

Executive Officer's Summary Report  
8:30 a.m., January 19, 2012  
North Coast Regional Water Quality Control Board  
David C. Joseph Hearing Room  
5550 Skylane Blvd., Suite A  
Santa Rosa, California

ITEM: 13

SUBJECT: **Public Hearing** on Order No. R1-2012-0011, to consider requiring the **Forestville Water District , Wastewater Treatment, Reclamation and Disposal Facility** to Cease And Desist From Discharging Or Threatening to Discharge Effluent In Violation of Waste Discharge Requirements , Order Nos. R1-2004-0027 and R1-2012-0012, WDID No. 1B83100OSON, NPDES No. CA0023043, Sonoma County.

### **DISCUSSION**

The Forestville Water District (Discharger) owns and operates a municipal wastewater treatment facility (WWTF) located in Forestville, California. The Discharger treats domestic waste to tertiary wastewater treatment standards, disinfects the wastewater using chlorine, dechlorinates, and then discharges the treated effluent to storage ponds for subsequent discharge to Jones Creek, tributary to Green Valley Creek, thence the Russian River during the discharge season allowed by the Basin Plan (October 1 through May 14) and to 11 recycled water irrigation sites during the dry period set out in the Basin Plan, May 15 through September 30. The WWTF is designed to treat an average daily dry weather design flow of 0.130 million gallons per day (mgd), a peak weekly wet weather flow of 0.58 mgd, and a peak daily wet weather flow of 0.78 mgd. Waste discharges from the WWTF have been regulated under Waste Discharge Requirements (WDR) Order No. R1-2004-0027 adopted by the Regional Water Board on October 6, 2004. Revised WDR Order No. R1-2012-0012 (Proposed Order) is proposed for adoption concurrently with this proposed Cease and Desist Order (CDO). The WDRs also serve as a National Pollutant Discharge Elimination System (NPDES) permit.

#### **Compliance with CTR Requirements for Copper**

Prior to, and during the term of the previous permit for this WWTF, Order No. R1-2004-0027 (hereinafter, Previous Order), the Discharger was required to monitor its effluent for California Toxics Rule (CTR) constituents, and the Discharger's monitoring data was evaluated in accordance with the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California* (State Implementation Policy or SIP). The SIP requires the establishment of effluent limitations in permits for any CTR constituent that may have reasonable potential to

cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water. The SIP allows for the establishment of interim effluent limitations and compliance schedules to attain final effluent limitations if a discharger is able to demonstrate the infeasibility of immediately complying with final effluent limitations. The SIP required compliance with final effluent limitations for all CTR constituents by May 18, 2010.

CTR monitoring data collected by the Discharger during the term of the Previous Order shows reasonable potential for dichlorobromomethane (DCBM) and copper. DCBM is a common byproduct from chlorination. Copper is often found in wastewater effluent and may be associated with use of copper pipes in water supply systems.

The Previous Order included interim effluent limitations for DCBM and copper that became effective on May 18, 2010. The Proposed Order includes final effluent limitations for DCBM and copper.

On August 26, 2010, the Discharger submitted a written request for a CDO for the Wastewater Treatment, Reclamation, and Disposal Facility, which contained a compliance analysis for copper (hereinafter referred to as the "Request"). The Request stated that the Discharger is unable to comply with final effluent limitations for copper. The Request contains an analysis of the Discharger's inability to comply with final effluent limitations for copper and identifies proposed actions and compliance schedules to comply with final copper effluent limitations. The Discharger requested the full five year term of the Proposed Order (based on the original June 2011 hearing date) to complete assessments and studies necessary to determine an effective means to comply with final copper effluent limitations. The Proposed Order requires the Discharger to comply with final effluent limitations for copper by June 30, 2016.

Due to the deadline of May 18, 2010 imposed in the SIP for compliance with effluent limitations established for CTR constituents, the Proposed Order cannot provide compliance dates beyond May 18, 2010 for CTR constituents. CDOs are adopted pursuant to California Water Code sections 13301-13303 for dischargers violating or threatening to violate waste discharge requirements or prohibitions prescribed by the Regional Water Board and are an effective enforcement vehicle for the Regional Water Board to address dischargers with chronic non-compliance problems that may require extensive capital improvements or operational changes. Section 13385(j)(3) of the Water Code also contains provisions to shield a discharger from MMPs if required conditions are met. Regional Water Board staff evaluated these conditions and found that the Discharger qualifies to be shielded from MMPs for future violations of the final effluent limitations for copper, as long as the Discharger complies with the compliance schedules identified in Requirement 1 and the interim effluent limitations for copper specified in Requirement 2 of the proposed CDO, Order No. R1-2012-0011.

The Discharger has not requested additional time to comply with final effluent limitations for DCBM because the Discharger has implemented operational measures that have

allowed the Discharger to reduce its chlorine use which reduces the potential for DCBM to be produced in the chlorination system.

The proposed Cease and Desist Order was available for public comment between March 11, 2011 and April 1, 2011. A single comment was received from Brelje and Race Consulting Engineers acting on behalf of Forestville Water District. The Proposed Order was not modified in response to the comment received.

The comment letter received and staff's Response to Comments are included as attachments to this Staff Report.

**PRELIMINARY STAFF  
RECOMMENDATION:**

Adopt Cease and Desist Order No. R1-2012-0011 for the Forestville Water District Wastewater Treatment, Reclamation and Disposal Facility as proposed.