

California Regional Water Quality Control Board
North Coast Region

Cease and Desist Order No. R1-2003-0025

Amending Cease and Desist Order No. 2000-04
Issued by the State Water Resources Control Board
To

The City of Santa Rosa,
Laguna Subregional Wastewater Collection,
Treatment, Conveyance, Reuse, and Disposal Facilities

Sonoma County

The Regional Water Quality Control Board (hereinafter the Regional Water Board) finds that:

1. The North Coast Regional Water Quality Control Board (Regional Water Board) adopted Cease and Desist Order No. 85-35 on March 6, 1985. Order No. 85-35 was amended on May 2, 1985, October 23, 1985, August 28, 1986, May 28, 1987, December 10, 1992, October 27, 1993, May 25, 1995, May 23, 1996 and May 8, 2000 by the Regional Water Board's adoption of Orders No. 85-80, 85-160, 86-163, 87-70, 92-147, 93-103, 95-38, 96-31 and State Water Resources Control Board's adoption of Water Quality Order No. 2000-04, respectively.
2. Cease and Desist Order No. 85-35 requires the City of Santa Rosa College Avenue and Laguna Regional Treatment Plants to cease and desist from discharging waste in violation of Waste Discharge Requirements Order No. 83-99, NPDES Permit No. CA0022764, which was adopted by the Regional Water Board on September 22, 1983.
3. Waste Discharge Requirements Order No. 83-99 was rescinded and reissued as Order No. 86-190 on December 4, 1986. Order No. 86-190 was rescinded and reissued as Order No. 90-79 on August 16, 1990. Order No. 90-79 was rescinded and reissued as Order No. 95-18 on June 22, 1995. Order No. 95-18 was rescinded and reissued as Order No. 98-84 on August 26, 1998. Order No. 98-84 was rescinded and reissued as Water Quality Orders 2000-02 and 2000-03 by the State Water Board on March 1, 2000, and March 15, 2000, respectively.
4. Cease and Desist Order No. 85-35 originally contained a time schedule for compliance, which includes the following task:

<u>Task</u>	<u>Compliance Date</u>
E. Prepare, submit to the Regional Water Board, and commence implementation of a long-range plan to assure consistent long-range compliance with Order No. 83-99.	May 1, 1986

The Task E, May 1, 1986 compliance date was modified to December 1, 1986, by Order

No. 86-163. Task E was again modified by Order No. 87-70. This modification did not include a date for project implementation. However, Order No. 87-70 did state in the findings that the long-range project was to be completed and implemented by December 1, 1995. On December 10, 1992, the Task E implementation date for the long-range plan was extended to September 30, 1997 by the adoption of Order No. 92-147. On October 27, 1993, the Task E implementation date for the long-range plan was extended to September 30, 1999, by the adoption of Order No. 93-103. This September 30, 1999, date for implementation of the long-range plan was continued in Order No. 95-38 and Order No. 96-31. On May 8, 2000, the Task E implementation date for the long-range plan was extended to December 31, 2002, by the adoption of Water Quality Order No. 2000-04.

5. The City of Santa Rosa submitted a long-range plan to the Regional Water Board on December 4, 1986. This plan entitled "Long-Term Study of Treatment and Disposal Alternatives, Phase 2 Report, Evaluation of Alternatives" described four alternatives for long-term treatment and disposal. These included injection into the Geysers steamfields, ocean disposal, discharge to San Pablo Bay and rapid infiltration into the Russian River Aquifer. This report did not include a specific schedule for project implementation.
6. On May 5, 1987, the City of Santa Rosa submitted a tentative schedule for implementation of a long-range plan, which included milestones leading to completion of construction by December 1, 1995. This time schedule was included in Order No. 87-70, which was one of the amendments to Cease and Desist Order No. 85-35. Order No. 87-70 was adopted by the Regional Water Board on May 28, 1987.
7. On May 28, 1987, the Regional Water Board adopted Resolution No. 87-58, which amended the Water Quality Control Plan for the North Coastal Basin (1B) with respect to the Point Source Measures, Waste Discharge Prohibitions and the Interim Action Plan (1986-1990) for the Santa Rosa Area.
8. On September 21, 1989, the Regional Water Board adopted Resolution No. 89-111 that recognized the City of Santa Rosa's progress and provided for the continued application of the Interim Action Plan standards for the City of Santa Rosa through July 1, 1995. The Regional Water Board's intent was implemented through the adoption of Waste Discharge Requirements Order No. 90-79 on August 16, 1990. These Interim Action Plan standards were continued through September 30, 1999 by the adoption of Waste Discharge Requirements, Order No. 95-18 on June 22, 1995. Order No. 95-18 was rescinded and reissued as Order No. 98-84 on August 26, 1998. Order No. 98-84 was rescinded and reissued by the State Water Board as Orders No. 2000-2 and 2000-03 on March 1, 2000, and March 15, 2000, respectively.
9. Extensive studies evaluating alternative long-range plans for wastewater treatment and disposal were conducted. Those studies culminated in the development of the Long-Term Wastewater System Draft Environmental Impact Report for the City of Santa Rosa. This EIR was certified by the Santa Rosa City Council on November 5, 1991. The City Council selected a long-range plan (modified "West County Plan") that involved continued irrigation of farm lands in the Santa Rosa Plains, the construction of a large treated water storage reservoir near the community of Two Rock and the irrigation of

approximately 7,500 acres of farm lands in the Two Rock/Bloomfield area, and a wintertime discharge of effluent to the Russian River not exceeding 1 percent of the River's flow. The City of Santa Rosa notified the Regional Water Board that

implementation of the modified "West County Plan" could not occur before 1997.

10. On August 18, 1992, the State Department of Health Services, Office of Drinking Water rescinded their "Uniform Guidelines for Sewage Disinfection." This action potentially impacted the City of Santa Rosa's long-range plan for wastewater treatment and disposal. Because of this potential impact, the Santa Rosa City Council directed their staff to investigate this issue before proceeding with implementation of the modified "West County Plan."
11. On July 13, 1993, the City of Santa Rosa began another process to develop and implement a long-range plan for wastewater treatment and disposal. On June 19, 1997, the City of Santa Rosa certified the Santa Rosa Subregional Long-Term Wastewater Project, Environmental Impact Report (EIR). On January 27, 1998, the City of Santa Rosa approved an addendum to the certified final EIR and selected a Geysers Recharge Alternative as the City's long-term wastewater project. The City of Santa Rosa has since approved an additional addendum to the EIR on July 15, 1999, and approved additional supplemental EIRs on July 1, 1999 and January 25, 2000. The City of Santa Rosa notified the Regional Water Board that implementation of the Geysers Recharge Project would not occur by September 30, 1999, and had asked that this date be extended to December 31, 2002.
12. The City of Santa Rosa filed an application on January 26, 1999, for the re-issuance of Waste Discharge Requirements for the Laguna Subregional Wastewater Treatment, Reuse and Disposal Facilities for the interim period prior to implementation of the Geysers Recharge Project. In this application, the City of Santa Rosa provided documentation that the current treatment and disposal system capacity can be increased from 18.0 million gallons per day (mgd), average dry weather flow, to 19.2 mgd. This system capacity increase reflects that the subregional storage system has been increased by 90 million gallons and the irrigation system has the capacity to irrigate 4,062 million gallons per year. These treatment and disposal capacity increases are expected to satisfy the system reliability requirements of the Interim Action Plan Standards for the Santa Rosa Area until the Geysers Recharge Project is implemented. The Report of Waste Discharge was considered complete on June 4, 1999. Water Quality Order 2000-02, adopted by the State Water Board on March 1, 2000, authorized the increase to 19.2 mgd.
13. The City of Santa Rosa also filed an application on March 31, 1999, for the re-issuance of Waste Discharge Requirements for the Laguna Subregional Wastewater Treatment, Reuse and Disposal Facilities to authorize discharge of a portion of its waste water to the Geysers Recharge Project, and to increase average dry weather flow from 19.2 mgd to 21.3 mgd. The Report of Waste Discharge was considered complete on January 6, 2000. Water Quality Order 2000-03, adopted by the State Water Board on March 15, 2000, authorized the increase to 21.3 mgd upon completion and start-up of the Geysers Recharge Project.
14. The City of Santa Rosa notified the Regional Water Quality Control Board that implementation of the Geysers Recharge Project would not occur by December 31, 2002, and has asked that this date be extended to December 31, 2003. To date almost 39 miles of pipeline have been installed. Remaining work involves the installation of 1.2 miles of

pipeline and pump station internal plumbing. Additional construction work within the steam field that will accept the water is in progress. Although substantial progress has been made to meet the Cease and Desist Order time schedule, factors beyond the City's control have caused unavoidable delays. Given the relatively small amount of work yet to be completed, the City is confident that the system will be operational prior to the 2003-04 discharge season.

15. Pursuant to Section 15321, Title 14, California Code of Regulations, this is an enforcement action for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act (CEQA). This action to enforce compliance with an NPDES permit is also exempt from CEQA pursuant to Water Code section 13389. In addition, the Board has considered the EIR and its supplements and addenda described in Finding 11, above.
16. On March 27, 2003, after due notice to the discharger and all other affected persons, the Regional Water Quality Control Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that the Interim Action Plan Standards for the Santa Rosa Area shall continue to apply to the City of Santa Rosa until discharge pursuant to the Geysers Recharge Project is authorized, and that Task E of Cease and Desist Order No. 2000-04 be modified as follows:

<u>Task</u>	<u>Compliance Date</u>
Implement a long-range plan for wastewater treatment and disposal.	December 31, 2003

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 March 27, 2003.

Susan A. Warner
Executive Officer

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