

California Regional Water Quality Control Board  
North Coast Region

CEASE AND DESIST ORDER NO. R1-2004-0065

NPDES PERMIT NO. CA0025135  
ID NO. 1B820460SON

REQUIRING THE CITY OF HEALDSBURG TO CEASE AND DESIST FROM  
DISCHARGING OR THREATENING TO DISCHARGE EFFLUENT IN VIOLATION  
OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. R1-2004-0064

Sonoma County

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

1. The City of Healdsburg (Permittee) owns and operates facilities for municipal wastewater collection and treatment serving the City of Healdsburg.
2. The City of Healdsburg Wastewater Treatment and Disposal Facility (WWTF) is designed for an average dry weather flow rate of 1.4 million gallons per day (mgd). The current waste treatment facilities include wastewater screening and grit removal, biological secondary treatment using four aerated ponds followed by two oxidation/sedimentation ponds and disinfection. The treated wastewater is disinfected using chlorine gas. The Permittee is constructing a dechlorination system. The effluent is discharged to the Basalt Pond, which is owned by Syar Industries, Inc.
3. The WWTF is located in the SE  $\frac{1}{4}$  of Section 33, R9W, T9N, MDB&M and adjacent to the Russian River.
4. Section 13301 of the California Water Code states "When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."
5. The Permittee is currently conducting environmental review for two alternative treatment technologies to upgrade the existing treatment facilities to provide advanced wastewater treatment; conventional extended aeration with biological nitrogen removal (BNR) and tertiary filtration; and a membrane bioreactor with BNR. The project will also consider the feasibility and the potential environmental impact of alternative discharge locations, as well as agricultural and urban re-use alternatives.

6. On October 6, 2004, the Regional Water Board will consider Waste Discharge Requirements, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0025135 (Permit) for adoption for the WWTF. The Permit includes discharge prohibitions, effluent and receiving water limitations and compliance provisions. The Water Quality Control Plan for the North Coast Region (Basin Plan) allows permit compliance schedules for only some requirements included in the Permit.
7. The Basin Plan includes beneficial uses, water quality objectives, implementation plans for point source and non-point source discharges, prohibitions and statewide plans and policies. The Basin Plan also includes a prohibition against discharge to the Russian River and its tributaries during the period May 15 through September 30.
8. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

9. Requirements in Order No. R1-2004-0064 that will be violated or are threatened to be violated are:

**A. DISCHARGE PROHIBITIONS**

7. The discharge of wastewater effluent from the WWTF to the Russian River or its tributaries is prohibited during the period May 15 through September 30 each year.

**B. EFFLUENT LIMITATIONS FOR DISCHARGES TO THE BASALT POND**

6. There shall be no acute toxicity in the effluent. The Permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:
  - a. Minimum for any one bioassay: 70 percent survival.
  - b. Median for any three or more consecutive bioassays: at least 90 percent survival.

Compliance with this effluent limitation shall be determined in accordance with General Provision I.23.

## I. GENERAL PROVISIONS

### 1. Duty to Comply

The Permittee shall comply with all conditions of this Order. Any instance of noncompliance with this Order constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application. [40 CFR 122.41(a)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. The Permittee discharges all year to the Basalt Pond and has no discharge alternatives, at this time, to achieve compliance with Discharge Prohibition A.7 of the Permit. This year-round discharge does not comply with the Basin Plan.
3. The WWTF has failed recent toxicity tests, demonstrating that the WWTF cannot comply with Effluent Limitation B.6 of the Permit.
4. On January 8, 1995, the Russian River flooded and created a 100 foot breach in the Basalt Pond levee. As a consequence of the levee failure, treated wastewater from the WWTF was discharged to the Russian River in violation of Waste Discharge Requirements, Order No. 92-80, for approximately seven days until emergency repairs were completed. On March 11, 1995, flood waters again caused a levee failure resulting in six additional days of discharge to the Russian River. On January 1, 1997, the Russian River breached the levee again. These discharges also constituted a violation of the Clean Water Act. In response to these discharges to the Russian River two previous Cease and Desist Orders were adopted by the Regional Water Board. Cease and Desist Order No. 97-27 rescinded and replaced Cease and Desist Order No. 95-97 and required the Permittee to develop a short- and long-term project to be completed by October 1, 2001. To date, these projects have not been completed and the Permittee is in violation of Cease and Desist Order No. 97-27.
5. With the recent court decision, *Northern California River Watch vs. the City of Healdsburg*, and the determination that the Basalt Pond is Waters of the United States, the previous Cease and Desist Order No. 97-27 will be superceded to reflect current conditions as provided for in Order No. R1-2004-0064 as necessary to protect receiving waters.
6. This enforcement action is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15321.

7. On October 6, 2004, after due notice to the Permittee 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, pursuant to CWC Section 13301, that Cease and Desist Order No. 97-27 be rescinded and the City of Healdsburg shall cease discharging waste in violation of Waste Discharge Requirements, Order No. R1-2004-0064 forthwith in accordance with the following time schedules:

1. Cease Discharging Municipal Wastewater to the Basalt Pond between May 15<sup>th</sup> and September 30<sup>th</sup> as Required by Discharge Prohibition A.7 of Waste Discharge Requirements Order No. R1-2004-0064.

<u>Task</u>	<u>Compliance Date</u>
Submit <sup>1</sup> a plan and a schedule to comply with Discharge Prohibition A.7 of Waste Discharge Requirements Order No. R1-2004-0064.	October 6, 2005
Submit written progress reports <sup>2</sup> on compliance efforts to the Executive Officer. Regional Water Board staff may periodically present an informational update to the Regional Water Board based on the progress reports.	April 6, 2006
	October 6, 2006
	April 6, 2007
	October 6, 2007
	April 6, 2008
	October 6, 2008
	April 6, 2009
Achieve compliance with Discharge Prohibition A.7 of Waste Discharge Requirements Order No. R1-2004-0064.	October 6, 2009

2. Schedule to Cease Discharging Acutely Toxic Effluent to the Basalt Pond as Required by Effluent Limitation for Discharge to the Basalt Pond B.6 of Waste Discharge Requirements Order No. R1-2004-0064.

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<sup>1</sup> The term "submit" in this Order means that the document must be actually received by the Regional Water Board on or before the associated compliance date.

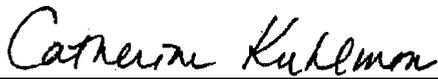
<sup>2</sup> The progress reports shall describe what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

<b><u>Task</u></b>	<b><u>Compliance Date</u></b>
Submit a Toxicity Reduction Evaluation (TRE) in accordance with the guidelines in General Provision I.25 of Waste Discharge Requirements, Order No. R1-2004-0064.	October 6,2005
Submit a <b>workplan</b> to implement control measures or management practices to comply with Effluent Limitation for Discharges to the Basalt Pond B.6.	October 6,2006
Complete implementation of control measures and management practices. Achieve compliance with Effluent Limitation for Discharges to the Basalt Pond B.6.	January 1,2008

IT IS FURTHER ORDERED that if, in the opinion of the Executive Officer, the Permittee fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

Certification

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, North Coast Region, on October 6,2004.



Catherine E. Kuhlman  
Executive Officer