

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2010-0078

REQUIRING TECHNICAL INFORMATION
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

College of the Redwoods
7351 Tomkins Hill Road
Eureka, California

NPDES NO. CA0006700
WDID NO. 1B80121OHUM

Humboldt County

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

1. College of the Redwoods (hereinafter Discharger) is located at 7351 Tompkins Hill Road, in Eureka California. The discharger owns and operates a waste water collection, treatment, and disposal facility (Facility) serving a population of approximately 5,700 on the College of the Redwoods campus complex by treating up to 0.1 million gallons per day (MGD) of domestic and commercial wastewater.
2. Waste water is treated in a package plant by activated sludge and clarification processes, then disinfected with sodium hypo chlorate, and dechlorinated with sodium metabisulfate prior to discharge. Treated wastewater travels overland to White Slough, a tidally influenced and estuarine tributary of Humboldt Bay located in the Eureka Plain Hydrogeologic Unity 110.00. White Slough is considered a water of the State and United States.
3. The facility has multiple documented violations for unpermitted chlorinated discharges into the White Slough over the past decade. On Tuesday July 6, 2010, the facility reported a spill of 6,600 gallons of chlorinated water into the White Slough. Chlorine is toxic to aquatic organisms and discharging highly chlorinated water into the environment may have detrimental effects on aquatic life in White Slough and Humboldt Bay.
4. The Regional Water Board's Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan, at page 2-1, states that the beneficial uses of any specifically identified

water body generally apply to its tributary streams. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which establishes state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Thus, beneficial uses applicable to area groundwater and Humboldt Bay are as follows:

Table 1. Basin Plan Beneficial Uses

| | Receiving Water Name Discharge Points |
|---|--|
| Beneficial Use (s) | White Slough/ Humboldt Bay |
| Municipal and Domestic Water Supply (MUN) | Existing |
| Agricultural Supply (AGR) | Existing |
| Industrial Service Supply (IND) | Existing |
| Industrial Process Supply (PRO) | Potential |
| Groundwater Recharge (GWR) | --- |
| Freshwater Replenishment (FRESH) | Existing |
| Navigation (NAV) | Existing |
| Hydropower Generation (POW) | Potential |
| Water Contact Recreation (REC-1) | Existing |
| Non-contact Water Recreation (REC-2) | Existing |
| Commercial and Sport Fishing (COMM) | Existing |
| Estuarine Habitat (EST) | Existing |
| Cold Freshwater Habitat (COLD) | Existing |
| Wildlife Habitat (WILD) | Existing |
| Preservation of Rare, Threatened or Endangered Species (RARE) | Existing |
| Spawning, Reproduction, and/or Early Development (SPWN) | Existing |
| Shellfish Harvesting (SHELL) | Existing |
| Aquaculture (AQUA) | Existing |
| Native American Culture (CUL) | --- |

5. The following sections of the California Water Code authorize the Regional Water Board Executive Officer to impose requirements upon persons suspected of discharging waste that could affect the quality of waters within this region:
 - a. Section 13260 (a) – *“All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person*

discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.”

- b. Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
 - c. Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”*
 - d. Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
8. Technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. More detailed information is available in the Regional Water Board’s public file on this matter.
 9. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with Section 15321, Chapter 3, title 14, California Code of Regulations.
 10. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to clean up or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section

13385, subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged. Any person discharging waste into navigable waters of the United States without waste discharge requirements is, pursuant to Water Code Section 13385(c), subject to administrative civil liabilities of up to ten thousand dollars (\$10,000.00) per day in which the discharge occurs plus ten dollars (\$10.00) per gallon of waste discharged, and may also be subject to criminal prosecution pursuant to Water Code Section 13387.

11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30 day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b), the Discharger shall:

Submit a technical report to the Executive Officer within 90 days of the date of this Order, which shall include, but not be limited to, the following technical information:

1. A Compliance Plan discussing how the Facility will make appropriate changes to prevent future violations related to unpermitted chlorinated discharges. Examples would include upgraded equipment and/or extra staffing.
2. An implementation schedule for executing the Compliance Plan for approval by Regional Water Board staff.

If the Discharger is unable to perform any activity or to submit any documentation in compliance with the deadlines in this Order, the Discharger may submit a written request to the Executive Officer for an extension of the time schedule. The written extension request shall explain why the delay is beyond the reasonable control of the Discharger and must be received by the Regional Water Board no less than 15 calendar days prior to the respective deadline. An extension may be granted by the Executive Officer, for good cause, in which case this Order will be accordingly revised.

All information provided in response to this Order must include the following signed certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The foregoing report is needed to address the potential ongoing water quality threats at the facility. The report required by this Order will allow Regional Water Board staff to determine the mitigation and other measures that are needed to protect water quality and ensure that similar violations do not recur.

Ordered by _____

Catherine Kuhlman
Executive Officer

August 23, 2010