

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE CEASE AND DESIST ORDER NO. R2-2010-00XX

**REQUIRING THE CITY OF CALISTOGA TO CEASE AND DESIST DISCHARGING
PARTIALLY-TREATED WASTEWATER TO WATERS OF THE STATE**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter “Regional Water Board”), finds that:

1. The City of Calistoga (hereinafter “Discharger”) owns and operates a wastewater treatment plant located at 1100 Dunaweal Lane, Calistoga, Napa County. The plant treats domestic, commercial, and industrial wastewater from the City of Calistoga.
2. The wastewater discharge was previously regulated by waste discharge requirements in Order No. R2-2006-0066 (NPDES No. CA0037966).
3. Concurrent with the adoption of this Cease and Desist Order, the Regional Water Board adopted Order **No R2-2010-00XX** (hereinafter “Permit”), reissuing waste discharge requirements for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. The limitations include those listed in Table 1 below, among others.

Table 1. Effluent Limitations for Toxic Pollutants

Pollutant	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Chlorodibromomethane	µg/L	3.4	6.4
Dichlorobromomethane	µg/L	4.9	9.0

4. Effluent monitoring indicates that it is infeasible for the Discharger to comply with the effluent limits in Table 1 for the following reasons:

Chlorodibromomethane: Statistical analysis of chlorodibromomethane effluent data, collected from January 2005 through April 2009, shows that the 95th percentile (9.1 µg/L) is greater than the average monthly effluent limit (AMEL) (3.4 µg/L), and the 99th percentile (11 µg/L) is greater than the maximum daily effluent limit (MDEL) (6.4 µg/L).

Dichlorobromomethane: Statistical analysis of dichlorobromomethane effluent data, collected from January 2005 through April 2009, shows that the 95th percentile (26 µg/L) is greater than the AMEL (4.9 µg/L), and the 99th percentile (31 µg/L) is greater than the MDEL (9.0 µg/L).

6. California Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.

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7. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes a time schedule for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.
8. The time schedule in this Order is intended to be as short as possible. It accounts for the considerable uncertainty in determining effective measures necessary to achieve compliance. The time schedule is based on reasonably expected times needed to evaluate alternatives, select a final alternative, and construct improvements as appropriate.
9. As part of the time schedule to achieve compliance, this Order requires the Discharger to comply with interim limits. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedule. The interim limits are based on performance from 2005 through 2009, calculated as the 99.87th percentile (three standard deviations from the mean) of measured chlorodibromomethane and dichlorobromomethane discharge concentrations.
10. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.
11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.
12. Water Code § 13385(j)(3) states that mandatory minimum penalties do not apply for effluent limit violations when the waste discharge is in compliance with a cease and desist order and the conditions specified in Water Code § 13385(j)(3)(A-B) are met.

IT IS HEREBY ORDERED, in accordance with Water Code § 13301, that the Discharger shall cease and desist from discharging, or threatening to discharge, wastes in violation of its Permit by complying with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the actions in Table 2 in accordance with the time schedule provided therein to comply with all effluent limits contained in Table 1. All deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.
2. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from meeting one or more of the requirements in Table 2 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose a time schedule for resolving the delay.
3. Effective Date. This Order shall become effective on the effective date of the Permit.

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Table 2. Time Schedule and Prescribed Actions

Action	Deadline
a. Comply with the following interim effluent limits at Discharge Points 001 and 002: <i>Chlorodibromomethane</i> : 14 µg/L maximum daily effluent limitation. <i>Dichlorobromomethane</i> : 36 µg/L maximum daily effluent limitation.	Upon effective date of Order
b. Submit a plan for reducing effluent chlorination to levels that will decrease the production of chlorodibromomethane and dichlorobromomethane. The chlorine dose must remain sufficient to comply with the bacteria limits specified in Permit Section IV.A.	November 1, 2010
c. Implement the plan developed in action “b” in accordance with changes that may be specified by the Regional Water Board’s Executive Officer.	January 1, 2011
d. Submit a report documenting the results of implementing action “c.”	September 1, 2011
e. If implementation of action “c” does not bring the effluent into compliance (as defined in State Implementation Policy section 2.4.5) with the Permit effluent limits, submit a plan to study the feasibility of alternative methods to achieve compliance. These may include installing aerators in the effluent storage ponds to encourage aerobic degradation of chlorodibromomethane and dichlorobromomethane prior to river discharge, source control of precursor compounds (methane and bromomethane), and use of alternative disinfection technologies such as chlorine dioxide, ozone, UV. The plan shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the preferred option.	September 1, 2011
f. Implement the plan developed in action “e” in accordance with changes that may be specified by the Regional Water Board’s Executive Officer.	November 1, 2011
g. Submit annual status reports including preliminary findings from the work performed in actions “c” and “e” above.	Annually each February 28 in the Pollutant Minimization Program Report
h. Achieve full compliance with the effluent limitations in Permit Section V.B for chlorodibromomethane and dichlorobromomethane. If the Discharger fails to achieve full compliance with the effluent limitations by the deadline, it shall submit by the deadline a report addressing why compliance was not achieved and provide a plan and time schedule for achieving compliance as soon as possible.	August 31, 2014

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **DATE**.

BRUCE H. WOLFE
Executive Officer