

STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2000 - 04

AMENDING CEASE AND DESIST ORDER NO. 85-35
ISSUED BY THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

TO THE CITY OF SANTA ROSA,
LAGUNA SUBREGIONAL WASTEWATER COLLECTION,
TREATMENT, CONVEYANCE, REUSE, AND DISPOSAL FACILITIES

SONOMA COUNTY

The State Water Resources Control Board (hereinafter the Board) finds that:

1. The North Coast Regional Water Quality Control Board (Regional Water Board) adopted Cease and Desist Order No. 85-35 on March 6, 1985. Order No. 85-35 was amended on May 2, 1985, October 23, 1985, August 28, 1986, May 28, 1987, December 10, 1992, October 27, 1993, May 25, 1995 and May 23, 1996 by the Regional Water Board's adoption of Orders No. 85-80, 85-160, 86-163, 87-70, 92-147, 93-103, 95-38 and 96-31 respectively.
2. Cease and Desist Order No. 85-35 requires the City of Santa Rosa College Avenue and Laguna Regional Treatment Plants to cease and desist from discharging waste in violation of Waste Discharge Requirements Order No. 83-99, NPDES Permit No. CA0022764 which was adopted by the Regional Water Board on September 22, 1983.
3. Waste Discharge Requirements Order No. 83-99 was rescinded and reissued as Order No. 86-190 on December 4, 1986. Order No. 86-190 was rescinded and reissued as Order No. 90-79 on August 16, 1990. Order No. 90-79 was rescinded and reissued as Order No. 95-18 on June 22, 1995. Order No. 95-18 was rescinded and reissued as Order No. 98-84 on August 26, 1998. Order No. 98-84 was rescinded and reissued as Water Quality Order 2000-02 by the Board on March 1, 2000.
4. Cease and Desist Order No. 85-35 originally contained a time schedule for compliance which includes the following task:

<u>Task</u>	<u>Compliance Date</u>
E. Prepare, submit to the Regional Board, and commence implementation of a long-range plan to assure consistent long range compliance with Order No. 83-99.	May 1, 1986

The Task E, May 1, 1986 compliance date was modified to December 1, 1986 by Order No. 86-163. Task E was again modified by Order No. 87-70. This modification did not include a date for project implementation. However, Order No. 87-70 did state in the findings that the long-range project was to be completed and implemented by December 1, 1995. On December 10, 1992, the Task E implementation date for the long-range plan was extended to September 30, 1997 by the adoption of Order No. 92-147. On October

27, 1993, the Task E implementation date for the long-range plan was extended to September 30, 1999 by the adoption of Order No. 93-103. This September 30, 1999 date for implementation of the long-range plan was continued in Order No. 95-38 and Order No. 96-31.

5. The City of Santa Rosa submitted a long range plan to the Regional Water Board on December 4, 1986. This plan entitled "Long-Term Study of Treatment and Disposal Alternatives, Phase 2 Report, Evaluation of Alternatives" described four alternatives for long-term treatment and disposal. These included injection into the Geysers steamfields, ocean disposal, discharge to San Pablo Bay and rapid infiltration into the Russian River Aquifer. This report did not include a specific schedule for project implementation.
6. On May 5, 1987, the City of Santa Rosa submitted a tentative schedule for implementation of a long-range plan which included milestones leading to completion of construction by December 1, 1995. This time schedule was included in Order No. 87-70, which was one of the amendments to Cease and Desist Order No. 85-35. Order No. 87-70 was adopted by the Regional Water Board on May 28, 1987.
7. On May 28, 1987, the Regional Water Board adopted Resolution No. 87-58 which amended the Water Quality Control Plan for the North Coastal Basin (1B) with respect to the Point Source Measures, Waste Discharge Prohibitions and the Interim Action Plan (1986-1990) for the Santa Rosa Area.
8. On September 21, 1989, the Regional Water Board adopted Resolution No. 89-111 that recognized the City of Santa Rosa's progress and provided for the continued application of the Interim Action Plan standards for the City of Santa Rosa through July 1, 1995. The Regional Water Board's intent was implemented through the adoption of Waste Discharge Requirements Order No. 90-79 on August 16, 1990. These Interim Action Plan standards were continued through September 30, 1999 by the adoption of Waste Discharge Requirements, Order No. 95-18 on June 22, 1995. Order No. 95-18 was rescinded and reissued as Order No. 98-84 on August 26, 1998.
9. Extensive studies evaluating alternative long range plans for wastewater treatment and disposal were conducted. Those studies culminated in the development of the Long-Term Wastewater System Draft Environmental Impact Report for the City of Santa Rosa. This EIR was certified by the Santa Rosa City Council on November 5, 1991. The City Council selected a long-range plan (modified "West County Plan") that involved continued irrigation of farm lands in the Santa Rosa Plains, the construction of a large treated water storage reservoir near the community of Two Rock and the irrigation of approximately 7,500 acres of farm lands in the Two Rock/Bloomfield area, and a wintertime discharge of effluent to the Russian River not exceeding 1% of the River's flow. The City of Santa Rosa notified the Regional Water Board that implementation of the modified "West County Plan" could not occur before 1997.
10. On August 18, 1992, the State Department of Health Services, Office of Drinking Water rescinded their "Uniform Guidelines for Sewage Disinfection". This action potentially impacted the City of Santa Rosa's long-range plan for wastewater treatment and disposal.

Because of this potential impact, the Santa Rosa City Council directed their staff to investigate this issue before proceeding with implementation of the modified "West County Plan".

11. On July 13, 1993, the City of Santa Rosa began another process to develop and implement a long-range plan for wastewater treatment and disposal. On June 19, 1997, the City of Santa Rosa certified the Santa Rosa Subregional Long-Term Wastewater Project, Environmental Impact Report (EIR). On January 27, 1998, the City of Santa Rosa approved an addendum to the certified final EIR and selected a Geysers Recharge Alternative as the City's long-term wastewater project. The City of Santa Rosa has since approved an additional addendum to the EIR on July 15, 1999, and approved four additional supplemental EIRs on July 1, 1999 (3) and January 25, 2000. The City of Santa Rosa notified the Regional Water Board that implementation of the Geysers Recharge Project will not occur by September 30, 1999 and has asked that this date be extended to December 31, 2002.
12. The City of Santa Rosa filed an application for the reissuance of Waste Discharge Requirements for the Laguna Subregional Wastewater Treatment, Reuse and Disposal Facilities for the interim period prior to implementation of the Geysers Recharge Project. In this application, the City of Santa Rosa provided documentation that the current treatment and disposal system capacity can be increased from 18.0 million gallons per day (mgd), average dry weather flow, to 19.2 mgd. This system capacity increase reflects that the subregional storage system has been increased by 90 million gallons and the irrigation system has the capacity to irrigate 4,062 million gallons per year. These treatment and disposal capacity increases are expected to satisfy the system reliability requirements of the Interim Action Plan Standards for the Santa Rosa Area until the Geysers Recharge Project is implemented. Water Quality Order 2000-02, adopted by the Board on March 1, 2000, authorized the increase to 19.2 mgd.
13. The City of Santa Rosa also filed an application for the reissuance of Waste Discharge Requirements for the Laguna Subregional Wastewater Treatment, Reuse and Disposal Facilities to authorize discharge of a portion of its waste water to the Geysers Recharge Project, and to increase average dry weather flow from 19.2 mgd to 21.3 mgd.
14. Pursuant to Section 15321, Title 14, California Code of Regulations, this is an enforcement action for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act (CEQA). This action to enforce compliance with an NPDES permit is also exempt from CEQA pursuant to Water Code section 13389. In addition, the Board has considered the EIR and its supplements and addenda described in Finding 11, above.
15. On March 15, 2000, after due notice to the discharger and all other affected persons, the Board conducted a public hearing and evidence was received regarding this Cease and Desist Order. The Board is acting on its own motion pursuant to Water Code section 13320 to amend Cease and Desist Order 85-35 for the City of Santa Rosa, Laguna Subregional Facilities because the North Coast Regional Water Quality Control Board lacks a quorum of qualified Regional Water Board Members. The Regional Water Board

shall be responsible for ensuring compliance with the Cease and Desist Order, as amended, and is authorized to modify or revoke the Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that the Interim Action Plan Standards for the Santa Rosa Area shall continue to apply to the City of Santa Rosa until discharge pursuant to the Geysers Recharge Project is authorized, and that Task E of Cease and Desist Order No. 85-35 be modified as follows:

<u>Task</u>	<u>Compliance Date</u>
Implement a long-range plan for wastewater treatment and disposal.	December 31, 2002

CERTIFICATION

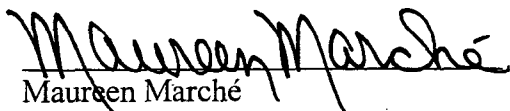
The undersigned, Administrative Assistant to the SWRCB, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 15, 2000.

AYE: James M. Stubchaer
Arthur G. Baggett, Jr.
Mary Jane Forster
John W. Brown

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board