

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2005-0027
I.D. No. 1B84083OMEN

Rescission Of Cease And Desist Order No. R1-2003-0067

For

The Fort Bragg Municipal Improvement District No. 1,
Wastewater Treatment Facility

Mendocino County

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

1. On June 22, 1995, the Regional Water Board adopted Order No. 95-47, NPDES Permit No. CA0023078, Waste Discharge Requirements for the Fort Bragg Municipal Improvement District No. 1 (Permittee), Fort Bragg Wastewater Treatment Facility (WWTF).¹
2. On January 23, 1997, the Regional Water Board found that the Permittee was discharging waste in violation of Order No. 95-47. The Regional Water Board adopted Cease and Desist Order No. 97-2, requiring the Permittee to repair a secondary biofilter on or before September 22, 1997. A second Cease and Desist Order, No. 98-126, was adopted on December 10, 1998, by the Regional Water Board after the aforementioned repairs failed to improve effluent quality to the extent of conforming with Order No. 95-47. Cease and Desist Order No. 98-126 was subsequently revised in 2001 (Order No. R1-2001-23), again in 2002 (Order No. R1-2002-0025, and finally on June 26, 2003 (Order No. R1-2003-0067) updating the time schedule for completion of treatment improvements to bring the Permittee into compliance with its NPDES permit.
3. On October 26, 2004, the Permittee submitted a written request that Cease and Desist Order No. R1-2003-0067 be rescinded based on its finding that the chemical addition system installed in 2000 satisfies the requirements of the Cease and Desist Order because the system has improved the WWTFs effluent quality to the extent that it consistently meets federal secondary treatment standards as defined in 40 CFR 133. The request was determined by Regional Water Board staff to be incomplete for the purpose of rescinding Order No. R1-2003-0067. Regional Water Board staff requested additional information from the Permittee about the chemical addition system in a letter to the Permittee dated November 17, 2004.

¹ Order No. 95-47 was replaced by a renewed NPDES permit for the WWTF, Order No. R1-2004-0009, adopted by the Regional Water Board on March 24, 2004.

4. On February 11, 2005, the Permittee submitted additional information describing in detail the chemical addition system, including specific information regarding process control, monitoring, and maintenance. The Permittee has indicated that the chemical addition system is a permanent component of its wastewater treatment system and is continuously operated and maintained to consistently meet effluent limitation contained in its NPDES permit. Based on Regional Water Board staff's review of this document, it has been determined that the existing chemical addition system constitutes satisfactory compliance with the requirements of Cease and Desist Order No. R1-2003-0067.
5. The recision of a Cease and Desist Order is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15061(b)(3), Title 14, California Code of Regulations.
6. The Regional Water Board has notified the Permittee and interested parties of its intent to rescind Cease and Desist Order No. R1-2003-0067 and has provided them with the opportunity to submit their written comments and recommendations.
7. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the recision.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. R1-2003-0067, for the Fort Bragg Municipal Improvement District No. 1 Wastewater Treatment and Disposal Facility, be rescinded.

Certification

I, Catherine E. Kuhlman, 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 May 4, 2005.

Catherine E. Kuhlman
Executive Officer