



EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., June 28, 2001
Regional Water Quality Control Board
Hearing Room
5550 Skylane Boulevard
Santa Rosa, California

ITEM: 16

SUBJECT: Public Hearing to Consider Renewal of Waste Discharge Requirements for City of Willits, Wastewater Treatment Facility, Mendocino County, NPDES Permit No. CA0023060, WDID No. 1B80078OMEN, and Consideration of Issuance of Cease and Desist Order No. R1-0106-16CDO*

DISCUSSION

The Regional Water Board adopted Waste Discharge Requirements Order No. 95-49 on June 22, 1995 for the City of Willits municipal wastewater treatment facility (WWTF). The Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit, which expired June 22, 2000. The proposed Waste Discharge Requirements will renew the NPDES permit. Additionally, the proposed Cease and Desist order will establish a Time Schedule for compliance with Waste Discharge Requirements.

The WWTF consists of extended aeration, settling, disinfection, and dechlorination. The discharge point is below the confluence of Broaddus Creek with Baechtel Creek, which are tributaries to Outlet Creek and the Eel River. Design flows are 1.3 million gallons per day (mgd) average dry weather and 3.0 mgd peak wet weather. Dry weather flows currently average 0.75 mgd, and peak wet weather flows can reach 5.0 mgd.

During the period of May 15 to September 30, treated and disinfected effluent is used for pasture irrigation on 45 acres of pasture owned by the City of Willits and 200 acres of privately owned pasture. Secondary-treated effluent is discharged into Broaddus Creek during the period from October 1 to May 14 in conformance with 100:1 dilution requirements set forth in Order No. 95-49 and in the Water Quality Control Plan for the North Coast Basin (Basin Plan). Sludge is dried using a polymer-aided auger press system. The dried sludge is mixed with wood chips prior to disposal. Sludge drying beds are utilized as an alternative system when the auger press system requires repair. The dried sludge is spread and disked into the 18 acres of City-owned pastureland. This land also is used for summer effluent irrigation. The WWTF has adequate solids handling capacity.

Treated wastewater consistently meets effluent limitations set forth in waste discharge requirements; however, the volume of effluent frequently exceeds one percent of the flow in Broaddus Creek during winter months. Discharge Prohibition A.8 of Order No. 95-49 prohibits effluent discharges in excess of one percent of the receiving water flow (100:1 dilution). The City recognized that this was a potential violation of Waste Discharge Requirements and asked Regional Water Board staff to assist them in exploring alternatives to comply with the discharge rate limitation. After numerous meetings and inspections of the receiving water system, the City conducted a hydrologic study of the complex receiving water system. The study concluded that

the City would have to pump its wastewater effluent approximately thirteen miles downstream to the Eel River in order to consistently comply with the one- percent discharge rate limitation.

The City has attempted to comply with the one- percent discharge rate by discharging treated effluent into Broadus Creek at only one percent of the creek's flow. The remainder of the effluent is irrigated on pastureland. Irrigated effluent runs off the pastureland and enters the Outlet Creek system throughout most of the winter discharge period (October 1 to May 14).

The City submitted a document entitled *Long Term Wastewater Treatment and Effluent Management Plan for the City of Willits*, dated July 2000. The major recommendations of the report were: 1) increase the one percent discharge rate limitation to four percent (25:1 dilution), and 2) abandon a majority of the existing WWTF and construct a facultative oxidation pond, treatment wetlands, and an enhancement wetland. The currently used chlorine disinfection system would be replaced with an ultraviolet disinfection system. The new wastewater treatment system is being proposed because it would:

- Provide a higher degree of treatment through nutrient removal,
- Be more environmentally friendly with lower energy requirements and discontinued use of chlorine,
- Have lower operation and maintenance costs in the long-term, and
- Provide City-owned open space for walking and wildlife observation.

Regional Water Board staff acknowledges the City's findings but takes no position at this time on the City's apparent decision to abandon most of the existing WWTF. Staff's concerns are: 1) impacts on beneficial uses of Outlet Creek from an increased discharge rate, and, 2) the proposed treatment system lies within a wetland and floodplain of the Outlet Creek system. In March 2001, the City commenced preparation of an environmental impact report (EIR) to evaluate various project alternatives and their effects. The EIR is scheduled to be completed in less than two years.

The Regional Water Board may consider exceptions, for cause, to waste discharge rate limitations in the Eel River basin. Exceptions shall be defined in NPDES permits for each discharger, on a case by case basis, and in accordance with the following (excerpt from Basin Plan Section 4. Implementation Plans, North Coastal Basin, Pages 4-1.00 & 4-2.00):

- The wastewater treatment facility shall be reliable. Reliability shall be demonstrated through analysis of the features of the facility including, but not limited to, system redundancy, proper operation and maintenance, and backup storage to prevent the threat of pollution or nuisance.
- The discharge of waste shall be limited to rates and constituent levels which protect the beneficial uses of the receiving waters. Protection shall be demonstrated through analysis of all the beneficial uses of the receiving waters. For receiving waters which support domestic water supply (MUN) and water contact recreation (REC1), analysis shall include expected normal and extreme weather conditions within the discharge period, including estimates of instantaneous and long-term minimum, average, and maximum discharge flows and percent dilution in receiving waters. The analysis shall evaluate and address cumulative effects of all discharges, including point and nonpoint source contributions,

both in existence and reasonably foreseeable. For receiving waters which support domestic water supply (MUN), the Regional Water Board shall consider the California Department of Health Services evaluation of compliance with the Surface Water Filtration and Disinfection Regulations contained in Section 64650 through 64666, Chapter 17, Title 22 of the California Code of Regulations. Demonstration of protection of beneficial uses shall include consultation with the California Department of Fish and Game regarding compliance with the California Endangered Species Act.

- The exception shall be limited to that increment of wastewater which remains after reasonable alternatives for reclamation have been addressed.
- The exception shall comply with State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," and the federal regulations covering antidegradation (40 CFR 131.12).
- There shall be no discharge of waste during the period May 15 through September 30.

The tentative Waste Discharge Requirements order contains Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations that implement water quality objectives as set forth in the Basin Plan. It also contains Effluent Limitations for secondary treatment as defined in the Federal Clean Water Act. A new addition to this NPDES permit is inclusion of provisions of the State Water Resources Control Board's newly adopted *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (also known as the State Implementation Plan or SIP). This policy establishes implementation provisions for priority pollutant criteria promulgated by the EPA through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR). The proposed NPDES permit implements provisions of the SIP.

The NPDES permit also contains a Monitoring and Reporting Program to determine:

- Compliance with Effluent Limitations, Receiving Water Limitations, and Discharge Prohibitions;
- What priority pollutants, if any, may require water quality based effluent limitations; and
- Whether or not the discharge is toxic to aquatic organisms in the receiving waters.

Portions of the tentative order that are being violated or threaten to be violated as a result of the City's inability to comply with the discharge rate restriction are:

A. DISCHARGE PROHIBITIONS

2. The discharge of any waste to property not under control of the permittee is prohibited, except as authorized under **D. SOLIDS DISPOSAL**.
3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 54111]
7. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving waters. For purposes of this Permit, the

flow in Broaddus Creek shall be that flow measured at the concrete flow-control structure in the creek at the point of discharge.

The tentative Cease and Desist order contains a Time Schedule for the City to complete its EIR process in a timely manner and proceed toward compliance with Waste Discharge Requirements. This matter would be brought back before the Regional Water Board at the conclusion of the EIR process for reopening the Cease and Desist order and establishing a new Time Schedule for the remainder of the project.

Attached to this staff report is a city of Willits staff report to the Willits city council that presents an overview of the city's proposed project.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt the tentative Order renewing Waste Discharge Requirements (NPDES Permit) for the City of Willits WWTF and adopt the tentative Cease and Desist Order.

(willitseosr)