

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, August 17, 2017  
Regional Water Board Office  
Santa Rosa, California

**ITEM:** 3

**SUBJECT:** Public Hearing on Order No. R1-2017-0026 to consider adoption of proposed Time Schedule Order for City of Fortuna Wastewater Treatment Facility, WDID No. 1B83135OHUM, National Pollutant Discharge Elimination System (NPDES) No. CA0022730  
*(Justin McSmith)*

**BOARD ACTION:** The Board will consider adoption of Time Schedule Order No. R1-2017-0026 (Proposed TSO). The Proposed TSO contains a time schedule for the City of Fortuna (Permittee) to comply with Water Quality Control Plan North Coast Basin Plan (Basin Plan) Discharge Prohibitions.

**BACKGROUND:** The Facility is currently regulated under Waste Discharge Requirements Order No. R1-2011-0004, which serves as a NPDES permit for waste discharges to surface waters and waste discharge requirements for land disposal of disinfected secondary effluent. Concurrent with the adoption of this Proposed TSO, the Regional Water Board will consider adoption of Waste Discharge Requirements Order No. R1-2017-0005 (Proposed Permit) (See Agenda Item 2), which will serve as an NPDES permit for waste discharges to surface waters. The Proposed Permit includes discharge prohibitions, effluent limitations and receiving water limitations (surface water and groundwater) for the Wastewater Treatment Facility (Facility).

Specifically, the Proposed Permit states that the Permittee may discharge disinfected secondary effluent to Strongs Creek, a tributary of the Eel River, at Discharge Point 001, between October 1 and May 14. Historically, the Permittee discharged treated wastewater to percolation ponds in the gravel bar of the Eel River from May 15 to September 30 (Discharge Prohibition Season) at Discharge Point 003. A previous NPDES permit (Order No. R1-2007-0007) required the Permittee to conduct a special study to evaluate the hydrologic connectivity of the percolation ponds to the Eel River and Strongs Creek, or in lieu of the study allowed the Permittee to find an alternate disposal location for the dry season to achieve compliance with the seasonal discharge prohibition in the Basin Plan. Regional Water Board staff now considers discharges to these percolation ponds as discharges to Waters of the United States, as the percolation ponds are hydrologically connected to the Eel River based on observations by staff during Facility inspections, the fact that the percolation ponds are within the gravels of the Eel River, located within the 100-year floodplain and occasionally become inundated during the wet season. On

November 9, 2010, the Permittee submitted a letter that stated their commitment to modifying their disposal method in order to meet the seasonal discharge prohibition and included a request for a compliance schedule for finding a disposal alternative to Discharge Point 003. The Proposed Time Schedule Order (Order No. R1-2017-0026) (TSO) establishes tasks and compliance schedules for the Permittee to comply with Basin Plan's seasonal discharge prohibition for the Eel River.

**ISSUE:** The Proposed TSO requires the Permittee to pursue alternatives for disposal to achieve compliance with the Basin Plan's seasonal discharge prohibition. During the Basin Plan Triennial Review process, the Regional Water Board directed staff to evaluate whether a proposed Basin Plan amendment to the Discharge Prohibition would be appropriate and protective of beneficial uses in the Eel River. The Proposed TSO will allow the Permittee to evaluate the water quality impacts of the discharge to the percolation ponds and receiving waters to support the development of a draft Basin Plan amendment.

Specifically, the Proposed TSO requires the Permittee to (1) evaluate the water quality impacts of the effluent discharge on Strongs Creek and the Eel River by June 30, 2018, and evaluate site specific disposal alternatives for land application of effluent by March 31, 2019, (2) provide technical reports identifying the Preferred Disposal Alternative by September 30, 2019, (3) secure funding to construct the Preferred Disposal Alternative by no later than June 30, 2021, and (4) complete construction of the Preferred Disposal by December 31, 2024. If revisions are needed to the TSO after board adoption, tasks and/or schedules may be adjusted using authority delegated to the Executive Officer.

**Public Comment.** Regional Water Board staff received no comments on draft Order No. R1-2017-0026. This Order is uncontested.

**RECOMMENDATION:** Adopt Order No. R1-2017-0026 as proposed.

**SUPPORTING  
DOCUMENTS:**

1. Proposed Order No. R1-2017-0026
2. Public Notice