

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2002-0005
NPDES Permit No. CA0022756
ID No. 1A84006ODN

MODIFYING CEASE AND DESIST ORDER NO. R1-2000-72 ISSUED FOR
THE CITY OF CRESCENT CITY MUNICIPAL WASTEWATER TREATMENT FACILITY

Del Norte County

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

1. On September 22, 2000, the Regional Water Board adopted Order No. R1-2000-71, Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756 for the City of Crescent City Municipal Wastewater Treatment Facility (WWTF). Order No. R1-2000-71 includes effluent limitations that must be met before treated wastewater can be discharged to the Pacific Ocean.
2. The City of Crescent City (hereinafter Discharger) is violating or threatening to violate Order No. R1-2000-71 until such time as the existing WWTF is expanded or replaced. The WWTF has reached organic treatment capacity. The WWTF also is hydraulically overloaded during the winter months and the short outfall into the Pacific Ocean south of Battery Point Lighthouse (Discharge Serial No. 001) is inadequately sized to carry high winter flows. High winter flows cause treated, disinfected, chlorinated effluent to overflow the chlorine contact chamber and discharge into Crescent City Harbor through a storm drain.
3. Cease and desist orders for existing and threatened violations of the Discharger's permit have been in effect for the WWTF since 1997. Specifically, on February 27, 1997, the Regional Water Board adopted Cease and Desist Order No. 97-17, which documented violations of effluent limits, contained in the then-existing waste discharge requirements for the WWTF. Thereafter, the Regional Water Board adopted Cease and Desist Order Nos. 98-24 and 99-54 for existing and/or threatened violations of then-existing waste discharge requirements. Order No. 98-24 included a prohibition on additional discharges into the WWTF until it could be demonstrated that additional capacity is available. Order No. 99-54 modified the additional discharge prohibition contained in Order No. 98-24 by changing the prohibition on additional connections to a restriction on the addition of new wastewater flows from the equivalent of 220 single family dwelling units (which translates to 85,800 gallons per day).
4. On September 22, 2000, the Regional Water Board adopted Cease and Desist Order No. R1-2000-72, for threatened violations of the newly adopted permit, Waste Discharge Requirements Order No. R1-2000-71. All previous cease and desist order were rescinded by CDO Order No. R1-2000-72.

Cease and Desist Order No. R1-2000-72 directs the Discharger to perform the following tasks:

<u>Task</u>	<u>Compliance Date</u>
a. Complete CEQA process and submit completed EIR	March 1, 2001
b. Submit time schedule for obtaining financing, selecting design consultant, completing design, and purchasing property for WWTF site	April 1, 2001

Additionally, Order No. R1-2000-72 continues the connection restriction to the WWTF, allowing the addition of no more than the equivalent of 220 single family dwelling units to the wastewater flow.

5. The Discharger submitted a time schedule in a letter dated March 21, 2001 in compliance with Task b of Order No. R1-2000-72.
6. With the submittal of the time schedule, the Discharger noted that the requirements of the environmental review process would be met by April 16, 2001. Due to minor technicalities, the City Council did not certify the Environmental Impact Report until April 30, 2001. A Notice of Determination was filed on May 3, 2001.
7. Since the connection restriction was imposed, the equivalent of an additional 60.7 new single family dwelling units have been connected to the wastewater conveyance system. This equates to an additional 23,673 gallons per day. The Discharger has a remaining capacity of 159.3 single family dwelling units, or 62,127 gallons per day, per CDO R1-2000-72.
8. The Discharger's long-term facility plan, *Community Wastewater Conveyance and Treatment Feasibility Study*, identifies four alternatives for providing wastewater treatment services to community residents, business, and industry. They are:
 - a. Expand the existing wastewater treatment facility at an estimated cost of \$23,400,000.
 - b. Construct a new wastewater treatment facility at a cost of \$32,000,000 to \$34,800,000.
 - c. Construct separate County and City wastewater treatment facilities at a cost of \$35,800,000 to \$36,900,000.
 - d. Construct a new base flow wastewater treatment facility and convert the existing facility to a wet weather flow treatment facility at a cost of \$30,700,000 to \$32,400,000.

The recommended alternative is to construct a new WWTF on vacant industrial property near Elk Creek (Alternative b above). At a public meeting on April 30, 2001, the City Council expressed its intent to pursue the recommended alternative. A final decision regarding the above alternatives will be made after the Discharger has had time to evaluate a feasibility study being developed as part of the cleanup of the Elk Creek

property. The feasibility study will evaluate cleanup and abatement alternatives and will identify the preferred remedial alternative for each media at the site. Accordingly, the existing Cease and Desist Order No. R1-2000-72 must be modified to incorporate tasks in connection with the construction of a new wastewater treatment facility to enable the Discharger to comply with Waste Discharge Requirements Order No. R1-2000-71.

9. The Discharger has released a Request for Proposals for the design of the facility. Financing is in place for completion of the conceptual plan. The Discharger will complete all work on the conceptual plan that is possible before deciding on a treatment alternative. After an evaluation of the feasibility study regarding the Elk Creek property, the Facilities Plan will be completed.
10. This is an enforcement action and is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15321.
11. On January 24, 2002, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. R1-2000-72 is modified to add the following tasks in accordance with the following time schedules:

1. The following actions shall be taken to complete the long-term planning process to provide adequate wastewater treatment capacity:

Task	Date
1a. Obtain Financing for WWTF Design	Complete November 1, 2003
1b. Obtain Financing for Construction	Complete August 1, 2005
2a. Sign Contract with Design Consultant	Complete June 1, 2002
2b. 50% Conceptual Plan	Complete April 1, 2003
2c. Submit Conceptual Plan	Complete November 1, 2003
3. Secure Ownership of Property	Complete September 1, 2003
4a. Begin Design	Start December 1, 2003
4b. 10% Design	Complete March 1, 2004
4c. 50% Design	Complete August 1, 2004
4d. 90% Design	Complete March 1, 2005
4e. Complete Design	Complete August 1, 2005

2. The following actions shall be taken to complete installation of a pumping facility that will increase effluent flows through the ocean outfall and eliminate hydraulic overloading of the treatment facility:

Task	Date
1a. Complete Design	March 1, 2002
1b. Sign Contract with Construction Contractor	May 1, 2002
1c. Begin Construction	July 1, 2002
1d. Complete Construction	October 1, 2002

A report of compliance with each task of both time schedules shall be submitted such that the Regional Water Board receives the report of compliance within two weeks of task completion or a status report of compliance within two weeks of the above-listed task completion date, whichever date comes first.

Certification

I, Susan A. Warner, 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 January 24, 2002.

Susan A. Warner
Executive Officer