

Executive Officer's Summary Report  
9:00 a.m., March 15, 2012  
River Lodge Conference Center  
1800 Riverwalk Drive  
Fortuna, California

ITEM: 4

SUBJECT: **Public Hearing** on Order No. R1-2012-0015, to consider requiring the **Graton Community Services District Wastewater, Reclamation and Disposal Facility** to Cease And Desist From Discharging Or Threatening to Discharge Effluent In Violation of Waste Discharge Requirements , Order Nos. R1-2004-0038 and R1-2012-0016, WDID No. 1B840600SON, NPDES No. CA0023639, Sonoma County

### DISCUSSION

The Graton Community Services District (Discharger) owns and operates a municipal wastewater treatment facility (Facility) located in Graton, California. The Discharger currently treats domestic waste to secondary wastewater treatment standards, disinfects the wastewater using chlorine, and dechlorinates by using long detention times in its effluent storage ponds. Treated effluent from storage is subsequently discharged to Atascadero 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 7 recycled water irrigation sites during the dry period set out in the Basin Plan, May 15 through September 30. The Facility is designed to treat an average daily dry weather design flow of 0.14 million gallons per day (mgd) and a peak wet weather flow of 0.85 mgd. Waste discharges from the Facility have been regulated under Waste Discharge Requirements (WDR) Order No. R1-2004-0038 adopted by the Regional Water Board on October 6, 2004. Revised WDR Order No. R1-2012-0016 (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.

Pursuant to provisions of the *Water Quality Control Plan for the North Coast Region* (Basin Plan), WDR Order No. R1-2004-0038 required the Discharger to complete a Facility upgrade project by October 6, 2007 to achieve advanced wastewater treatment (AWT) of effluent discharged to Atascadero Creek. To achieve advanced wastewater treatment, the Discharger must upgrade its Facility with a filtration process to produce a higher quality of treated effluent with regard to biochemical oxygen demand (BOD), total suspended solids (TSS), and turbidity. The Discharger completed its development of 100 percent design and specifications for the AWT upgrade project and made other significant improvements to the Facility prior to October 6, 2007, but did not complete the Facility upgrade project due to additional work that was needed to respond to flood-induced damage to the treatment ponds and due to budget constraints, including a lack

of funds to complete a flood wall project. The flooding that occurred in early 2006 raised the priority of providing flood protection to the Facility to protect the Discharger's investment in Facility upgrades.

In 2008, the Discharger requested additional time to complete its AWT upgrade project and the Regional Water Board adopted CDO No. R1-2008-0109 on December 11, 2008. The CDO required the Discharger to complete the AWT upgrade project by October 6, 2010, but made provision for the schedule to be extended an additional two years, to October 6, 2012, if financing could not be obtained in time to meet the earlier schedule. The CDO also included interim effluent limitations for BOD and TSS, requirements to submit a pollution prevention plan designed to control pollution at the Facility and complete an interim project to improve effluent quality until completion of the AWT upgrade project, and a restriction on new sewer connections.

Since the adoption of the CDO, the Discharger submitted the pollution prevention plan, completed an interim project to improve effluent quality, and completed construction of a flood wall to protect the Facility with funding from the Federal Emergency Management Agency. As the flood wall project neared completion in early 2011, the Discharger sought to acquire State grant and loan funds through the State Revolving Fund (SRF) and Proposition 50 Integrated Regional Water Management Program (IRWMP). Funding was not released in 2011, thus the Discharger was unable to begin construction of the AWT upgrade project. According to staff at the State Water Board Division of Financial Assistance, funding is expected to be released to the Discharger in spring 2012. Although the Discharger will be able to begin construction of its AWT upgrade project in 2012, it will not be able to complete the project by October 6, 2012, as required by CDO No. R1-2008-0109.

On November 17, 2011, the Discharger submitted an Infeasibility Study Report that includes a written request for an additional time extension to complete the AWT upgrade project. The Infeasibility Report also included a request for interim effluent limitations and compliance schedules for complying with new effluent limitations for ammonia and stricter effluent limitations for chlorine residual that are included in proposed WDR Order No. R1-2012-0016 that is scheduled to be adopted concurrently with the proposed CDO revision. The Discharger requested an additional 20 months to complete its AWT upgrade project and comply with final effluent limitations for BOD, TSS and chlorine residual and five years to achieve full compliance with final effluent limitations for ammonia. The compliance schedule and effluent limitations for ammonia are included in WDR Order No. R1-2012-0016 because these are new effluent limitations for which a compliance schedule can be included in an NPDES permit in accordance with the State Water Board's Compliance Schedule Policy. The compliance schedule for completion of the AWT upgrade project is included in the revised CDO because the Compliance Schedule Policy does not allow compliance schedules to be included in permits for violations of regulations that are not new or newly interpreted.

The proposed CDO was available for public comment between December 28, 2011, and January 30, 2012. The Discharger submitted a comment letter requesting a minor modification to the Proposed CDO. The Discharger also submitted an email to Regional Water Board staff requesting that the CDO compliance schedule provide four additional months to provide a buffer in case grant and loan funding is not received by May 1, 2012, as was anticipated by the schedule proposed in the Discharger's November 17, 2011, Infeasibility Study Report. The Proposed CDO, Order No. R1-2012-0015 was modified to require the Discharger to complete its AWT upgrade project by February 1, 2014 and demonstrate compliance with final effluent limitations for BOD and TSS by May 1, 2014.

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. R1-2012-0015 for the Graton Community Services District Wastewater Treatment, Reclamation and Disposal Facility as proposed.