California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2015-0008
REQUIRING
LOLETA COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT FACILITY
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING
TO DISCHARGE EFFLUENT IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2014-0013
WDID NO. 1B80081OHUM

Humboldt County

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

1. The Loleta Community Services District (hereinafter Permittee) owns and operates a wastewater treatment facility (WWTF) located in Loleta, California. For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Permittee herein.

2. The WWTF provides secondary treatment and consists of a gravity collection system, an aeration basin, clarifier, chlorine contact chamber, and chlorine and sulfur dioxide flow-proportioning equipment. The design average dry weather flow (ADWF) is 0.081 million gallons per day (MGD). Actual ADWF is approximately 0.05 MGD. The design average wet weather flow (AWWF) is 0.143 MGD, with peak weather flows reaching approximately 0.5 MGD. Effluent is discharged year round at Discharge Point 001 to a wetland tributary to the Eel River.

3. The WWTF is regulated by Waste Discharge Requirements Order No. R1-2014-0013, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023671, adopted by the Regional Water Board on May 8, 2014. Order No. R1-2014-0013 contains discharge prohibitions, effluent and receiving water limitations, as well as other compliance provisions. Requirements of Order No. R1-2014-0013 include new final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate.

4. Section 13301 of the California Water Code states "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions to (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."

5. Terms in Order No. R1-2014-0013 that are being violated or threaten to be violated are:

III. DISCHARGE PROHIBITIONS

F. The average daily dry weather flow of waste through the treatment plant shall not exceed 0.081 MGD, measured daily and averaged over a calendar month. The average wet weather flow of waste through the treatment plant shall not exceed 0.143 MGD, measured daily and averaged over a calendar month.

G. Discharges of waste to the Eel River and its tributaries, including wetlands, are prohibited during the period of May 15 through September 30 each year.

H. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving water. During the period of October 1 through May 14, of each year, discharges of wastewater to the wetland, tributary to an unnamed slough and the Eel River, shall not exceed one percent of the flow into the wetland, as measured at the storm water conveyance pipe prior to mixing with effluent from the WWTF. In no case shall the total volume of treated wastewater discharged in a calendar month exceed one percent of the total volume of storm water measured in the same calendar month.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

The Permittee shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program, Attachment E:

Table 1. Effluent Limitations

Parameter	Units	Effluent Limitations	
		Average Monthly (AMEL)	Maximum Daily (MDEL)
Copper	µg/L	7.6	15.3
Carbon tetrachloride	µg/L	0.25	0.50
Chlorodibromomethane	µg/L	0.40	0.80
Dichlorobromomethane	µg/L	0.56	1.12
Nitrate	mg/L	10	20.1

6. Order No. R1-2014-0013 implements provisions of the California Toxics Rule (CTR) and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP) by requiring the Permittee to monitor its effluent for CTR constituents that may have

reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water.

7. On November 20, 2014, the Permittee submitted a statement of noncompliance issues for the Loleta Community Services District WWTF. The Permittee has indicated concerns that it is unable to comply with the specific discharge prohibitions identified under Finding 5 above as well as final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate as required by Order No. R1-2014-0013. The statement of noncompliance contains proposed actions and compliance schedules to comply with Order No. R1-2014-0013.

8. Title 23, California Code of Regulations, section 2244(b) states, "Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements."

   Due to ongoing inflow and infiltration, wet weather flows regularly exceed the 0.143 MGD prohibition. The WWTF has not developed an alternative to summertime discharges of effluent to the wetland. Furthermore, the District projects that the effluent discharge exceeds one percent of the flow into the wetland during the winter season. Therefore, the Permittee is in violation of Waste Discharge Requirements, and additional flow of wastes will further hinder the Permittee's ability to comply with Discharge Prohibitions F, G and H in Order No. R1-2014-0013.

9. The Regional Water Board concurs with the Permittee's assessment that it is infeasible to comply with final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate because the data demonstrating the Facility's current performance capabilities, exceed the AMEL and/or MDEL for each of these parameters.

10. Pursuant to California Water Code section 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, or nitrate if:

    a. A cease and desist order is issued on or after July 1, 2000, and specifies the actions that the Permittee is required to take in order to correct the violations that would otherwise be subject to MMPs;

    b. The regional board finds that the Permittee is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to

comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days;

c. The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations, and where the time schedule exceeds one year, the time schedule includes interim requirements and actions and milestones leading to compliance; and

d. The Permittee has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code section 13263.3.

11. Pursuant to California Water Code section 13385(j)(3)(B) , the Regional Water Board finds that:

a. This Cease and Desist Order (CDO) is being issued after July 1, 2000, and specifies the actions the Permittee is required to take to correct the violations of Order No. R1-2014-0013.

b. The Permittee is unable to consistently comply with Discharge Prohibitions F., G., and H., or the Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate because new or modified control measures are needed to achieve compliance, and the new or modified control measures are dependent on the completion of a series of studies, thus the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

c. Requirements of this Order establish a time schedule for bringing the WWTF into compliance with Discharge Prohibitions and the Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate that is as short as possible. A maximum of fifty seven(57) months are provided to the Permittee to complete a series of studies, and based upon the findings from those studies, to design, install and implement control measures that will lead to compliance with the Discharge Prohibitions and the Effluent Limitations.

d. Provisions VI.C.3 and VI.C.5 of Order No. R1-2014-0013 require the Permittee to develop and implement a pollution minimization program and source control measures designed to identify and control pollutant sources including, but not limited to copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate at the WWTF.

12. The compliance schedule established in this Order accounts for the considerable uncertainty in determining effective measures (e.g., regional treatment consolidation, treatment plant upgrades, alternative disposal) necessary to achieve compliance with

Order No. R1-2014-0013. The compliance schedule is based on reasonably expected times needed to evaluate potential compliance measures in a step-wise manner. The Regional Water Board may wish to revisit these assumptions as more information becomes available from the Permittee's evaluations.

13. This Order establishes and requires the Permittee to comply with interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate. Interim limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate are based on existing performance of the WWTF. These interim limitations are intended to ensure that the Permittee maintains at least the existing performance while completing all tasks required by the compliance schedules.

14. Anticipating the Permittee will continue to violate the final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate, this Order establishes interim effluent limitations, and specific actions and milestones that lead to future compliance with the final effluent limitations. In accordance with the Water Code section 13385(j)(3) and the terms of this Order, no MMPs will be assessed for violations of the final effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, or nitrate so long as the Permittee complies with the interim effluent limitations and compliance schedules included in this Order.

15. Pursuant to Water Code section 13389 and section 15321 of title 14 of the California Code of Regulations, this is an enforcement action for violations and threatened violations of waste discharge requirements, and as such is exempt from the requirements of the California Environmental Quality Act (Public Resources Code sections 21000-21177).

16. On March 12, 2015, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Order.

17. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to California Water Code sections 13300 and 13301, the Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Waste Discharge Requirements Order No. R1-2014-0013, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023671 by complying with the following requirements:

1. The Permittee shall complete the following tasks by the associated compliance schedules:

   Task A. By **September 15, 2015**, the Permittee shall implement Provisions VI.C.3 and VI.C.5 of Order No. R1-2014-0013 by developing and implementing a pollution minimization program and source control measures designed to identify and control pollutant sources including, but not limited to copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrogen at the WWTF.

   Task B. By **January 31, 2016**, the Permittee shall submit a Facilities Plan Report. At a minimum, the Facilities Plan Report shall characterize and evaluate the following for compliance with Order No. R1-2014-0013:

   (1) Existing WWTF performance;
   (2) Existing conditions at Discharge Point 001;
   (3) Treatment and/or disposal consolidation opportunities with nearby waste treatment and/or collection facilities;
   (4) Alternative disposal system options; and
   (5) Wastewater treatment system alternatives to address effluent quality and treatment capacity.

   The Facilities Plan Report shall identify the Permittee's Preferred Alternative(s) for implementation under Task C below.

   Task C. By **June 30, 2016**, the Permittee shall submit a preliminary Report of Waste Discharge (ROWD) based upon the identified Preferred Alternative(s). The preliminary ROWD shall include:

   (1) Proposed discharge location(s);
   (2) Liquid and solids waste treatment technologies proposed for the WWTF;
   (3) Anticipated effluent quality to be achieved by the proposed treatment technologies; and
   (4) Evaluation of preferred alternative(s)' ability to comply with the Discharge Prohibitions and Final Effluent Limitations with each discharge point and each constituent of concern in the effluent associated with the Preferred Alternative.

Task D. By **July 31, 2016**, the Permittee shall submit a Sanitary Sewer Evaluation Survey (SSES) including characterization of the existing collection system, a prioritized list and schedule of repair for exfiltration, infiltration and inflow reduction.

Task E. By **January 31, 2017**, the Permittee shall submit an Environmental Impact Report (EIR) or documentation necessary to complete the California Environmental Quality Act (CEQA) process for the Preferred Alternative identified in Task C.

Task F. By **July 31, 2017**, the Permittee shall submit a report indicating progress and anticipated completion dates for the following items:

(1) Project permit applications submitted to Army Corp of Engineers, Regional Water Board, Department of Fish and Wildlife, Humboldt County, Coastal Commission, and any other applicable agencies;
(2) Actions taken to acquire land, easement, or public or private rights-of-way necessary to complete the Preferred Alternative(s); and
(3) Preferred Alternative funding acquisition.

Task G. By **November 1, 2017**, the Permittee shall secure funding for the Preferred Alternative and provide the Regional Water Board with documentation regarding the funding source(s).

Task H. By **January 31, 2018**, the Permittee shall submit documentation that the land necessary for the Preferred Alternative has been acquired or a long-term lease is secured.

Task I. By **April 1, 2018**, the Permittee shall submit written verification of complete design plans and specifications for construction of the Preferred Alternative in conjunction with a complete ROWD.

Task J. By **December 31, 2019**, the Permittee shall complete construction of the Preferred Alternative and achieve compliance with all Regional Water Board waste discharge requirements including Discharge Prohibitions and Final Effluent Limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate.

2. The Permittee shall comply with the following interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate in the interim period established by this Order for the Permittee to reach compliance with final effluent limitations set forth in Order No. R1-2014-0013:

Interim Effluent Limitations for Discharge Point 001

Parameter	Units	Effluent Limitations
		Average Monthly (AMEL)
Copper	µg/L	18.4
Carbon tetrachloride	µg/L	1.2
Chlorodibromomethane	µg/L	4.22
Dichlorobromomethane	µg/L	20.8
Nitrate	mg/L	32.6

3. The addition of influent flows of wastewater to the WWTF (after March 12, 2015) from new or increased residential, commercial, industrial, and/or governmental connections is prohibited until such time that it can be demonstrated to the satisfaction of Executive Officer that more connections will not result in additional violations of Order No. R1-2014-0013. (Cal. Code Regs., tit. 23, § 2244.)

   The following allowances and restrictions apply:

   a. Structures with building permits (or substitute final construction approval documents) already issued on or before March 12, 2015 are excluded from this prohibition. (Cal. Code Regs., tit. 23 §2244.1, subd.(a).)

   b. Based upon the 2010 census, Loleta's population is 783. Accordingly Loleta's normal peaking factor for flow into the WWTF should be 3.8. Based upon flow data from 2011-2014, Loleta's actual peaking factor is 7.2[1]. Once the WWTF peaking factor has been reduced to 5.5, the Permittee may request to connect additional new or expansion of existing connections provided the additional flows are offset by a reduction of inflow or infiltration by at least 2:1 to the collection system. The request shall include the calculation of the peaking factor based on past three years of flow data collected during the peak hour of the day and the demonstration of offset supported with technical information to the satisfaction of the Executive Officer.

4. In the interim period until the Permittee can achieve full compliance with Order No. R1-2014-0013, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements identified in Order No. R1-2014-0013 or any future waste discharge requirements issued for the WWTF.

[1] Recommended Standards for Wastewater Standards, 2004 (a.k.a. the 10 State Standards) and Sanitary Design and Technical Criteria Manual, City and County of Denver, 2008. Definition of peaking factor on page 10-6 is peak hourly flow/average design daily flow. Based on the graph on the same page, Loleta's normal peaking factor should be about 3.8 based on a population of 783 from the 2010 census. Based upon actual flow data from 2011-2014, the peak hourly flow is 0.587 mgd. Therefore, Loleta's actual peaking factor is 7.2 (= 0.587 mgd/0.081 mgd).

5. If the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirements above, the Permittee may request, in writing, that the Regional Water Board grant an extension of the time. The extension request shall include justification for the delay and shall be submitted at least seven days prior to the respective deadline to be considered timely. A minor extension may be granted by the Regional Water Board Executive Officer for good cause.

6. If the Executive Officer of the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Executive Officer may take all actions authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code sections 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

Certification

I, Matthias St. John, Executive Officer, 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 March 12, 2015.

Original signed by David F. Leland
on 3/26/2015 on behalf of:

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Matthias St. John
Executive Officer