere within the collection, treatment, or disposal systems is prohibited, except as provided for in Attachment D, Standard Provisions G (Bypass) and H (Upset).”

DISCUSSION: The CDO is proposed to be rescinded because the tasks required by the CDO have either been completed or been incorporated into Proposed NPDES Order No. R1-2023-0016 (2023 Permit). The prohibitions from the previous NPDES permit have been retained in the 2023 Permit along with addition of compliance schedules brought forward from the CDO into Section 6.3.6 of the 2023 Permit.

Discharge Prohibition 3.1 of the 2023 Permit prohibits the discharge of waste to Humboldt Bay unless it complies with the Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy) and provides for a series of tasks with corresponding due dates to identify and implement a corrective

action to bring the City of Eureka into compliance with the Enclosed Bays and Estuaries Policy. This compliance schedule has a final compliance date of December 31, 2042.

Discharge Prohibition 3.5 of the 2023 Permit prohibits the discharge of untreated or partially treated waste from anywhere within the collection, treatment, or disposal systems and requires the continued implementation and evaluation of the Permittee's Wet Weather Improvement Plan. Through these actions, the Permittee is expected to reduce inflow and infiltration to the collection system, and complete necessary improvements that will allow them to eliminate discharges of untreated or partially treated waste from their Facility.

A copy of the Draft CDO Rescission Order was posted on the Regional Water Board website and was available for public comment from March 10, 2023, through April 24, 2023, for an initial 45-day comment period. No comments were received during the public comment period on the CDO Rescission Order.

The CDO Rescission Order is not anticipated to be contested during the public hearing.

RECOMMENDATION: If the Board adopts the 2023 Permit, Staff recommends adoption of the CDO Rescission Order as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2023-0021
2. Notice of Public Hearing