

Executive Officer's Summary Report
8:30 a.m., June 10, 2010
North Coast Regional Water Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Suite A
Santa Rosa, California

Item: 6

Subject: Public Hearing on Order No. R1-2010-0035 to consider adoption of a Cease and Desist Order for the **City of Healdsburg Wastewater Treatment, Reclamation and Disposal Facility** NPDES No. CA0024058, WDID No. 1B820450SON

DISCUSSION

Cease and Desist Order No. R1-2004-0065 was adopted concurrently with the Discharger's NPDES permit, Order No. R1-2004-0064 on October 6, 2004 and was later modified and adopted as CDO No. R1-2006-0002 on January 25, 2006. The CDO requires, consistent with the Regional Water Quality Control Plan for the North Coast Region (Basin Plan), that the Discharger cease discharging effluent to Basalt Pond during the period of May 15 through September 30, and includes a compliance schedule that required the Discharger to achieve compliance with the seasonal discharge prohibition by October 6, 2009.

On April 3, 2009, the Discharger submitted a semi-annual progress report to Regional Water Board staff describing the Discharger's progress toward cessation of discharge to Basalt Pond during the period of May 15 through September 30 of each year. The progress report described the Discharger's progress toward designing a reclamation system that will eventually allow the Discharger to cease discharges to Basalt Pond during the seasonal discharge prohibition period and other tasks that the Discharger plans to implement, including development of a community outreach and education program for the recycled water system, reissuance of a mitigated negative declaration for the Syar reclamation project, and California Department of Public Health approval of the Discharger's Recycled Water Engineering Report. The progress report identified lack of funding and the impacts of the current economic downturn as significant obstacles against completing the reclamation system by the October 6, 2009 deadline required by the CDO and requested a five year time extension to comply with the seasonal discharge prohibition.

By letter dated April 9, 2009, Regional Water Board staff requested the Discharger to submit a detailed plan and time schedule for completion of the reclamation system and compliance with the Basin Plan seasonal discharge prohibition, including interim steps that the Discharger will take to move toward compliance such as phasing a reduction of the discharge to Basalt Pond.

On June 11, 2009, the Discharger submitted a plan and time schedule for completion of the Discharger's reclamation system and compliance with the seasonal discharge prohibition. The plan and time schedule phase construction and implementation of the Discharger's reclamation system by moving forward with construction of a reclamation project on the neighboring Syar property in the short-term, then securing funding to implement the rest of the reclamation system in five years.

Proposed Cease and Desist Order No. R1-2010-0035 modifies the compliance schedule in existing CDO Order No. R1-2006-0002 by granting additional time for the Discharger to comply with the seasonal discharge prohibition. The modified compliance schedule gives the Discharger five additional years to cease discharging to Basalt Pond during the period May 15 through September 30 of each year. The compliance schedule requires the Discharger to complete the design of its reclamation system and submit to the Regional Board final design plans, specifications and engineering report for construction of the reclamation system by July 14, 2010, and to secure a funding commitment for construction of the reclamation project by June 1, 2011.

The draft cease and desist order and/or information to access the draft Order on the Regional Water Board website was mailed to the Discharger, interested agencies, and persons. The draft cease and desist orders was open for public comment between March 24, 2010 and April 23, 2010.

Comment letters and/or emails were received from the City of Healdsburg, City of Santa Rosa, California WaterReuse, Clean Water Coalition of Northern Sonoma County, Russian Riverkeeper, Westside Association to Save Agriculture, and the Russian River Watershed Protection Committee. However, the City of Healdsburg was the only party that commented on the CDO, and it expressed concern about the City's ability to meet the time schedule for compliance with the seasonal discharge prohibition in light of concerns over reclamation requirements in the proposed permit related to additional approval, public input, and special study requirements that could slow down the City's ability to complete the reclamation system. Copies of the letters and emails received and staff's Response to Comments are included as attachments to the Staff Report for Item 5.

No changes were made to the proposed cease and desist order.

PRELIMINARY STAFF
RECOMMENDATION:

Adopt the Order as proposed.