

Order No. R1-2011-0018
I.D. No. 1A84006ODN

Rescission of Cease and Desist Orders
R1-2000-72
R1-2002-0005
R1-2004-0001
R1-2005-0035

For

City of Crescent City
Wastewater Treatment Facility

Del Norte County

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

1. **Regional Water Board Orders:** On September 22, 2000, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R1-2000-0071, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756, Waste Discharge Requirements for the City of Crescent City, Wastewater Treatment Facility (WWTF). WDR Order No. R1-2000-0071 was replaced by a renewed NPDES permit for the WWTF, WDR Order No. R1-2006-0001, adopted by the Regional Water Board on January 21, 2006.
2. The City of Crescent City (Discharger) has been discharging under cease and desist orders (CDOs) for violations and threatened violations of its NPDES permit for the WWTF since 1997. Between 1997 and 2000, the Regional Water Board adopted CDO Nos. 97-17, 98-24, and 99-54, for existing and/or threatened violations of effluent limitations for biochemical oxygen demand (BOD) and other permit requirements in then-existing waste discharge requirements. CDO No. 99-54 included restrictions on the addition of new wastewater flows to the equivalent of 220 single-family dwelling units into the WWTF until it could be demonstrated that treatment additional capacity was available.
3. On September 22, 2000, Regional Water Board adopted CDO No. R1-2000-72 for violations and threatened violations of WDR Order No. R1-2000-0071. All previous CDOs were rescinded by CDO No. R1-2000-72. CDO No. R1-2000-72 continued the connection restriction to the WWTF and established a time schedule for completing environmental documents pursuant to the California Environmental Quality Act (CEQA) leading to the design and construction of a new WWTF. The Discharger complied with the time schedules contained in CDO No. R1-2000-72 requiring completion of CEQA documents.

4. On January 24, 2002, the Regional Water Board adopted CDO No. R1-2002-0005. This Order modified CDO No. R1-2000-72 to include a time schedule for increasing hydraulic capacity through the ocean outfall and for completing design of a new WWTF.
5. On February 11, 2004, the Regional Water Board adopted CDO No. R1-2004-0001. This Order modified CDO No. R1-2000-72, allowing an additional 160 single family dwelling units or 36,000 gallons per day to the connection restriction.
6. On June 21, 2005, the Regional Water Board adopted CDO No. R1-2005-0035. This Order modified CDO No. R1-2000-72, allowing an additional 500 single family dwelling units to the connection restriction, and required the Discharger to submit a draft pretreatment ordinance to comply with federal pretreatment requirements.
7. **Basis for Rescission:** On August 1, 2010, the Discharger completed and certified that upgrades to the WWTF were complete. The WWTF upgrades included the installation of a membrane bioreactor (MBR) unit, new solids dewatering equipment, and rehabilitation of the headworks, primary clarifiers, solids thickening, and the anaerobic digesters. The WWTF upgrade also included the installation of a new UV disinfection system and an effluent reuse pumping station downstream of the MBR process. The WWTF upgrades have improved the effluent quality to the extent that the discharge is in consistent compliance with waste discharge requirements, as required by CDOs R1-2000-72, R1-2002-0005, R1-2004-0001, and R1-2005-0035.
8. On November 1, 2010, the City Council of the City Crescent City adopted pretreatment ordinance, Ordinance No. 2010-757, satisfying a requirement of CDO No. R1-2000-72.
9. In 2005, the Discharger complied with the new time schedule by constructing a 24-inch diameter outfall pipe that increased gravity flow discharge capacity up to 13 million gallons per day, satisfying a requirement in CDO No. R1-2002-0005.
10. The Regional Water Board has determined that the Discharger has satisfactorily complied with the requirements of Cease and Desist Order Nos. R1-2000-72, R1-2002-0005, R1-2004-0001, and R1-2005-0035 such that the connection restriction is no longer necessary to ensure compliance with WDR Order No. R1-2006-0001.
11. **California Environmental Quality Act:** The rescission of a Cease and Desist Order is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15061(b)(3), Title 14, California Code of Regulations, which states that where it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

12. **Notification:** The Regional Water Board has notified the Discharger and interested parties of its intent to rescind Cease and Desist Order Nos. R1-2000-72, R1-2002-0005, R1-2004-0001, and R1-2005-0035 and has provided them with the opportunity to submit their written comments and recommendations.
13. **Public Notice:** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this rescission.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order Nos. R1-2000-72, R1-2002-0005, R1-2004-0001, and R1-2005-0035, for the City of Crescent City Wastewater Treatment Facility, be rescinded.

Certification

I, Catherine Kuhlman, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 22, 2011.

Catherine Kuhlman
Executive Officer