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| Staff: | Jim Baskin |
| Staff Report: | April 26, 2007 |
| Hearing Date: | May 11, 2007 |
| Commission Action: | |

STAFF REPORT: REGULAR CALENDAR

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| APPLICATION NO.: | **1-07-002** |
| APPLICANT: | **City of Crescent City** |
| PROJECT LOCATION: | At the Crescent City Wastewater Treatment Plant at 210 Battery Street, Crescent City and adjoining vacant parcels to the north, east, and southwest, Del Norte County; APNs 118-020-30, 118-030-14, -15, -16, and -17. |
| PROJECT DESCRIPTION: | Reconstruction of the Crescent City Wastewater Treatment Plant. |
| LAND USE PLAN DESIGNATIONS: | Treatment Plant: Public Facility and Harbor Related<br>Beach Front Park Staging Area: Open Space<br>Foot-of-B Street Staging Area: Commercial. |
| ZONING: | Treatment Plant: Coastal Zone General Commercial (CZ-C2), Coastal Zone Harbor Related (CZ-HR), and Coastal Zone Open Space (CZ-O)<br>Beach Front Park Staging Area: Coastal Zone Open Space (CZ-O).<br>Foot-of-B Street Staging Area: Coastal Zone General Commercial (CZ-C2). |

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| LOCAL APPROVALS RECEIVED: | City of Crescent City Coastal Development Permit No. 07-01, issued February 8, 2007, conditions of approval reconsidered and revised March 8, 2007, and Coastal Development Permit No. 07-03 and Conditional Use Permit No. UP-07-01, issued March 22, 2007. |
| OTHER APPROVALS RECEIVED: | North Coast Regional Water Quality Control Board Waste Discharge Requirements Order No. R1-2006-001, NPDES No. CA0022756, issued January 25, 2006. |
| SUBSTANTIVE FILE DOCUMENTS: | *Final EIR for Construction of a New Regional Wastewater Treatment Plant Facility Crescent City California* (SHN Consulting Engineers, March 2001);<br>*Final Crescent City Wastewater Facilities Plan* (Brown and Caldwell, November 2003);<br>*Crescent City Wastewater Facilities Plan Technical Memoranda* (Brown and Caldwell, November 2003);<br>*The Crescent City Wastewater Project Supplemental Final Environmental Impact Report* (Michael Sweeney AICP, October 2004);<br>*Report of Geotechnical Engineering Services Crescent City Wastewater Treatment Plant* (GeoDesign, Inc., December, 2004);<br>*Crescent City Water Pollution Control Facilities 100 Percent Design Specifications, Volumes 1 – 5* (Brown and Caldwell, July 2005); and<br>City of Crescent City Local Coastal Program. |

## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions the proposed reconstruction of the existing regional wastewater treatment plant at Crescent City in Del Norte County. The project entails the renovation and expansion of the City of Crescent City Wastewater Treatment Plant. The upgrades are needed because the current 1.8 million-gallons-per-day (mgd) average dry-weather / 4.0 mgd peak wet-weather flow capacity facility can no longer adequately meet the service area's need for safe and efficient treatment of wastewater. A new facility is critical to both current needs, especially with regard to accommodating the estimated 22.8 mgd peak wet-weather in-

flow volume that occasionally overwhelms the works' collection and conveyance system resulting in periodic discharges of untreated effluent, and for meeting LCP-certified community service demands for the next 20-year planning horizon. The treatment plant upgrade is a continuation of a series of facility improvements mandated by the North Coast Regional Water Quality Control through a series of cease & desist and waste discharge requirement orders issued to the City since 1997.

The project site comprises the portions of the existing wastewater treatment plant and adjoining areas to the north and east and west within Beach Front Park and at the foot of B Street seaward of the 1870 federally surveyed high tide "meander line," corresponding roughly to the 10-foot elevation contour above mean sea level (msl). Other portions of the wastewater treatment plant renovation project situated on coastal lands above the ten-foot contour are addressed within companion coastal development permits approved by the City of Crescent City on February 8, 2007 and March 22, 2007.

The project is located in immediate proximity to the City's southwestern harbor and public park areas. The project raises four principal concerns regarding Coastal Act issues regarding: (1) ensuring that community service capacities are limited to that needed to support appropriately planned levels of new development such that inappropriate growth inducement is avoided; (2) protecting coastal water quality; (3) avoiding potential adverse environmental impacts to adjacent wetlands and shoreline environmentally sensitive areas; and (4) protecting coastal access and recreational opportunities.

The subject treatment facility improvements are designed to improve the current plant's limitations in aerobic digestion and to better accommodate the seasonal influx of wet-weather inflow and infiltration within the sewage collection system. In addition, the plant upgrades are intended to increase the facility's overall capacity for accommodating the treatment of expanded wastewater volumes associated with LCP-certified development densities through the year 2027 within the City and the two community service areas in adjoining unincorporated portions of Del Norte County the plant serves. In making the various improvements, through-capacity of the plant will be improved to an average dry-weather flow design of 3.48 million-gallons-per-day (mgd), affording full biological treatment to upwards of 5.5 mgd, matching project wastewater generation rates through 2027. The plant improvements would increase the maximum hydraulic inflow to approximately 22.8 mgd of sewerage during the winter weather season with the additional 17.2 mgd of peak wet-weather flows above the plant's full biological treatment capacity undergoing high-rate vortex separation before being recombined with the MBR-treated flows for ultraviolet light and hypochlorite disinfection prior to ocean discharge.

If, however, substantial improvements were made to the sewage collection system to dramatically reduce the wet-weather inflow and infiltration volume, the additional through-flow capacity that would result could conceivably be utilized as reserve capacity for processing increased year-round wastewater flows at levels in excess of densities currently certified for the plant's service area under the City and County's certified LCPs.

If not properly monitored and regulated, this situation has the potential to inappropriately induce growth in Crescent City and outlying serviced areas at levels in excess of that being accommodated by the certified LCP, community services, utilities, and the carrying capacity of the natural systems of the region thereby resulting in impacts to coastal resources.

To ensure that wastewater treatment capacity does not exceed LCP-certified levels of density, staff recommends that the Commission attach Special Condition No. 1. Special Condition No. 1 specifically limits the improvements to be conducted at the Crescent City Regional Wastewater Treatment Facility to that necessary to accommodate LCP-certified levels of density within the plant's municipal and community service areas. Special Condition No. 1 requires that, prior to undertaking any improvements to the sewage collection system within the coastal zone portions of the Crescent City Wastewater Treatment Facility municipal and community service district areas, the permittee shall submit for the review and approval of the Executive Director, a report providing a description of the collection system improvements being considered accompanied by an evaluation of effects such improvements would have on the year-round reserve capacity of the plant. The report shall analyze what, if any, service volume increases would result from the collection system improvements for the area affected by the improvements, determine whether the enhanced system efficiency would support densities beyond LCP-certified levels, and disclose how any such increased treatment capacity would be utilized by the district. Based upon the report, the Executive Director will determine whether the development would continue to remain consistent with applicable wastewater treatment facility provisions of the Coastal Act or if a permit amendment must first be secured before undertaking the collection system improvements. As conditioned, staff believes the project would be consistent with Sections 30250, 30254, 30254.5, and 30412 of the Coastal Act.

Although the overarching impetus for the treatment plant upgrade is to protect water quality from impacts associated with the current facilities processing capacity limitations, the project itself has the potential to impact water quality during its construction. The plant reconstruction and new laboratory sites and related contractor staging areas would be situated in proximity to intertidal and estuarine areas within Crescent City Harbor and two small wetland areas flanking the treatment plant site. In addition, the plant lies immediately adjacent to heavily used public parklands. Staff recommends that the plant construction be performed in conjunction with the use of appropriate water quality best management practices to prevent the entrainment of soil materials in stormwater runoff associated with ground-disturbing excavation activities that could result in potentially adverse sedimentation impacts to coastal waters and adjoining environmentally sensitive areas, and public parklands.

The staff recommendation includes Special Condition Nos. 2 and 3, setting forth requirements that the project be conducted in a manner that minimizes impacts to water quality. Recommended Special Condition No. 2 requires that: (1) construction of the site

improvements be managed to prevent the entry of materials into coastal waters and adjacent environmentally sensitive areas; and (2) all debris associated with the demolition, preparation, and construction phases of the project be promptly removed from the site and taken to an appropriate disposal facility licensed to receive construction wastes. Special Condition No. 3 requires the applicant to prepare and submit for the Executive Director's approval a stormwater runoff and erosion control plan, identifying appropriate construction-phase and permanent water best management practices to be incorporated into the project to prevent potential impacts to water quality, and a hazardous materials spill prevention and clean-up plan detailing the efforts to be taken and materials and equipment available for preventing and responding to any accidental release of hazardous materials during construction of the treatment plan facilities. As conditioned, staff believes the project would be consistent with Section 30231, 30233, and 30240(b) of the Coastal Act.

To avoid impacts to adjacent environmentally sensitive habitat areas and onsite wetlands, and minimize disruption of coastal access and recreational use of public parklands, Special Condition No. 4 requires the applicant to prepare for the review and approval of the Executive Director, a construction staging plan, detailing equipment and material handling corridors between the authorized staging areas and the treatment plant construction site, setting forth specific measures to be taken to prevent entry into and provide protection to adjoining environmentally sensitive habitat areas and wetlands, as well as identifying detour pedestrian and bicycle routes around the construction and staging area sites to minimize impacts on coastal access.

Adjacent ESHA could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping and yard maintenance of the site, staff recommends Special Condition No. 5 that requires only native and/or non-invasive plant species be planted at the site, and the applicant not utilize certain bio-accumulating rodenticides.

To further assure that risks to plant staff, contractors, and visitors from tsunami hazards at the site are adequately minimized, Special Condition No. 6 requires that a tsunami evacuation and training plan be reviewed and approved by the Executive Director.

To prevent future impacts on the visual resources of the Crescent City Harbor and Battery Point areas that could result from changes in the exterior appearance of the treatment facility, Special Condition No. 7 sets forth a series of design restrictions for the project improvements.

Finally, Special Condition No. 8 sets construction, debris disposal, and excavated materials disposition performance standards for the development.

Staff believes the proposed project as conditioned is consistent with the Coastal Act and recommends approval.

**The motion to adopt the staff recommendation of approval with conditions in found on page 8.**

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## STAFF NOTES

### 1. Jurisdiction and Standard of Review.

The proposed project is located within and adjacent to the incorporated boundaries of the City of Crescent City, along the reclaimed former margins of Crescent City Harbor in Del Norte County. The project site is bisected by the boundary of the Commission's retained jurisdiction and the coastal development permit jurisdiction of the City of Crescent City. The City has already granted the necessary coastal development permits for the portions of the development within the City's permit jurisdiction. The portions of the site within the Commission's jurisdiction are within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore the standard of review that the Commission must apply to the project is the Coastal Act.

### 2. Limitations on Commission's Actions Regarding Water Quality and Sewage Treatment Plants.

The Coastal Act (California Public Resources Code Sections 30001 et seq.) at Section 30254.5 specifically prohibits the Commission, notwithstanding any other provision of law, from imposing any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with the Coastal Act. Moreover, Section 30412(b) of the Act directs that the Commission shall not "…modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights." Sub-section (c) goes on to direct that any development constituting a treatment work providing service to any area within the coastal zone shall be reviewed by the Commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development: (1) the siting and visual appearance of treatment works within the coastal zone; (2) the geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent

with this division; and (3) development projections which determine the sizing of treatment works for providing service within the coastal zone.

The Commission is further directed to make these determinations in accordance with the Coastal Act policies and make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in Section 30412(c), the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the Commission. In addition, sub-section (d) of Section 30412 directs the Commission to provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of the Coastal Act

In addition to the above-listed aspects of publicly owned wastewater treatment works located within the coastal zone that the Commission is specifically authorized to regulate under Sections 30230, 30231, and 30232 of the Coastal Act, the Commission is charged with assuring that water quality is protected and marine resources, with particular emphasis on the productivity, health, and population levels of its biological components, are maintained, enhanced, and where feasible restored. In addition, Coastal Act Section 30240 at sub-section (b) requires that all development adjacent to environmentally sensitive habitat areas and parklands be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The state and regional water control boards have direct and/or delegated authority to regulate the chemical and thermal characteristics of surface and groundwater resources, specifically in controlling the presence and concentrations of chemical constituents within the aqueous environment, in the interest of protecting human health, biological resources, and other "beneficial uses" of the waters of the state and the nation. The Commission acknowledges the distinctions in these responsibilities and limits its actions accordingly to preclude conflicts in instances where a water board has made determinations on a development project that is also subject to the Commission's authority, particularly with regard to the setting of quantitative limitations on point and non-point source pollutants through the issuance of National Pollution Discharge Elimination Permits, waste discharge requirements, cease and desist directives, and cleanup and abatement orders.

The Commission's consideration of the development is undertaken pursuant solely to the authority duly granted to the Commission by the Coastal Act, is limited to ensuring the approved development's conformance with the policies of the Coastal Act, and in no way represents actions which modify, supplant, condition, or other wise conflict with a determination of either the state or any regional water quality control board in matters relating to water quality or the administration of water rights. To avoid such potential

conflicts, staff members of the Commission and the North Coast Regional Water Quality Control Board have consulted with one another and developed coordinated and mutually agreed upon measures for ensuring that both agencies concerns are met in the review and administration of the subject wastewater treatment facility project.

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## STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

## I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit No. 1-07-002 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of the Commissioners present.

**Resolution to Approve Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS: See attached.

## III. SPECIAL CONDITIONS:

### 1. Future Collection System Improvements

The improvements to the Crescent City Regional Wastewater Treatment Facility are authorized solely for accommodating LCP-certified levels of densities within the plant's urban service area and for accommodating current and projected wet weather inflow and infiltration to the treatment system. Future improvements to the sewerage collection and conveyance system could result in reductions in wet weather flows to the treatment system that would no longer require treatment plant capacity to process. Any increase in treatment plant capacity gained in this manner shall not be used to serve additional development within the coastal zone without a Commission amendment to this coastal development permit. PRIOR TO THE CONSTRUCTION OF ANY IMPROVEMENTS TO SEWERAGE COLLECTION AND CONVEYANCE SYSTEM WITHIN THE CRESCENT CITY REGIONAL WASTEWATER TREATMENT FACILITY'S SERVICE AREA, the permittee shall submit, for the review and approval of the Executive Director, an analysis of the hydraulic efficiency resulting from such collection system improvements. The report shall describe the type and location of the improvements to be made, and analyze any resulting increase in influent volume to the treatment works or reduction in seasonal wet-weather inflow and infiltration resulting from the system upgrade and corresponding increase if any, in potential treatment plant capacity would result. The report shall indicate how the service district intends to utilize the potential increase in treatment plant capacity.

**2. Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

(a) All construction materials and debris originating from the project shall be stored and/or contained in a manner to preclude their uncontrolled entry and dispersion to the waters of the Crescent City Harbor. Any debris resulting from construction activities that should inadvertently enter the harbor shall be removed from coastal waters immediately;

(b) Any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion;

(c) Excavated soil materials associated with grading for installation of the Membrane Bio-reactor vaulting to be retained on site for re-grading use shall be side-cast in windrows immediately adjacent to the excavation to allow for ease in covering the exposed materials during inclement weather;

(d) Silt screens, straw bales, and/or coir-rolls appropriate for use in bayside and floodplain settings applications shall be installed around the perimeter of the areas to be graded and excavated prior to the initiation of grading and excavation activities and shall be maintained throughout project construction. Additional silt and sediment barrier materials shall be kept

at the site and deployed as needed to reinforce sediment containment structures should unseasonable rainfall occur;

(e) If rainfall is forecast during the time construction activities are being performed: (i) all exposed soils materials excavated to form the vault and utility trenches shall be covered with minimum 10-mil plastic sheeting, secured with sand bagging or other appropriate materials, and (ii) any other exposed soil areas shall be promptly mulched before the onset of precipitation;

(f) Mechanized heavy equipment, including excavation, paving, and materials delivery vehicles used during the construction process shall not be staged, stored, or re-fueled within 100 feet of the waters of Crescent City Harbor;

(g) To minimize the entrainment and entry of hydrocarbon-tainted runoff into coastal waters, asphaltic asphaltic-concrete paving operations shall be performed during dry-weather periods when the National Weather Service's Northwestern California forecast for the Crescent City sub-area of the Redwood Coast predicts a less than 50 percent chance of precipitation for the timeframe in which the repaving work is to be conducted; and

(h) Fuels, lubricants, and solvents shall not be allowed to enter the waters of the Crescent City Harbor. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.

**3. <u>Erosion and Runoff Control Plan</u>**

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-07-002**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) The run-off, spill prevention and response plan shall demonstrate that:

(a) Run-off from the project site shall not increase sedimentation in coastal waters;
(b) Run-off from the project site shall not result in pollutants entering coastal waters;
(c) Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters during the

construction of the authorized structures, including but not limited to the following:

(i.) Stormwater runoff diversion immediately up-gradient of the excavation for building foundations; and

(ii.) Use of relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (New Development and Redevelopment, Construction, and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. EC1-*Scheduling*, EC2-*Preservation of Existing Vegetation*, SE1-*Silt Fence* and/or SE9-*Straw Bale Barrier*, NS3-*Paving and Grinding Operations*; NS9-*Vehicle and Equipment Fueling*, NS8- *Vehicle and Equipment Washing and Steam Cleaning*, NS10-*Vehicle and Equipment Maintenance and Repair*; SC42-*Building Repair and Construction*, WM1-*Material Delivery and Storage*, WM2-*Material Use*, SC11-*Spill Prevention and Control*, MW8-*Concrete Waste Management*, SC41-*Buildings Grounds Maintenance*; SC43-*Parking/Storage Area Maintenance*; SD11-*Roof Runoff Controls*; SD32-*Trash Storage Areas*; MP40-*Media Filter*; and WE1-*Wind Erosion Control*; see http://www.cabmphandbooks.com); and

(d) The plan shall be consistent with the requirements of all other special conditions, including but not limited to Special Condition No. 2 – Construction Responsibilities.

2) The plan shall include, at a minimum, the following components:

(a) A schedule for installation and maintenance of appropriate construction source control best management practices (BMPs) to prevent entry of stormwater run-off into the construction site and the entrainment of excavated materials into run-off leaving the construction site;

(b) A schedule for installation, use and maintenance of appropriate construction materials handling and storage best management practices (BMPs) to prevent the entry of polluted stormwater run-off from the completed development into coastal waters; and

(c) An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at

the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Final Construction Site and Staging Area Logistics Plan**

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-07-002**, applicant shall submit for the review and approval by the Executive Director, a final construction and staging area plan detailing the locations of site construction activities, equipment and materials storage and staging areas, and routes between the project areas to be used for equipment transit, materials handling, and other related operations to be closed to public entry.

1) The construction and staging plan shall demonstrate that:

(a) All wetlands, riparian vegetation, and rare plant habitat areas on and within 100 feet of the project site will be protected from entry into such habitat areas to prevent avoidable impacts to coastal biological habitat resources; and

(b) Constructive noticing is provided to coastal visitors and recreational users of the scope and intent of the closures and alternate routes around the construction and staging areas such that impacts to coastal access and recreational opportunities in the Crescent City Harbor and Battery Point areas are minimized.

2) The plan shall include, at a minimum, the following components:

(a) Prior-to-commencement surveys and delineation of the outward extent of all wetlands, riparian vegetation, and rare plant habitat areas on and within 100 feet of the project site; and

(b) The erection of appropriate barriers to prevent entry into and within 100 feet such habitat areas, and contractor training on work site housekeeping and other practices to prevent avoidable impacts to coastal biological habitat resources; and

(c) Posting of pedestrian and bicycle detour route signs around the periphery of the construction and staging areas, at appropriate locations within Beach Front Park, along the Harbor Trail, at

Battery Point Park and Lighthouse, and at the terminus of B Street and Battery and Howe Drives.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Landscaping Restriction**

a. Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species shall be planted with any landscaping of the site. If documentation is provided to the Executive Director prior to planting that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the governments of the State of California or the United States shall be utilized within the property.

b. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone shall not be used.

**6. Tsunami Evacuation and Training Plan**

A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-07-002,** the applicant shall submit, for the review and approval of the Executive Director, a plan for mitigating the hazards associated with tsunamis.

1) The plan shall demonstrate that: (a) the existence of the threat of tsunamis from both distant and local sources will be adequately communicated to all wastewater treatment plant employees, contractors, and visitors; (b) information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event in the area; (c) efforts will be provided to assist physically less physically mobile employees, contractors, and visitors in seeking evacuation from the site during a potential tsunami event, and (d) staff will be adequately trained to carry out the safety plan.

2) The plan shall include, at a minimum, the following components:

- Tsunami Information Component, detailing the provision of informational materials to employees and the posting of placards, flyers, or other materials at conspicuous locations within the treatment plant buildings, provided in an appropriate variety of languages and formats explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;
- Tsunami Evacuation Assistance Component, detailing the efforts to be undertaken by plant staff to assist the evacuation of physically less mobile persons during a tsunami event; and
- Staff Training Component, detailing the instruction to be provided to all employees to assure that the Tsunami Safety Plan is effectively implemented.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**7. Design Restrictions**

A. All exterior siding of the proposed structures shall be composed of natural or natural appearing materials, and all siding and roofing of the proposed structures shall be composed of materials of the colors proposed in the application. The wastewater treatment facility operator shall not repaint or stain the structure with products that will lighten or alter the color the treatment works buildings without an amendment to this permit approved by the Commission. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare; and

B. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the site security, and safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the treatment works site.

**8. Excavated Materials Disposal Plan**

A. **PRIOR TO THE COMMENCEMENT OF DEVELOPMENT,** the applicant shall submit, for the review and approval of the Executive Director, a disposal plan for all of the excavated materials to be removed from the project site.

(1) The disposal plan shall demonstrate that:

(a) No excavated materials to be removed shall be temporarily placed or stored during grading activities where it may be subject to entering wetlands or other coastal waters;

(b) All of the fill to be removed shall either be: (i) placed and used pursuant to and consistent with a valid coastal development permit, as well as consistent with the terms and conditions of this permit (CDP No. 1-07-002). Side casting or placement of any such material within Crescent City Harbor, any slough, waterway, streamcourse, or lake, or any other wetland area, including any public parklands, except as specified above is prohibited; and

(c) Excavated materials removal activities shall not occur during the rainy season consistent with Special Condition Nos. 2 and 3;

(2) The plan shall include, at a minimum, the following components:

(a) A site plan showing all proposed locations for stockpiling construction materials, debris, or waste during excavated materials removal operations;

(b) A description of the manner by which the materials will be removed from the construction site and identification of all debris disposal sites that will be used;

(c) If the removed fill material is to be placed and used as part of a development approved by the Commission under a valid coastal development permit, the permittee shall provide: (i) a copy of the approved permit, (ii) written permission from the owner of the property governed by the approved permit authorizing the fill, and (iii) a written description and site map indicating when and where the materials will be stockpiled for later use in the approved development; and

(d) A schedule for removal of all debris.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**9. <u>Regional Water Quality Control Board Approval</u>**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-07-002**, the permittee shall submit a copy of any amended cease and desist order or Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board granting approval for the project or evidence that no such certification or discharge authorization is required. The permittees shall inform the Executive Director of any changes to the Commission-approved project required by the Regional Board. Such changes shall not be incorporated into the project until the permittees obtain a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

## IV. FINDINGS AND DECLARATIONS.

### A. Project and Site Description.

1. Project Background

The Crescent City Wastewater Treatment Plant provides wastewater treatment for the City and several areas in Del Norte County. Crescent City is located in Del Norte County, and is within the jurisdiction of the North Coast Regional Water Quality Control Board (NCRWQCB). The City's current regional treatment plant has a design average dry weather flow treatment capacity of approximately 1.8 million gallons per day (mgd) average dry weather (ADW), and the peak wet-weather (PWW) design flow is 4.0 mgd. Currently, the average dry weather flow is approximately 1.28 mgd with peak wet weather flows of 8.0 mgd. During normal operation, the plant effluent is discharged to the ocean via the 42-inch diameter outfall that was recently installed in 2005 (see CDP No. 1-05-003).

The treatment plant was originally constructed in the 1950s and consisted of head works, an influent wet well, a pump house, a clarifier-digester, and gravity outfall facilities. The first major facility expansion occurred in 1973 when additional primary clarification, disinfection, and solids handling facilities were added. Secondary treatment for biological removal of organic material, including the addition of rotating biological contactors and secondary clarifiers, was added in 1978, the last major upgrade to the plant. Since then several serial plant improvements have been made including installation of a third secondary clarifier in 1983, replacement of the communitor with a bar screen and construction of several lines to increase hydraulic capacity in 1991, installation of a new dewatering facility in 1993, addition of new chlorinators/sulfonators in 1996, additional effluent pumps in 2002, and replacement of the chlorinators with sodium hypochlorite and bisulfite disinfection facilities in 2003.

The treatment plant has already exceeded its organic treatment capacity and is unable to consistently meet the Biological Oxygen Demand (BOD) portion of its Waste Discharge

Requirements, which has resulted in issuance of Cease and Desist Orders from the NCRWQCB. The plant is also hydraulically overloaded during winter months which results in periodic releases of untreated effluent into coastal waters when storm and groundwater in-flow and infiltration (I/I) overwhelm the plant's through-put treatment capacity.

The purpose of this facility renovation project is to upgrade the existing wastewater treatment plant to meet the NCRWQCB's Waste Discharge Requirements set forth in National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0022756 and in compliance with the Regional Board's current cease and desist order (see Exhibit Nos. 8 and 9).

In designing the replacement treatment works for resolving the current plant's discharge violations, the City has gone through an iterative planning process over the last decade. Initially, in 2000, a feasibility study was conducted evaluating both the construction of a new sewage treatment plant at the former MacNamara-Peepe timber products processing plant site on Elk Creek, an LCP Area-of-Deferred-Certification within the City, and reconstruction of the existing Battery Point treatment plant (SHN Consulting Engineers, 2000). Based on site analyses which disclosed the presence of hazardous materials contamination at the Elk Creek site which would adversely affect new plant development costs and timing, an alternative facilities plan developed in 2003 recommended construction of major new facilities at the existing treatment plant.

Subsequently, in 2004, the City instituted a value engineering (VE) review process as part of the preliminary design for renovating the existing plant. The VE process reviewed the comparative costs and benefits of full and phased development of the treatment works, adaptive continued use of certain of the plant's processing components. Additionally, following from review of actual short-range versus projected long-range growth projections, and the occurrence of several significant changes within the community's waste water stream characteristics, namely the installation of pre-treatment equipment at the Rumiano Cheese Factory, the area's primary commercial food processing facility, and the identification of a large gaming casino project as a potential new source of influent and user of recycled water for site irrigation, the VE review instituted several refinements to the facilities plan design, including further prioritizing and phasing of the plant renovations to better match actual growth in the service area, extend the service life of certain existing processing plant equipment, and improve the efficiency of the plant's layout. Furthermore, architectural and landscaping treatments, and coastal access support facilities were also added to the project design in the interest of integrating the new plant into its waterfront setting, protecting community aesthetics and onsite wetland features, and providing additional public recreational amenities.

As an initial critical step, in the summer of 2005, the treatment plant's effluent outfall line was upgraded through the installation of a new 42-inch-diameter discharge line, horizontally directional-drilled beneath the intervening beach and intertidal areas situated

between the treatment plant and the facility's licensed discharge point within a slot on the ocean-facing side of the Battery Point landform (see Coastal Development Permit No. 1-05-001). This replacement of the discharge line was needed to serve the plant in its existing condition, whether or not the proposed plant is reconstructed as currently proposed.

2. Project Description

The proposed project is the re-construction of the Crescent City Wastewater Treatment Facility located at 210 Battery Street in Crescent City CA (APNs 118-020-31, 118-030-11, -14, -15, -16, and -17). The portions of the reconstruction project within the Commission's permitting jurisdiction include:

- The phased removal of approximately 18,000 square-feet of the existing 24,680-square-foot treatment works buildings complex;
- Construction of a Membrane Bio-reactor (MBR) filter and 4,300-square-foot building to house the filter;
- Construction of a 4,800-square-foot administration building;
- Construction of a 2,710-square-foot belt press de-watering building;
- Utilization of a 1.9-acre portion of Beach Front Park as a primary construction staging area; and
- Utilization of a 0.6-acre roadside area at the foot of B Street as a secondary construction staging area.

Other portions of the proposed project are located within the coastal development permit jurisdiction of the City of Crescent City, including the northwestern quarter of the treatment plant site and the water quality laboratory and a portion of the primary construction staging area within Beach Front Park along B Street north of Battery Drive. Expansion of the existing wastewater treatment plant would be designed to comply with waste discharge requirements through the year 2027 with a 20-year planning period for a facility scheduled to begin operation in 2007. The expanded treatment works would be designed for an average dry weather flow (ADWF) of 3.48 mgd, a peak wet-weather flow (PWWF) of 22.8 mgd, and provide for full biological treatment at volumes of up to 5.5 mgd. The existing rotating biological contactor units would be replaced by the MBR activated sludge process with the existing the anaerobic digesters remaining in serial operation. Dilute wet-weather flows exceeding the 5.5 mgd full treatment threshold would be bypass-routed around the MBR to undergo solids separation within the high rate vortex chambers, prior to undergoing final ultraviolet light/hypochlorite "flash" disinfection with the fully-treated effluent prior to their ocean discharge through the plant's recently upgraded outfall at Battery Point.

Construction of the MBR would entail extensive grading and excavation at the treatment plant site. This excavation would extend to over twenty feet in depth and would consist of grading and shoring for installation of a vault for housing the sub-surface portions of

the new treatment works. This vault would completely fill the excavated void, with the above-grade building and facilities being constructed atop the vaulted works. Most of the material excavated for the above mentioned construction, estimated to comprise less than 2,000 cubic yards of soils materials, would be removed from the site to an unspecified location.

In addition to the construction of the new buildings and MBR, all pumps and motors would be replaced, the existing exterior fence would be reconfigured to enclose a previously open area in the parcel's southwestern quarter, and sidewalks and curb and gutter would be added along Howe Drive and B Street bordering the project site. Various piping projects would be conducted throughout the construction area. A small pocket wetland located within the southwest corner of the treatment plant site would also be enhanced by planting native hydrophytic vegetation suitable for the area. A pedestrian/bike trail spur extending from the adjoining Harbor Trail and bench seating would be installed for coastal visitor use.

After the plant construction work is completed the adjoining streets would be re-paved, the staging areas cleared of construction equipment and debris, groomed, and reseeded, and native landscaping installed around the periphery of the new treatment plant (see Exhibit No. 5).

3. Site Description

The project site is located within along the north side of Crescent City Harbor, between the City's Beach Front Park and Battery Point (see Exhibit Nos. 1-3). The Crescent City Water Pollution Control Facility and the adjoining parklands are owned by the City of Crescent City.

The project site is situated at an approximately 10- to 18-foot elevation on a slightly elevated terrace above the beach area northeast of the Battery Point headland. The site slopes gently downward from north to south and rises slightly from its eastern street frontage toward the western escarpment at the base of B Street. The site of the treatment works and related staging areas is generally flat in topography. From the toe of the low uplifted terrace on which the treatment plant is sited, the terrain drops down to a 20- to 50-foot wide sandy crescent beach running along the northern shoreline of the Crescent City Harbor. On the open ocean shoreline to the west, the beach face consists of a narrow, approximately 100-ft.-wide bermed cobble area grading into a rocky intertidal zone. The immediate offshore area is occupied by numerous partially submerged rocks and stacks. To the northwest, the beach narrows into a steep cliff along the flanks of the Lighthouse Island and Battery Point headlands. Areas to the north and east of the project site comprise open grass-covered areas within Beach Front Park. A windrow of beach pine (*Pinus cortorta* var. *contorta*) are situated approximately 400 feet to the northeast of the plant site along the north side of Howe Drive

With the exception of margins of landscaping along the perimeter and the open area on the southern side of the treatment plant site primarily vegetated with upland grasses, the majority of the project parcel is either paved or covered by structures. Vegetative cover across much of the plant site open area, and the adjoining public park and B Street roadside areas proposed for construction staging uses consists of upland grasses and ruderal forbs, including sweet vernal grass (*Anthoxanthum odoratum*), soft chess (*Bromus hordeaceus*), field mustard (*Brassica rapa*), curley dock (*Rumex crispus*) and beach strawberry (*Fragaria chiloensis*), with a mixture of non-native shrubs and vines, including rosea iceplant (*Drosanthemum floribundum*), common ice-plant (*Mesembryanthemum crystallinum*), and cow parsnip (*Heracleum lanatum*) in the more overgrown areas.

Three separate environmentally sensitive habitat areas (ESHA) are found in the vicinity of the project site: (1) the estuarine waters and intertidal shoreline of Crescent City Harbor to the south; (2) a riparian willow thicket bracketing a stormwater drainage course outlet to the southeast of the treatment plant across the Beach Front Park-Battery Point Trail; and (3) rare plant habitat along the eastern side slopes of Howe Drive that lead down into the primary staging area proposed for use as the primary construction staging area.

In addition, an isolated approximately 500-square-foot emergent wetland area is situated within the southwesternmost corner of the treatment plant site, consisting of a slight depression with poor runoff drainage condition that have allowed for the growth of hydrophytic vegetation. As discussed further in Findings Section IV.E below, given its small size, lack of vegetative complexity and hydrologic isolation, while comprising a wetland this area has been determined not to constitute ESHA for purposes of Coastal Act consistency analysis pursuant to Section 30240(b).

The project site is situated between and is flanked by the southeastern end of A and B Streets, and Battery and Howe Drives, local and sub-collector routes that divide the City's visitor-serving commercial district and blufftop residential areas to the north and west, respectively, from the open space and public facility areas to the south, east, and southwest along the Crescent City Harbor and the rocky open coastline at Battery Point. Development in the project vicinity is sparse due to the high tsunami risk for this area. Land uses in the immediate vicinity of the project property are primarily public facilities, comprising the wastewater treatment plant proper, Beach Front Park, Battery Point Park, the "B" Street Fishing Pier, and the Battery Point Lighthouse.

Those portions of the subject property within the Commission's permit jurisdiction area have Public Facility and Open Space land use designations. The property is zoned Coastal Zone Open Space (CZ-O), Coastal Zone General Commercial (CZ-C2), and Coastal Zone Harbor Related (CZ:HR).

The parcel is not located within a formally designated Highly Scenic Area, as the City's LCP does not make that distinction for any specific sites, but focuses instead on the "scenic highway corridor" visible from Highway 101 at the City's southern entrance. Nevertheless, views from the project site and through the project site from "A" and "B" Streets, from Beach Front Park, and along Howe Drive are remarkable, consisting of nearby harbor, jetty, and pier vistas to the south, numerous sea stacks to the northwest, and views of the historic Battery Point Lighthouse directly offshore.

The project site lies within the coastal development permit jurisdictions of both the City of Crescent City and the Commission. All development portions situated above the +10-foot elevation above sea level ($NAVD_{88}$) are located within the City's jurisdiction (see Exhibit No. 3). These project components include the northwestern quarter of the treatment plant site and the water quality laboratory and a portion of the primary construction staging area within Beach Front Park along B Street north of Battery Drive. All other project portions situated at an elevation at or below the +10-foot elevation seaward of the 1870 federally surveyed submerged lands "meander line," comprising the bulk of the treatment plant and primary construction staging area, and the secondary materials and equipment staging area along the southwest side of lower "B" Street near the base of the "B" Street Fishing Pier, are within the Commission's permit jurisdiction.

**B. Local Government Approval.**

On February 8 2007, the City's Planning Commission initially approved Coastal Development Permit No. 07-01 finding the proposed development consistent with the policies and standards of its certified LCP (see Exhibit No. 6). Upon the filing of a local appeal, the City Planning Commission reconsidered the special conditions attached to the February 8, 2007 permit at its March 8, 2007 meeting, modifying certain conditions regarding the threshold triggering replacement of trees within Beach Front Park allegedly damaged during installation of the treatment works outfall in 2005 (see Exhibit No. 10). As a result, the appeal was subsequently withdrawn on March 22, 2007. On that same date, the City Planning Commission conditionally approved Coastal approved Coastal Development Permit No. 07-03 authorizing use of the portions of Beach Front Park within the City's permitting jurisdiction (i.e. eastern half of APNs 118-030-14, -15, and -16) for use as the primary construction staging area (see Exhibit No. 11). The Planning Commission's March 22, 2007 action was not appealed to the City Council. Accordingly, as no appeals of the City's permit approvals were filed in a timely manner with the Commission, the City's authorization for the portions of the treatment plant with revised conditions and conditional approval of the staging areas became effective on April 9, 2007 and April 16, 2007, ten days after the Commission's receipt of the City's Notices of Final Local Action on March 26 and 30, 2007, respectively.

**C. Planning and Siting New Development and Publicly-Owned Wastewater Treatment Works.**

Section 30250(a) of the Coastal Act states in applicable part that:

> *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources…* [Emphasis added.]

Coastal Act Section 30254 states, in applicable part:

> *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division… Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.* [Emphasis added.]

Coastal Act Section 30254.5 states:

> *Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.* [Emphasis added.]

Cited Coastal Act Section 30412 states, in applicable part:

> …
>
> *(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources*

*Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

*Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.*

*(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*

*(1) The siting and visual appearance of treatment works within the coastal zone.*

*(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*

*(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

*The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.*

*(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division…* [Emphases added.]

The primary intent of Section 30250 is to direct new development toward areas where community services are provided and potential impacts to resources are minimized. Secondly, Section 30250 also requires that in locating such development, including the

associated water supplies, wastewater treatment, and/or other forms of supporting infrastructure that such development be located so as not to cause significant adverse effects, either individually or cumulatively, on coastal resources. Section 30254 of the Coastal Act sets limitation on the approval of new or expanded public works facilities such that their development is scaled to accommodate needs generated by levels of development found by the Commission to be consistent with the Coastal Act. Coastal Act Section 30254.5 places limitations on the Commission's ability to impose permit terms or conditions on the development of any sewage treatment plant which would prejudice or otherwise obviate the plant's ability to provide sewage treatment to any Coastal Act-consistent future development that the Commission determines could be accommodated by the plant. Coastal Act Section 30412 further restrains the Commission's actions with regard to water quality issues, especially the development of publicly-owned wastewater treatment works, prohibiting the Commission from taking actions that would be in conflict with the State or Regional Water Quality Boards and limiting the Commission's determinations on the development of such treatment works within the coastal zone to issues regarding: (a) the siting and visual appearance of the treatment works; (b) geographic and temporal limits of service areas; (c) the timing of the use of capacity of treatment works for those service areas to allow for phasing of development; and (d) the sizing of treatment works as determined by development projections.

The wastewater treatment plant serves a portion of the County known as the Crescent City Planning Area. This service area provides service to all of Crescent City and much, but not all of the surrounding unincorporated area (see Exhibit 6). The service area includes areas both inside and outside of the coastal zone, with approximately 50 % of the service area inside the coastal zone and 50 % of the area outside the coastal zone.

The proposed renovation of the treatment works is being undertaken primarily to resolve an existing processing capacity problem that is causing periodic discharges of effluent beyond the plant's permitted limits, both qualitatively and quantitatively. The plant is currently unable to fully aerobically digest incoming sewerage to established federal and state water pollution control standards during all seasons and to accommodate high volume flows during the wet season. The treatment plant is being replaced to enhance or expand the plant's overall throughput treatment capacity and improve the bio-chemical composition of the effluent through various processing equipment upgrades consistent with the facility's current licensing pursuant to the Federal Clean Water Act's National Pollution Discharge Elimination System (NPDES), as administered by the North Coast Regional Water Quality Control Board and in compliance with the related cease and desist orders issued by the Regional Board (see Exhibit Nos. 8 and 9). In accordance with U.S. Environmental Protection Agency guidelines, the planning period for the both the 2000 Feasibility Study and the subsequent 2003 Facilities Plan were based on a 20-year community growth horizon, from 2000 to 2020 and from 2007 to 2027, respectively. The anticipated population, land use, wastewater flows, loads, and effluent requirements at the end of these periods were developed as a basis for planning the future facilities.

The principal issues regarding the proposed renovated treatment plant's consistency with the new development and wastewater treatment facility policies of the Coastal Act is whether the new plant is sized appropriately to provide wastewater treatment capacity that does not exceed the LCP-certified density levels within its certified area.

The Public Works chapter of the City's currently-certified land use plan (1983) does not contain growth projections beyond 1998, when it was anticipated that a maximum flow of 4 mgd of wastewater generated from a forecasted service area population of 17,000 would be needed. Plant facilities in place during the late 1980s were sized for, and, with few exceptions related to peak fish processing-related industrial in-flows, adequately processed influent originating from the service area to established water pollution control standards. Despite various interim plant improvements in 1991, 1993, and 1996, by the mid 1990s, continued residential and commercial growth in the service areas began to tax the treatment plant's capabilities, leading to a series of cease and desist actions being taken by the Regional Board beginning in February 1997. The 1997 cease and desist order included an initial timetable for the design, funding development, and construction of a new treatment plant capable of accommodating sewage processing volumes to established federal and state water quality standards.

On May 21, 2001, the City of Crescent City's City Council adopted the *City of Crescent City General Plan Policy Document* as an update to the City's general plan program for guiding future development within the municipality through 2020. Similarly, on January 28, 2003, the Board of Supervisors of the County of Del Norte adopted the *Del Norte County General Plan* including a separate *Coastal Policies* document, for an approximately 12-year land use planning horizon, through the year 2015.

In developing the various plan policies for managing future growth, the plans employed technical background information, including population and economic development projections based on historic patterns and established forecasting methodologies, including demographic information provided by the U.S. Census and the California Department of Finance. From these population and economic activity projections, community service demands to support anticipated growth were extrapolated out over the 12- to 20-year planning periods.

The Commission notes that the projections of growth and wastewater generation were based in part, on land use designations proposed in comprehensive updates of the Del Norte County and Crescent City LCPs that have not yet been certified by the Commission. Although Commission LCP certification of these locally-adopted plans has not yet occurred, these documents and their accompanying technical analyses reflect the most currently-available scientific information with respect to LCP-certified development densities and sewage treatment demands for the portions of the City and County planning areas within the coastal zone. The Commission also observes that while the recent County and City general plan updates contain future growth projections beyond those contained in the currently certified LCP land use plans, the general plan updates do not

propose significant changes in the density or intensity of land use within the Crescent City Planning Area beyond those within the currently certified LCPs. Therefore, the projections of growth and sewage treatment demands in the plan updates that have not been certified can also serve as reasonable projections of growth and sewage treatment demand based on build-out under the current certified Del Norte County and Crescent City LCPs for uses within the treatment plant service area.

According to the environmental documentation prepared for the treatment works upgrade project, as summarized in Tables A and B below, with its current 1.8 $mgd_{ADW}$/4 $mgd_{PWW}$ capacity, the existing treatment works is undersized for accommodating the estimated average dry-season flows that are anticipated under the growth projections prepared for the City and County's general plan updates through the years 2020:

**Table A: Estimated Wastewater Generation – Crescent City Planning Area 2020**

| Land Use / Service Area | POTW[1]-Treated New Growth | | POTW-Treated Buildout | |
|---|---|---|---|---|
| | Units /Acres | Gallons/Day | Units /Acres | Gallons/Day |
| Residential | | | | |
| City of Crescent City | 294 | 62,500 min<br>97,020 max | 2,197 | 549,250 min<br>725,010 max |
| Unincorp. Crescent City | 3,767 | 941,750 min<br>1,243,110 max | 7,544 | 1,886,000 min<br>2,489,520 max |
| Subtotal | 4,601 | 1,150,250 min<br>1,340,130 max | 9,741 | 2,435,250 min<br>3,214,530 max |
| Commercial | | | | |
| City of Crescent City | 87 | 101,790 | 232 | 271,440 |
| Unincorp. Crescent City | 217 | 253,890 | 368 | 430,560 |
| Subtotal | 304 | 355,680 | 600 | 702,000 |
| Industrial | | | | |
| City of Crescent City | 0 | 0 | 0 | 0 |
| Unincorp. Crescent City | 150 | 525,000 | 304 | 1,064,000 |
| Subtotal | 150 | 525,000 | 304 | 1,064,000 |
| Total | n/a | 2,030,930 min<br>2,220,810 max | n/a | 4,201,250 min<br>***4,980,530*** max |

Source: Adapted from Table 5-2 *City of Crescent City General Plan Final Environmental Impact Report SCH # 2000032062, May 21, 2001*, Mintier & Associates, May 2000

**Table B: Present, Twenty-, and Fifty-Year Projected Wastewater Flows – Crescent City Planning Area**

| Type / Period | Year | | |
|---|---|---|---|
| | 2003 | 2027 | 2057 |

[1] "Publicly Owned Treatment Works"

| Type / Period | Year | | |
|---|---|---|---|
| | 2003 | 2027 | 2057 |
| Dry Weather | | | |
| Average | 1.26 | 3.48 | 5.40 |
| Maximum month | 1.37 | 3.79 | 5.87 |
| Maximum week | 1.60 | 4.42 | 6.85 |
| Maximum day | 1.98 | ***5.47*** | 8.48 |
| Wet Weather | | | |
| Average | 2.60 | 7.19 | 11.14 |
| Maximum month | 3.90 | 9.90 | 15.50 |
| Maximum week | 4.71 | 13.70 | 21.50 |
| Maximum day | 6.53 | 17.70 | 27.60 |
| Peak hour | 12.6 | ***22.80*** | 36.60 |
| Source: *Final Crescent City Wastewater Facilities Plan*, Brown and Caldwell, November 2003 | | | |

At full anticipated build-out in 2020, the area within the Crescent City Urban Boundary served by the treatment plant, including areas both inside and outside the coastal zone, will generate approximately 4.98 $mgd_{ADWF}$ of wastewater, or roughly 1.0 mgd in excess of the current plant's full biological treatment through-put processing capacity. By the end of the facility plan's 20-year planning period in 2027, projected dry weather flows would increase by nearly another 0.5 mgd to 5.47 mgd. Similarly, by 2027, continued degradation of the integrity of the existing collection system together with stormwater inflows and groundwater infiltration from new service connections are anticipated to increase wet-weather seasonal I/I flows to 22.8 mgd. The proposed plant renovations to upgrade the facilities to a peak 22.8 $mgd_{PWWF}$ capacity would accommodate both the LCP-certified densities within the plant's service area as well as the anticipated additional volumes of seasonal wet-weather in-flow and infiltration entering the system through the aged sewerage collection system.

In addition to the improvements previously undertaken for the treatment works' outfall line and proposed for the processing plant, the Facilities Plan also identifies a series of improvements to the regional plant's sewerage collection and conveyance system to be conducted in a series of stages over the next two decades. These improvements include replacing various segments of compromised and under-sized sewer lines, and upgrading several gravity and in-line booster pump stations through the City and adjoining unincorporated service areas.

Given the past discharge violations that have occurred at the treatment plant, additional volumes of sewerage are regulated by the regional water quality control board under the plant's current wastewater discharge requirements and cease & desist orders, Under the most current cease and desist order issued in June 2005, new hook-ups to the plant were limited to the equivalent of 500 single-family dwellings. As of the writing of this report, 478 of the 500 connection had not been committed, providing for the accommodation of

approximately 9½ years of additional residential growth at the current rate of roughly 50 new connections per year.

The volume of new sewerage coming into the City's treatment plant is presently restricted under regional water quality control board orders and the plant is subject to rigorous volumetric and qualitative sampling and reporting protocols imposed by the board to assure the greatest feasible level of compliance with water pollution standards given the facility's processing limitations. In addition, prior to the connection of new areas of intensities development in excess of currently certified density levels, the certified land use plan for the new serviced and/or density intensified area must first be amended to authorize the extension of urban services or increases in density. Similarly, annexations into either the municipal limits of the City or into the Crescent City Regional Wastewater Treatment Facility services district boundary must first be approved by the Del Norte County Local Agency Formation Commission (LAFCo).

Accordingly, despite statements within the project environmental document concluding that no growth inducement would result from the development, and that staged system improvements would be down-sized or deferred if periodic assessments of actual-versus-projected growth were to reveal less demand for treatment as was previously anticipated, as future collection system improvements could result in a reduction in the overall volume of influent coming into the plant and such reductions in in-flow could arguably be redirected to allow for year-round high rate vortex treatment of flows in excess of LCP-certified density levels, the Commission attaches Special Condition No. 1. Special Condition No. 1 specifically limits the scope of the approval of Coastal Development Permit No. 1-07-002 to treatment work improvements necessary to meet LCP-certified density levels in the plant's service area. Furthermore, the condition requires the City, prior to the commencement of any collection system improvements within the coastal zone portions of the regional wastewater service area to submit, for the review of the Executive Director, an analysis of the improvements, detailing the type and location of the improvements, and what effects, if any, the system improvements would have on the plant's reserve capacity to treat sewage in excess of LCP-certified density levels. Based on the report, the Executive Director will determine whether the plant would remain consistent with relative policies of the Coastal Act regarding wastewater treatment facilities or whether a permit amendment would need to be secured prior to undertaking the collection system improvements.

Thus, the proposed development as conditioned is consistent with Coastal Act Section 30250(a) to the extent that the plant's aerobic digestion and hydraulic through-put capacity improvements has been designed and sized so as not to have significant adverse effects, either individually or cumulatively, on coastal resources from growth inducement that could result from an oversized treatment facility. In addition, the Commission finds that the proposed treatment plant reconstruction as conditioned has been designed and limited to accommodate the waste water treatment needs of the development that would be allowed within the Crescent City Planning Area under the currently certified Crescent City and

Del Norte County LCPs. Furthermore, given the limitation on the scope of actions taken by the Commission as discussed in other findings sections of this report, the proposed development as conditionally approved is consistent with Sections 30254 and 30254.5. Therefore, Commission finds that the proposed project is consistent with Sections 30250, 30254, and 30254.5 of the Coastal Act.

**D. Protection of Marine Resources and Coastal Water Quality.**

Section 30230 of the Coastal Act states, in applicable part:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30230 directs that marine resources be maintained, enhanced, and where feasible, restored. Special protection is to be given to areas and species of special biological or economic significance. Moreover, uses of the marine environment are to be carried out in a manner that would sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that new development maintain and enhance, where feasible, the biological productivity and functional capacity of the habitat through a variety of methods including, minimizing the adverse impacts of wastewater discharges, reducing the entrainment of pollutants by controlling runoff, preventing groundwater depletion, conserving groundwater resources by encouraging use of reclaimed wastewater, and minimizing alteration of an area's hydrology through minimizing landform alterations of surface waters and natural streams, and providing naturally vegetated buffers to riparian areas.

A primary purpose of the proposed project is to increase the bio-chemical efficiency and hydraulic capacities of the City's treatment plant, in the interest of further reducing adverse environmental effects to coastal water quality associated with incomplete aerobic digestion of the sewerage and untreated bypass discharges of high volume wet-weather flows. Toward these goals, specific interim and long-range restrictions on the volume and character of influent to be received at the plant, including (1) limitations on the number of new residential unit connections; (2) requirements for timely development and implementation of an industrial pre-treatment program; (3) maximum concentrations of regulated constituents within the plant's treated effluent; (4) minimum mixing and dilution rates for the plant's ocean discharges; and (5) requisite monitoring and reporting requirements, are set forth within the currently adopted cease and desist orders and waste discharge requirements adopted by the North Coast Regional Water Quality Control Board (see Exhibit Nos. 8 and 9).

Although the prevailing purpose for the project is the protection of water quality through improving the wastewater treatment capabilities of the existing treatment works facility, water quality impacts could occur during the physical construction of the plant improvements. Construction of the renovated plant would entail substantial ground-disturbing grading and excavation associated with demolishing and installing the upgraded sewage processing equipment. Consequently, impacts to coastal land and water resources could result if not adequately mitigated. During construction of the proposed wastewater treatment facility improvements and during re-paving of the adjoining street areas following related trenching for collection system connections, stormwater runoff flowing across the building site could entrain excavated soil or other materials. In addition, accidental releases of hazardous materials associated with construction and building materials handling and storage, or site maintenance activities could similarly occur. If not properly intercepted and cleaned up, these materials could spread to adjacent unpaved areas of the site and contaminate soil and groundwater beneath the project site, and/or be conveyed in drainage ditches to be released into coastal waters through open culverts. Accordingly, the Commission attaches Special Condition Nos. 2 and 3. Special Condition No. 2 sets forth numerous construction performance standards including requirements that demolition debris and construction waste associated with project construction not be placed or stored where it may enter wetlands, coastal waters, or other environmentally sensitive areas. Furthermore, Special Condition No. 2 requires that all construction debris, including general wastes from the demolition of the treatment buildings and any excavated asphaltic-concrete paving at the site be removed and disposed of in an upland location outside of the coastal zone or at an approved disposal facility. In addition, Special Condition No. 8 requires the applicant to submit, for the review and approval of the Executive Director, a debris disposal plan to ensure that the limitations on disposal of debris and excess excavated material are implemented.

Special Condition No. 3 requires that an erosion and runoff control plan be reviewed and approved by the Executive Director prior to permit issuance. The plan is required to

address and identify a variety of best management practices to address accidental spill prevention and source control contingencies associated with construction of the commercial structure and parking areas. The plan will serve to further prevent and reduce potential releases of polluted runoff or hazardous materials into coastal resource areas.

Furthermore, because the long term use of the site would entail construction materials and supplies being stored and dispatched to various building construction and maintenance sites, the potential exists for spills of liquid construction materials that could find their way into nearby coastal waterways and/or the adjoining wetlands. Therefore, Special Condition No. 3 also requires that an onsite spill prevention and control response program addressing the long-term storage use of the site be included in the required runoff control plan that must be submitted for the Executive Director's approval.

Conclusion

As discussed above, the project will not have significant adverse impacts on the biological productivity and functional capacity of the tidal waters or marine resources of Crescent City Harbor provided the mitigation measures identified in the project environmental impact report and required by the Special Conditions discussed above are incorporated into the project. Furthermore, by reducing the current biological oxygen demand of discharged effluent and back-flow induced uncontrolled releases of untreated sewerage associated with the current under-capacity treatment works, the project will help protect marine aquatic habitats from being further degraded. Therefore, the Commission finds that the project, as conditioned, will maintain and enhance the biological productivity and functional capacity of the habitat consistent with the requirements of Sections 30230, 30231, and 30232 of the Coastal Act.

## E. Protection of Adjacent Environmentally Sensitive Habitat Areas, Parks, and Recreation Areas.

The Coastal Act at Section 30107.5 defines "environmentally sensitive areas" as entailing, "… *any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*"

Section 30240(b) of the Coastal Act directs:

> *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas*

As generally described in Findings Section IV.B, three environmentally sensitive habitat areas (ESHA) are located in close proximity to the identified project construction and staging areas. These ESHA entail:

- Inner-harbor Beachfront — comprised of a narrow band of poorly-sorted silty-sandy materials and together with the open waters of along the northern shore of the Crescent City Harbor, providing habitat to a wide variety of marine and estuarine arthropods, bivalves, crustaceans, fish, and marine mammals, including Pacific razor clams (*Siliqua patula*) and Little-neck clams (*Protothaca* sp.), Dungeness crab (*Cancer magister*), Sand crabs (*Lepidopa* sp, *Blepharipoda* sp.), Pacific herring (*Clupea harengus*), rockfish (*Sebastes* sp.), lingcod (*Ophiodon elongatus*), jacksmelt (*Atherinopsis californiensis*), juvenile *chinook* salmon (*Oncorhynchus tshawytscha*), *coho* salmon (*Oncorhynchus kisutch*), coastal cutthroat trout, (*Oncorhynchus clarki clarki*), and steelhead (*Oncorhynchus mykiss*), Stellar's (Northern) Sea Lion (*Eumetopias jubatus*), California Sea Lion (*Zalophus californianus*), and the Pacific harbor seal (*Phoca vitulina*);

- Willow Thicket — situated at the beachfront mouth of the Beach Front Park drainage outlet to the southeast of the treatment plant construction site, this roughly 5,000-square-foot area of emergent riparian vegetation is covered primarily by facultative wetland and obligate plants, including Sitka willow (*Salix sitchensis*), salt rush (*Juncus lesuerii*), and Pacific silverweed (*Potentilla anserina*), providing transitional cover habitat between the beach strand and open park areas further to north and east to passerine birds and small mammals; and

- Beach Front Park Turf Areas — encompassing the mowed eastern side slope of Howe Drive that extends down into the Beach Front Park "amphitheater" area and the grassy area between the southern side of the treatment plant and the Harbor Trail where individual and scatter outcroppings of Wolf's Evening Primrose (*Oenothera wolfii*), a California Native Plants Society "List 1B"[2] rare plant species have been recorded.

In addition, an isolated approximately 500-square-foot emergent wetland area is situated within the southwesternmost corner of the treatment plant site, consisting of a slight depression with poor runoff drainage conditions that has allowed for the growth of

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[2] Pursuant to the Native Plant Protection Act (NPPA) and the California Endangered Species Act (CESA), plants appearing on the California Native Plant Society's "List 1B" meet the definition as species eligible for state listing as a rare, threatened, or endangered plant. List 1B plants are defined as "rare plant species vulnerable under present circumstances or to have a high potential for becoming so because of its limited or vulnerable habitat, its low numbers of individuals per population (even though they may be wide ranging), or its limited number of populations." The NPPA mandates that plants so listed be considered in the preparation of all environmental analyses conducted pursuant to the California Environmental Quality Act (CEQA).

hydrophytic vegetation, including toad rush (*Juncus bufonius*), soft rush (*Juncus effusus*), and creeping buttercup (*Ranunculus repens*). Given its small size, lack of vegetative complexity and hydrologic isolation, while comprising a wetland, this area does not comprise habitat or contain plant or animal life that is either rare or especially valuable. Therefore, the wetland is not an environmentally sensitive area as defined in Section 30107.5 of the Coastal Act.

Although these environmentally sensitive areas and pocket wetlands do not lie within the project's delineated construction and staging areas, potential adverse impacts to fish and wildlife habitat and water quality could occur in the form of sedimentation or debris from project grading (i.e., soils disturbed during the MBR vault) and encroachment by construction personnel and equipment into these environmentally sensitive areas. Although the project description states that such impacts would be prevented and minimized by conducting the ground-disturbing work during dry weather, such impacts must be avoided and the application provides few details as to precisely how excavation would be performed relative to: (1) the potential for causing soil materials to enter the beachfront, drainage course, and rare plant habitat areas during plant construction; (2) the exclusion to entry of construction equipment, personnel, or materials into these sensitive areas; and (3) setbacks between construction activities and the ESHAs to buffer adverse effects of the development. In addition, no identification has been provided as to sites where the excavated materials would ultimately be disposed.

Given the necessity of using mechanized heavy equipment for performing the excavation and grading work, the project poses significant risks to adjacent environmentally sensitive resources, namely from potential sedimentation, trampling of rare plant habitat areas, and the degradation of the water quality of the receiving coastal waters. To ensure that adverse impacts to water quality do not occur from construction activities conducted along the immediate stream bank margins, the Commission attaches Special Condition Nos. 2, 3, 4, and 6. Special Condition No. 2 requires the applicant to undertake the development pursuant to certain construction and debris removal performance standards. Specifically, no construction materials, debris, or waste are to be placed or stored where they may enter the coastal waters of Crescent City Harbor or the Pacific Ocean. In addition, all construction debris is to be removed and disposed of in an upland location outside of the coastal zone or at an approved disposal facility. Special Condition No. 3 requires the applicant to submit, for the Executive Director's review and approval, an erosion and runoff control plan that is to include certain specified water quality best management practices for minimizing impacts to coastal waters associated with the construction of the treatment plant improvements. To avoid the potential for direct encroachment into the various ESHAs near the project site, Special Condition No. 4 requires the preparation and approval of a final construction and staging area plan, detailing how construction and materials handling operations will be conducted to avoid impacts to the adjacent sensitive areas. The plan shall also provide for 100-foot-wide non-development buffer areas between the construction and staging sites and the ESHAs. In addition, to prevent impacts associated with landscaping of the project site, Special

Condition No. 5 set specific restrictions on the use of certain plantings and landscaping maintenance activities, requiring the exclusive use of native plants obtained from local genetic stocks and prohibitions on the use of certain bio-accumulating rodenticides.

With the mitigation measures discussed above, which are designed to avoid any potential significant adverse impacts to the adjacent environmentally sensitive habitat area, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Section 30240(b) of the Coastal Act.

**F. Geologic and Flood Hazards.**

The Coastal Act contains policies to assure that new development provides structural integrity, minimizes risks to life and property in areas of high flood hazard, and does not create or contribute to erosion. Section 30253 of the Coastal Act states in applicable part:

> *New development shall:*
>
> (l) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard*.
>
> (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.* [Emphasis added.]

Coastal Act Section 30253 requires that new development minimize future flood, geologic, and fire risks, assure long-term stability and structural integrity, avoid contributing to additional erosion, geologic instability of potential destruction of site and its surroundings, and avoid the need for future construction of protective devices that would alter bluff and cliff landforms. This requirement is particularly relevant to the proposed project given the existing treatment plant's low elevation bayfront location relative to coastal flooding and exposure to geologic instability from seismic shaking, including earthquakes, related liquefaction, and potential tsunami inundation.

Flood hazard, geo-technical, and engineering soils analyses were performed for the proposed renovated wastewater treatment plant. As discussed in the Feasibility Study EIR, the existing treatment facility site is outside the Federal Emergency Management Agency's 100 year coastal flood zone (FEMA Flood Insurance Rate Map for Crescent City – Community Panel Number 0600390001D, September 29, 1986). Accordingly no potential risks associated with coastal flooding are indicated for the development.

The existing wastewater treatment plant site is exposed to risks to persons and property associated with geologic hazards resulting from strong ground shaking and tsunami inundation: The risks associated with seismic shaking hazards are consistent with regional levels. In other words, there are no special seismic considerations specific to this site (e.g., deep, young alluvium, known active faults crossing the site, substantial ground subsidence potential, or shrink/swell prone clay strata). Site soils have a low liquefaction potential and though potentially somewhat compressible, only minor amounts of settlement are anticipated for structures founded on these materials. Although the presence of woody debris in the subsurface suggests that decomposition and associated settlement may be an on-going process at this site, as the new subsurface treatment apparatus will be founded on the underlying bedrock, these soil-related constraints would be mitigated through the project's design. Moreover, as a "critical facility" all plant improvements are required under the Uniform Building Code to be built to Seismic Zone IV to be as resilient as possible to significant seismic movement.

With respect to tsunami exposure, the site is located on ground that slopes gently to the south toward Crescent City harbor, at an elevation of about 10 to 18 feet. The existing facility is built on a structural pad created with engineered fill that has an elevation of about 20 feet. The site is underlain by late Pleistocene age marine terrace deposits consisting primarily of loose to medium dense sands, which in turn overlie dense Saint George Formation bedrock. The bedrock surface beneath the site is at an elevation of between two and five feet below-ground-surface. The marine terrace sands are described in boring logs from the existing facility as containing bark and other organic debris.

According to the Feasibility Study EIR, the existing treatment plant site is at the margin of the area inundated during the 1964 tsunami. It is well within the area inferred to be subject to inundation resulting from a tsunami derived on the nearby Cascadia Subduction Zone (CSZ). A map of the tsunami run-up zone shows a base flood elevation of 13 feet, and a wave surge flooding velocity of 15 mph.

The tsunami model for the Crescent City area utilized in the Feasibility Study EIR (NOAA (1994), produced a tsunami based on the inferred displacement associated with a very large magnitude CSZ earthquake. The resulting "modeled" tsunami was smaller than historic events would suggest is possible for an earthquake this large, however, subsequently the researchers used a larger, hypothetical scenario tsunami based on historic records (i.e., the March 27, 1964 Alaska Earthquake). Assuming a 10-meter-high incident wave, this model suggested that coastal lands below about 4 meters (about 13 feet MSL) were subject to inundation. Accordingly, given the plant's approximate 20-foot elevation, the plant proper would not be exposed to tsunami inundation generated from a temblor originating from either remote seismic events or local-source CSZ seafloor displacements.

However, in recognition that treatment plant personnel may be exposed to some risk of tsunami inundation within the lower elevation portions of the project site outside of the

treatment plant, the Feasibility Study EIR identified the development of a tsunami evacuation and training plan as a mitigation measure to further reduce risks to persons from geologic stability. To ensure that risks to persons and property from tsunami inundation related geologic instability are adequately minimized, the Commission attaches Special Condition No. 6. Special Condition No. 6 requires that the tsunami evacuation and training plan to be prepared for the project be subject to the review and approval of the Executive Director.

Thus, the project as proposed would assure stability and structural integrity, primarily because the treatment works improvements have been designed with site-specific conditions taken into account, utilizing established design principles to ensure the structure can adequately withstand the geophysical forces it would be exposed to during the 50-year economic lifespan of the facility. In addition, as review and approval of the tsunami evacuation and training plan by the Executive Director has been made a condition of permit approval, risks to persons and property from this form of geologic instability would be further minimized. Therefore, the Commission finds the project as designed and conditioned minimizes risks to life and property in areas of high flood hazard, and assure stability and structural integrity of the site and its surroundings as required by Section 30253.

## G. Public Access and Coastal Recreation.

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The renovation of the City's regional wastewater treatment plant is located between the first public road and the sea. Therefore, the Commission must consider whether requiring public access is appropriate in this case.

Table C below, provides an inventory of coastal access facilities within the project vicinity:

**Table C: Inventory of Crescent City Coastal Access Points**

| Facility Name | Location | Distance from Project Site | Features |
|---|---|---|---|
| Preston Island | Northwest Oceanfront | 1½ mi. to northwest | Paved vertical accessway leading to ½-¾ mi. of lateral access along Pebble Beach, developed with numerous off-street parking spaces, picnic tables, and litter receptacles |
| Sixth Street | Western Street End | ±½ mi. to northwest | Improved footpath providing access to beach below Halls Bluff with limited on-street parking (4 spaces) |
| Fifth Street | Western Street End | ±½ mi. to northwest | Unimproved footpath entry to ¾-1 mi. lateral access to beach areas between Halls Bluff and Battery Point with very limited on-street parking (1-2 spaces) |
| Fourth Street | Western Street End | ±½ mi. to northwest | Unimproved footpath entry to ¾-1 mi. lateral access to beach areas between Halls Bluff and Battery Point with very limited on-street parking (1-2 spaces) |
| Third Street | Western Street End | ±¼ mi. to northwest | Unimproved footpath entry to ¾-1 mi. lateral access to beach areas between Halls Bluff and Battery Point with very limited on-street parking (1-2 spaces) |
| Hampton Inn & Suites | Oceanfront perimeter of Hotel | ±⅛ mi. to northwest | Paved accessway around sides of hotel leading to blufftop vista point and unimproved vertical access to small pocket beach area. |
| Battery Point | Southwest Oceanfront | ±500 ft. to southwest | Paved accessway to Battery Point Lighthouse and Museum, and "B" Street Pier developed with approximately 40 off-street parking spaces, restrooms, picnic tables, and interpretive displays. |

| Facility Name | Location | Distance from Project Site | Features |
|---|---|---|---|
| Howe Drive | Northwest of Harbor | Immediately adjacent to project site | Public road along southern side of Beachfront Park providing 2,000 feet of direct unimproved access to the Crescent City Harbor |
| Sunset Drive | Northeast of Harbor | ±1 mi. to southeast | Public road along eastern side of southern side of Crescent City Harbor providing access the mouth of Elk Creek and harbor through a dedicated 50-ft-wide right-of-way across private RV park |

The proposed development does not require the provision of any new public access under Section 30212(a)(2) as adequate public access exists nearby, to and along adjacent beaches, and to the ocean and harbor waters. Moreover, Sections 30210-30214 require that the public access policies be implemented in a manner that takes into account public safety. The construction of the upgraded treatment works would create hazard conditions for those who venture too near the building, staging, and excavation sites, as the work entails the operation of large mechanized equipment, the use of hazardous substances, and traffic associated with delivery and material disposal vehicles. To prevent unsafe entry into areas in proximity to the construction and staging sites, portable chain-link construction fencing would be temporarily installed around the perimeter of these areas for the six-month duration of the project.

The project will cause some temporary interference with public access along the Harbor Trail at the western side of Beach Front Park, within the amphitheater bowl in western Beach Front Park and at the foot of B Street, on the sides of "B" Street near the base of the fishing pier, and along Battery and Howe Drives. However, this impact on public access use would not be significant as the deprival of access would only occur over a relatively short six-month duration of the project and the affected areas are relatively small. The majority of Beach Front Park, the inner harbor beach areas beyond the plant site, the "B" Street Fishing Pier, and the Battery Point Lighthouse would remain open to public access and recreational use throughout construction of the plant renovations.

To further ensure minimal interference with coastal access, the Commission includes within the requirements of the final construction and staging plan required under Special Condition No. 4 the posting of informational signage at appropriate locations within Beach Front Park, along the Harbor Trail, at Battery Point Park and Lighthouse, and at the terminus of temporarily closed streets, depicting safe detour routes for pedestrian and bicycle travel around the construction and staging areas.

The Commission therefore finds that the project, as proposed to temporarily exclude public access through the areas immediately adjoining plant construction site and within the equipment and materials storage and staging areas within the amphitheater bowl in western Beach Front Park and at the foot of B Street to protect the public from potential injuries, and conditioned to provide constructive noticing of detour routes around the project site, is consistent with the public access and recreational policies of the Coastal Act.

**H. Protection of Visual Resources.**

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Furthermore, Section 30240(b) of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those recreation areas. The project has the potential to impact the visual resources in three ways: (1) interference with views to and along the coast and scenic areas from the presence of heavy equipment, building materials, and excavated materials during construction of the plant; (2) significant alteration of the area's landform associated with excavation for construction of the membrane bio-reactor vault; and (3) the installation of new development that would be incompatible with the character of the surroundings and/or the continuance of the visual aesthetics of adjacent public parklands.

Given the contained physical extent and temporary and transient nature of the treatment plant construction work, the Commission finds that significant permanent impairment of scenic resources in terms of interference with views to and along the shoreline and scenic areas would not result during construction of the plant improvements. As the park "amphitheater" area where the construction equipment and materials would primarily be stationed comprises a shallow depression and as a small existing escarpment between "B" Street and the parking lot for the Battery Point Lighthouse would serve as a backdrop to the secondary staging area, potential interference with views to and along the coast from the temporary presence of the above-grade project construction equipment and building materials is somewhat muted. Similarly, while excavations within the facility site would be significant, they would be limited in timeframe and result in no noticeable alteration of the plant site terrain upon completion. However, depending upon the bulk, scale, and exterior appearance of the finished treatment works once constructed, the visual character of the surrounding area could be significantly altered.

The existing wastewater treatment plant site is located along a scenic coastline that serves as a year-round attraction to local residents and tourists. The treatment plant

and staging areas are generally visible from numerous public viewing areas within these public park and coastal visitor designations. In terms of scenic areas of importance, the project site is not a designated highly scenic area as the City of Crescent City LCP designates only the southern Highway 101 entry into the city as its primary visual resource area. Nonetheless, the development is located within a visually prominent and scenic area.

As part of the facilities planning process, a public architectural design charette was held with community members to develop an exterior appearance for the renovated plant to unify the site elements and provide an architectural theme that would blend with the local community by incorporating locally available materials. Architectural themes were developed to reflect two styles: (1) Coastal Woodland Style; and (2) Lighthouse Style. The Coastal Woodland Style was ultimately selected by the City Council. The Coastal Woodland design incorporates a strong base for the structure, stone veneer, naturally-weathered cedar siding and a standing seam roof with pronounced overhangs, similar in appearance to the Marine Mammal Center within Beach Front Park to the east of the plant. Dormers are set above the roof to provide areas for ventilation and day lighting, important features for process buildings.

In the preferred plant layout, the laboratory, control, and administrative functions will remain at the north end of the site in a new and expanded operations building. More process functions will be enclosed in buildings, and there will be support buildings for the process functions. The operations building will be developed as the "public face" of the plant and primary entrance into the facility. The renovated plant uses the new buildings to form the site edges and security barriers, with fences in between. The institutional appearance of the processing buildings complex will be down-played, with landscaping berms emulating dune forms, installed sloping up to the buildings and fenced edges to further reduce the apparent scale of the plant. Moreover, visually prominent views to and from the beaches will be maintained or, in the case of the installation of the bike path bench resting amenities in the southwest wetland corner of the site, enhanced (see Exhibit No. 4).

Therefore, the Commission finds that the appearance of the proposed reconstructed treatment plant would be compatible with the character of the surrounding area. However, the Commission notes that future alterations to the treatment facility's structural size, bulk, or height, or the installation of other fixtures or landscaping that change the exterior appearance of the project site could compromise the visual appearance of the treatment plant and result in significant adverse visual impacts to the site and surrounding area. The Commission notes that although the development entails a "public works facility" as defined by Section 30114 of the Coastal Act, many of these types of alterations and additional development typically exempted from the need to obtain a coastal development permit of the Coastal Act under Coastal Section 30610(b) are not so excluded from the Act's permitting requirements. Accordingly, the

Commission would be able to review such future development to ensure that visual impacts are minimized or avoided.

Notwithstanding the opportunity afforded the Commission to review such future development review opportunities, other changes to the exterior appearance of the facility structures and site, such as painting, siding applications, or roof replacement conducted as repair and maintenance activities could similar alter the visual character of the development with corresponding impacts to the visual resources of the surrounding area.

To avoid such impacts to coastal resources from the alteration of exterior appearance of the facility the Commission attaches Special Condition No. 7. Special Condition No. 7 establishes specific design restrictions on certain building components of the treatment works facility to ensure that future improvements will not alter the exterior appearance of the facility in a manner that would result in significant adverse visual impacts.

The Commission finds that the proposed development's construction and staging area activities would present a temporary intrusion into visual resource areas within Beach Front Park and adjacent areas along the Crescent City Harbor beach, and in proximity to the Battery Point Lighthouse. Furthermore, the Commission finds that the excavation necessary for installing critical below-grade plant components will not result in any significantly visible and long-term landform alteration. Moreover, given the efforts to incorporate design features from the surrounding beach strand, park woodland, and nearby quasi-public buildings into the design of the renovated treatment plant, the development would be compatible with the character of the plant's surroundings the continuance of adjoining recreation areas and would not significantly degrade those areas.

Therefore, the Commission finds that the project as conditioned to restrict certain future permit-exempt improvements and repair & maintenance is consistent with Sections 30251 and 30240(b) of the Coastal Act.

## I. California Environmental Quality Act.

The City of Crescent City prepared a Draft Environmental Impact Report (EIR) in 2000 for the proposed Project. A Final EIR (SCH# 2000102115) was adopted and certified by the City Council on April 30, 2001. The City filed a Notice of Determination with the State Clearinghouse May 7, 2001. The City prepared a Draft Supplemental EIR in 2004 to address recommendations from a November 2003 Facilities Plan and a Spring 2004 Value Engineering process. Additionally, the preferred alternative changed from placement of the Wastewater Treatment Plant at a new location to rehabilitation and expansion of the current Wastewater Treatment Plant. The City Council approved the updated Project, certified the Final Supplemental EIR and adopted a Mitigation Monitoring Program on February 22, 2005. A Notice of Determination was filed with the

Del Norte County Clerk and the Governor's Office of Planning and Research on February 28, 2005.

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed project has been conditioned so as to be found consistent with the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been made requirements of project approval. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## EXHIBITS

1. Regional Location Map
2. Vicinity Map
3. Jurisdictional Boundary Determination No. 04-2007
4. Project Site Aerial Photograph
5. Site Plans and Elevation Views
6. Portions of Crescent City WWTP Outside of Coastal Zone
7. Excerpts, City of Crescent City and County of Del Norte General Plans and Crescent City Regional Wastewater Facility Environmental Impact Reports
8. Cease and Desist Order No. R1-2005-0035
9. Waste Discharge Requirements Order No. R1-2006-0001
10. City of Crescent City Coastal Development Permit No. CDP-07-01
11. City of Crescent City Coastal Development / Conditional Use Permit Nos. CDP-07-01 / UP-07-01

## APPENDIX A
## STANDARD CONDITIONS

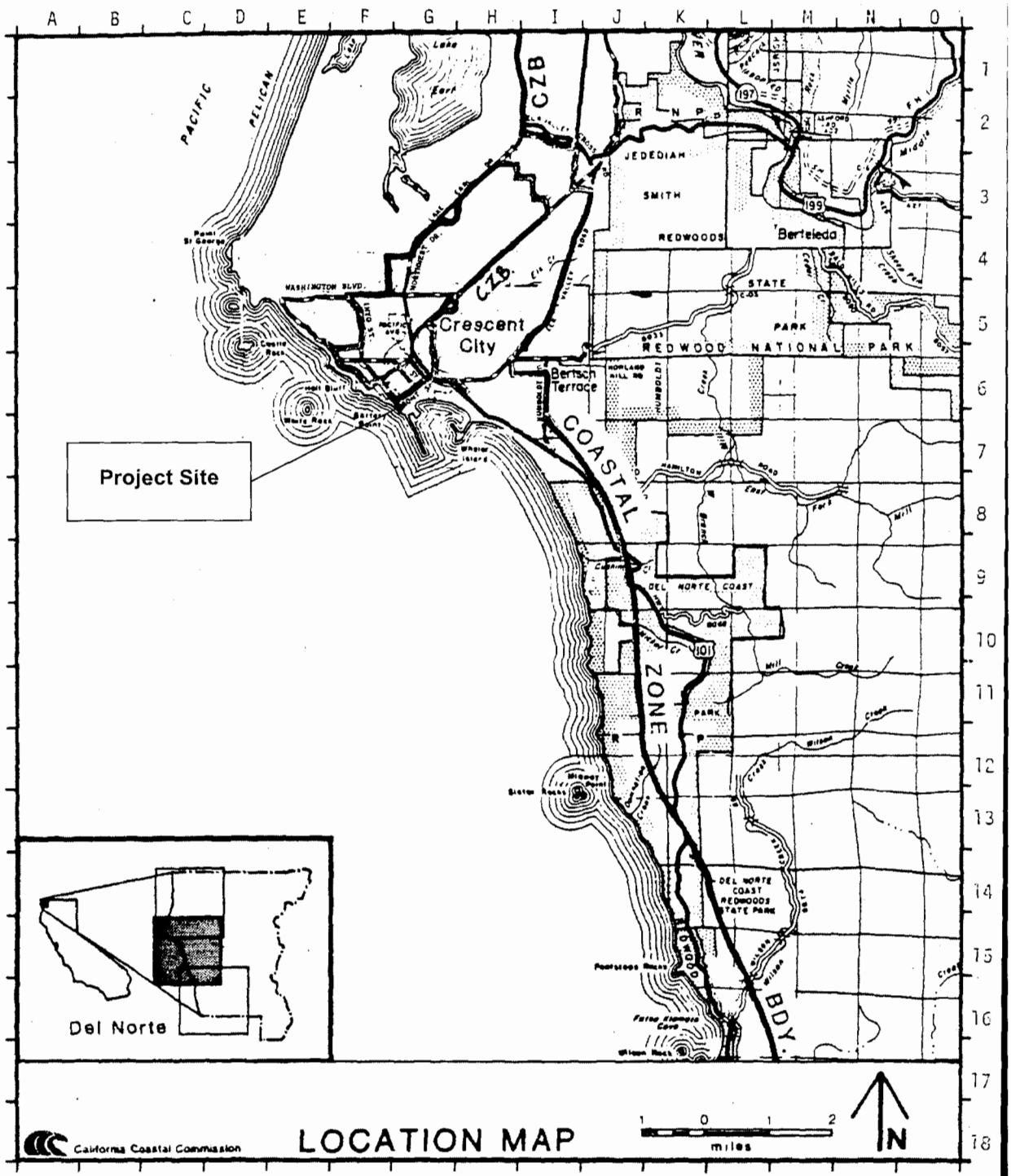
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.




County of Del Norte

EXHIBIT NO. 1

**APPLICATION NO.**

1-07-002

CITY OF CRESCENT CITY

REGIONAL LOCATION MAP

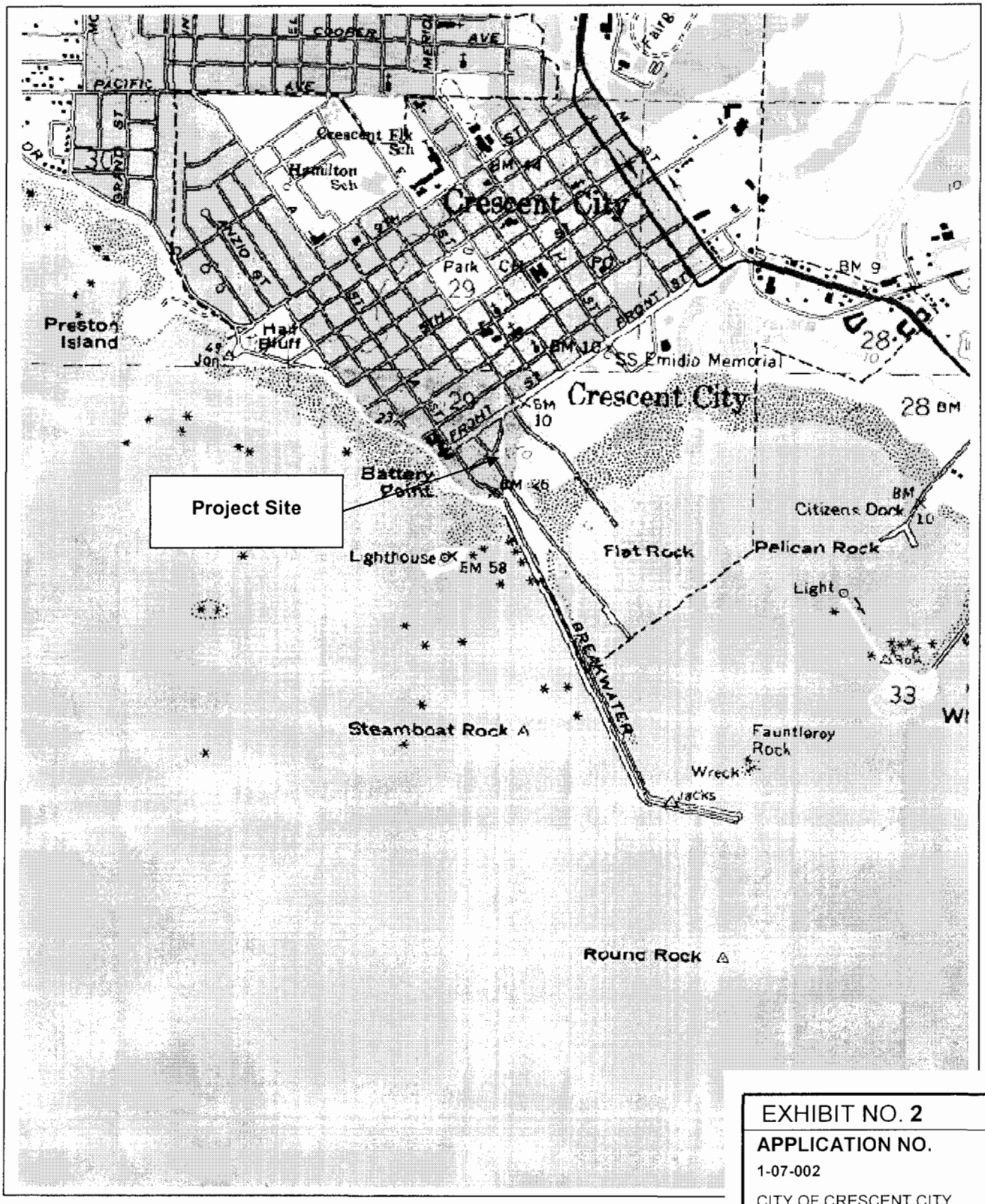



EXHIBIT NO. **2**

**APPLICATION NO.**

1-07-002

CITY OF CRESCENT CITY

VICINITY MAP

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

Memorandum

April 18, 2007

EXHIBIT NO. 3
APPLICATION NO.
1-07-002
CITY OF CRESCENT CITY
JURISDICTIONAL BOUNDARY DETERMINATION NO. 04-2007
(1 of 3)

To: Bob Merrill, North Coast District Office

From: Darryl Rance, GIS/Mapping Program

Cc: Jim Baskin, North Coast District Office

Subject: Coastal Zone Boundary Determination No. 04-2007, APNs 118-020-18, 30, 31 & 118-030-05, 11-17, Del Norte County.

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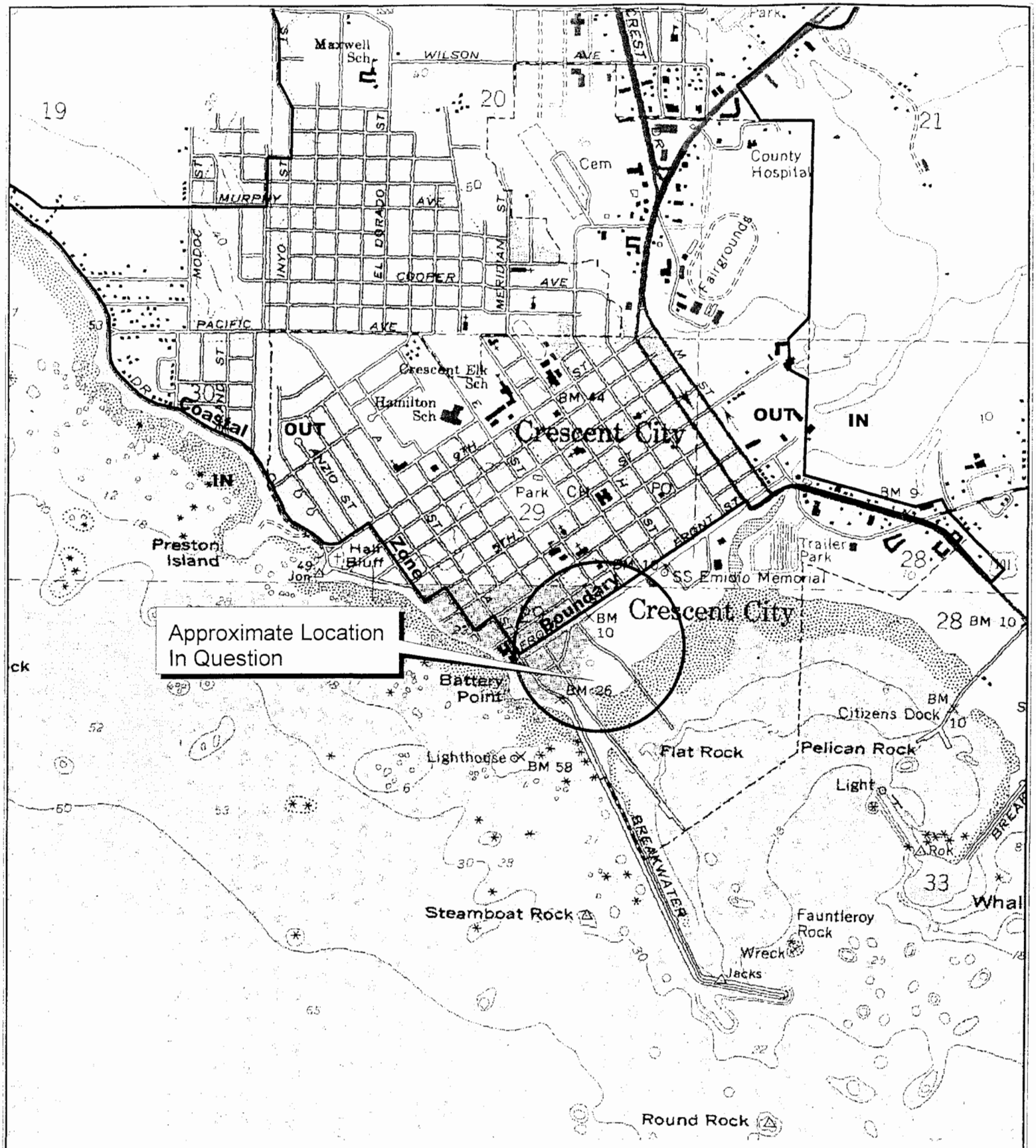
A boundary determination has been requested for Del Norte County assessor parcel numbers (APNs) 118-020-18, 30, 31 & 118-030-05, 11-17. Enclosed is a copy of a portion of Coastal Zone Boundary Map Nos. 2 & 3 (Crescent City and Sister Rocks Quadrangles) with the approximate location of the subject properties indicated. See Exhibit 1. Also included is an aerial photograph exhibit with assessor parcel lines added, that depicts the vicinity of Del Norte County APNs 118-020-18, 30, 31 & 118-030-05, 11-17, with the Coastal Commission permit jurisdiction identified. See Exhibit 2.

Based on the information provided and available in our office, Del Norte County APNs 118-020-18, 30 & 31 are located entirely within the Coastal Zone and entirely within the Coastal Commission permit jurisdiction, as indicated on Exhibit 2. APN 118-030-011 is located entirely within the coastal zone and is bisected by the Coastal Commission permit jurisdiction boundary as depicted on Exhibit 2. Development that is proposed within the Coastal Commission permit jurisdiction would require coastal development permit authorization from the California Coastal Commission. The Coastal Commission's permit jurisdiction is based on the existence of tidelands, submerged lands and public trust lands. The information available indicates that the area in question appears to be located, in part, on tidelands submerged land and land that maybe subject to the public trust. Based on this information the Coastal Commission is asserting jurisdiction over development activities located on Del Norte County APNs 118-020-18, 30 & 31 and a portion of APN 118-030-011. .

Del Norte County APNs 118-030-05, 12-17 are located entirely within the coastal zone and entirely within Crescent City's coastal development permit jurisdiction. Any development that is proposed on APNs 118-030-05, 12-17 and on a portion of APN 118-030-011 would require coastal development permit authorization from the City of Crescent City. See Exhibit 2.

Please contact me at (415) 904-5335 if you have any questions regarding this determination.




**BD No. 04-2007**
**APNs 118-020-18, 30, 31 & 118-030-05, 11-17**
**Del Norte County**

**Portion of Coastal Zone Boundary Map Nos. 2 & 3 (Crescent City and Sister Rocks Quadrangles)**

CALIFORNIA COASTAL COMMISSION

Technical Services Division

D-03

**For illustrative purposes only.**

N

**Exhibit 1**
DAR 02/2007

3 of 3

**BD No. 04-2007**
**APNs 118-020-18, 30, 31 & 118-030-05, 11-17**
**Del Norte County**

**Coastal Commission Permit Jurisdiction**

CALIFORNIA
COASTAL
COMMISSION

Technical Services Division

**For illustrative purposes only.**

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**Exhibit 2**
DAR, 03/2007

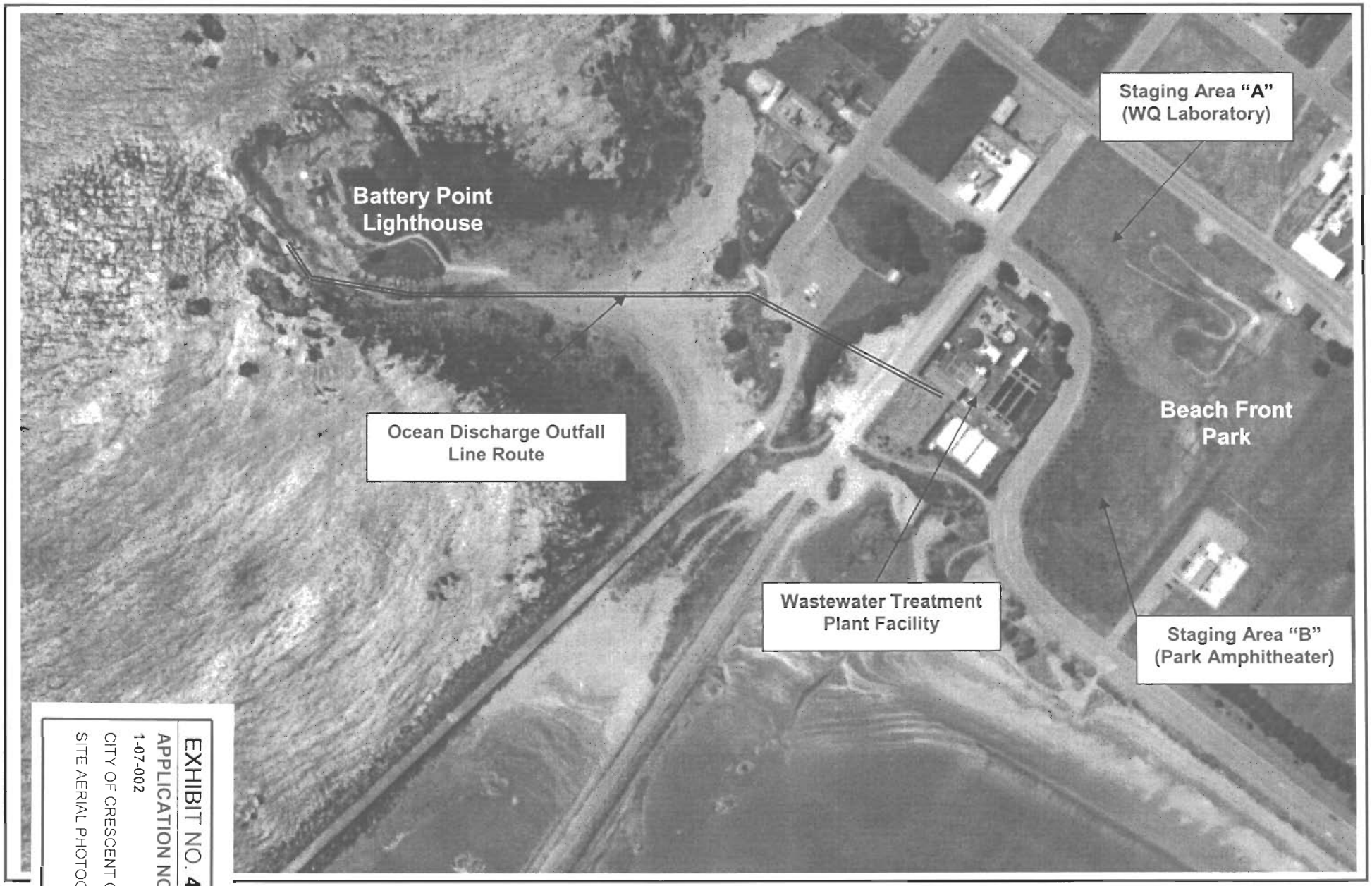
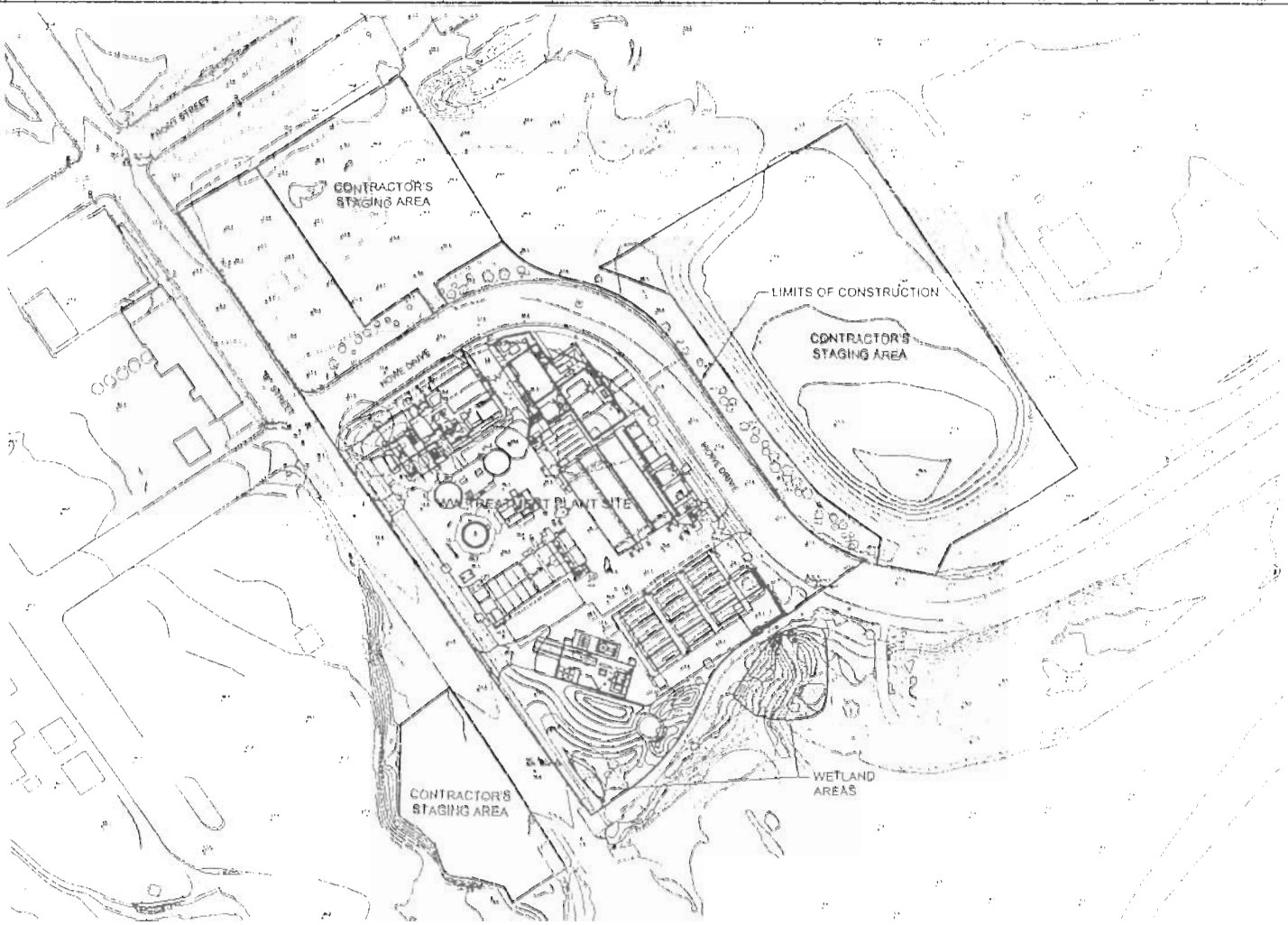



EXHIBIT NO. 4

APPLICATION NO.
1-07-002

CITY OF CRESCENT CITY
SITE AERIAL PHOTOGRAPH




PLAN

SCALE 1"=50'

GENERAL NOTES:

1. WORK HOURS SHALL BE LIMITED TO DAYTIME WEEKDAY HOURS OF 7:30 AM TO 5:30 PM AND SATURDAY HOURS OF 8:00 AM TO 4:00 PM. ANY CONSTRUCTION ACTIVITIES BEYOND THESE HOURS SHALL BE FIRST APPROVED BY THE CITY.
2. CONTRACTOR SHALL PROTECT WETLAND AND WETLAND HABITAT DURING CONSTRUCTION.
3. CONTRACTOR SHALL REFER TO SPECIFICATIONS FOR PERMIT REQUIREMENTS.

EXHIBIT NO. 5

APPLICATION NO. 1-07-002

CITY OF CRESCENT CITY

SITE PLANS AND ELEVATION VIEWS (1 of 12)

BROWN AND CALDWELL

PORTLAND, OREGON

CRESCENT CITY, CA

WATER POLLUTION CONTROL FACILITIES M&R / BUILDINGS

GENERAL

CONTRACTOR'S STAGING AREA

DRAWING NUMBER G13

## GENERAL NOTES CONT'D:

1 ALL COORDINATE VALUES SHOWN ARE BASED ON NAD 83 COORDINATES SHOWN ARE LOCATED AT THE CENTER OR CORNER POINT ON STRUCTURES. VERTICAL DATUM IS BASED ON NAVD 88.

## KEY NOTES:

(1) PROVIDE CONCRETE SIDEWALK PER DETAIL C/C3.

(2) PROVIDE CONCRETE CURB PER DETAIL B/C3.

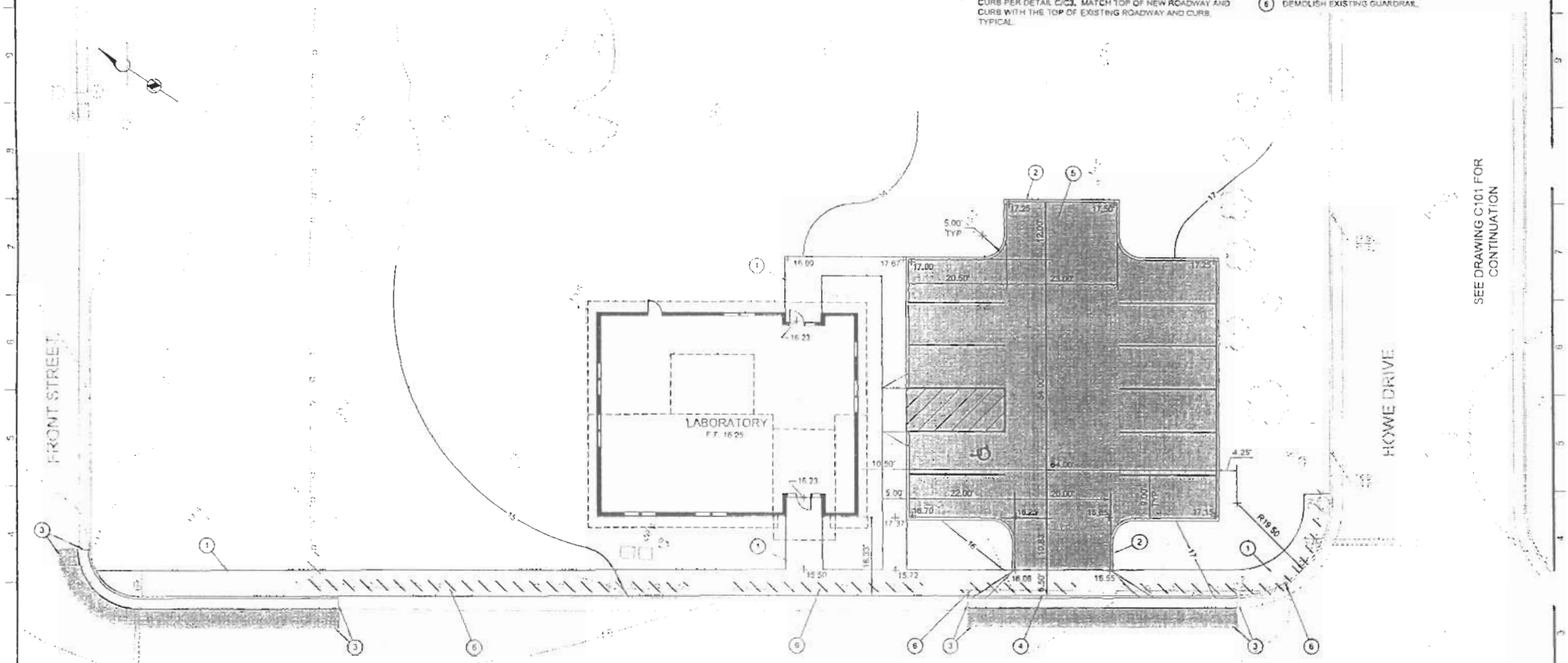
(3) DEMOLISH EXISTING CURB AND PROVIDE NEW CONCRETE CURB PER DETAIL C/C3. MATCH TOP OF NEW ROADWAY AND CURB WITH THE TOP OF EXISTING ROADWAY AND CURB, TYPICAL.

## KEY NOTES CONT'D:

(4) PROVIDE DRIVEWAY ENTRANCE PER DETAIL F/C3

(5) PROVIDE TYPE B ROADWAY OVER ALL SHADED AREAS PER DETAIL A/C3

(6) DEMOLISH EXISTING GUARDRAIL.




PAVING AND GRADING
PLAN
SCALE: 1"=10'-0"

Michael Willis Architects

LINE IS 1" INCHES AT FULL SIZE (IF NOT 1" SCALE ACCORDINGLY)

DESIGNED: MWA
DRAWN: SAB
CHECKED:
CHECKED:
APPROVED:

EXTERNAL REFERENCE FILES

REVISIONS

| ZONE | REV. | DESCRIPTION | BY | DATE | APP. |
|---|---|---|---|---|---|

CRESCENT CITY, CA

WATER POLLUTION CONTROL FACILITIES

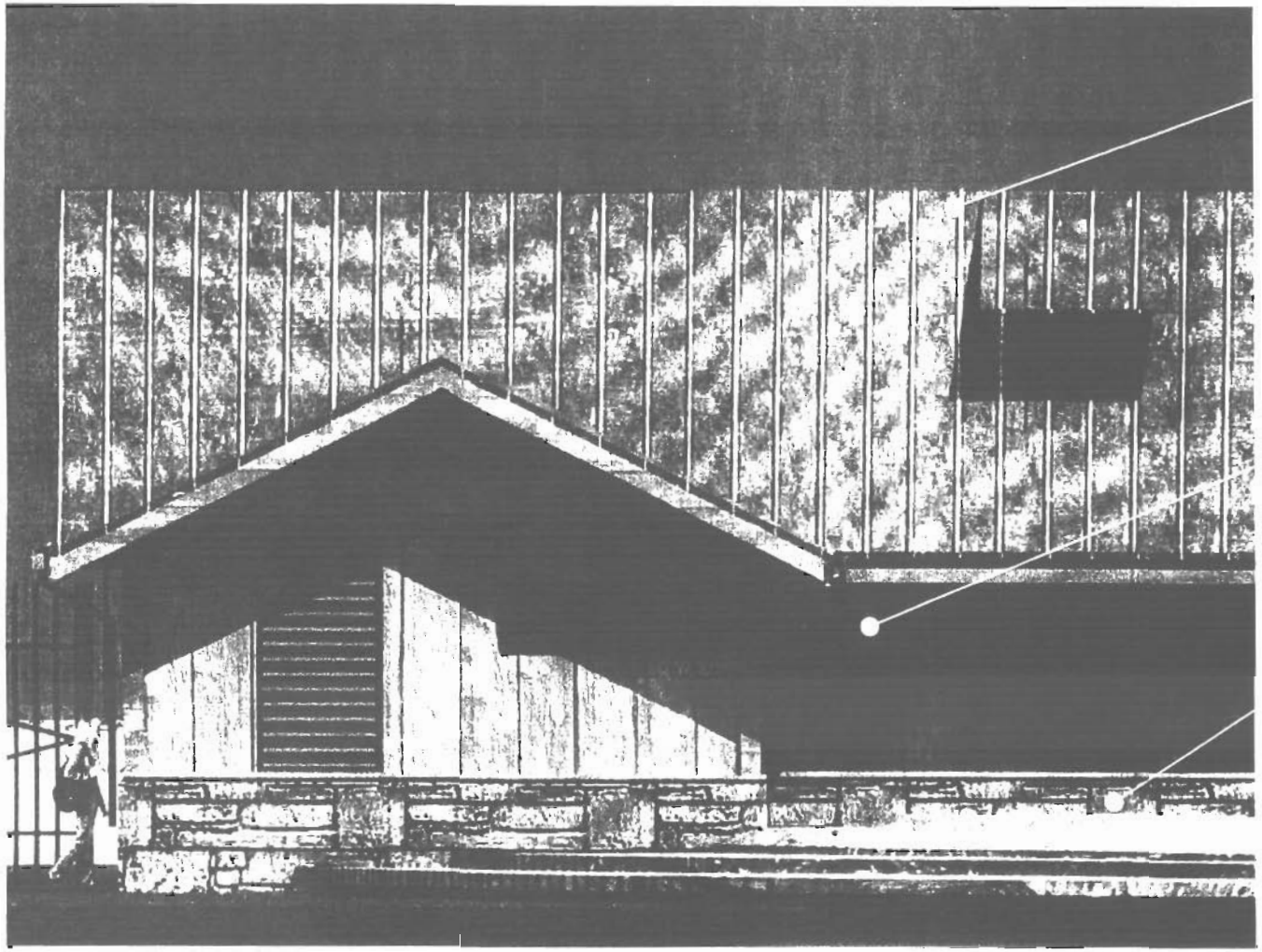
CIVIL

LABORATORY BUILDING
PAVING AND GRADING PLAN

FILENAME: 250934-C-C901
MWA PROJECT NUMBER: 250334.01
CLIENT PROJECT NUMBER:
DRAWING NUMBER: C901

2 of 12

# Option 1: Coastal Woodland



**Metal Standing Seam Roofing: "Terne" Steel, Stainless Steel, or Aluminum**

**Reclaimed Cedar Siding: Vertical V-groove and Board & Batten patterns**

**Stone over CMU base, pre-cast concrete sill**

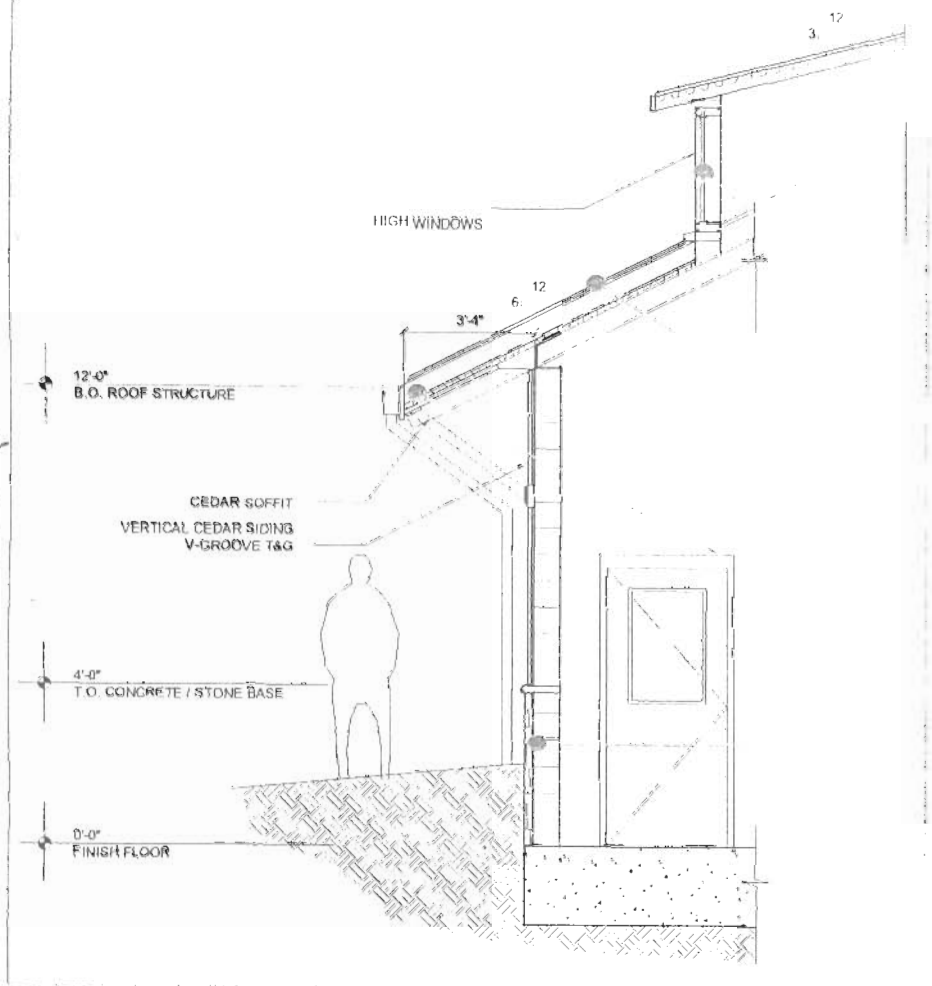
BROWN AND CALDWELL

GREENWORKS

Crescent City WWTP

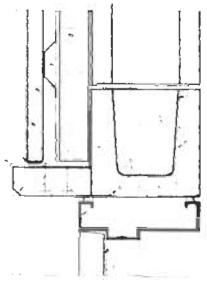
# Coastal Woodland – Construction Details

## Wall Section




2" RIGID INSULATION
ICE & WATER SHIELD
VENTILATION AIR SPACE
VERTICAL CEDAR SIDING
(9/8 V-GROOVE T&G)
SEALANT AND BACKER ROD
22 GA FLASHING SST

CEDAR TRIM BOARD



8" CMU BLOCK

SST DOOR FRAME
SST DOOR

SEALANT AND BACKER ROD, BOTH SIDES

**Roof Windows for day lighting**

**Metal Roofing over Insulation & Steel Structure**

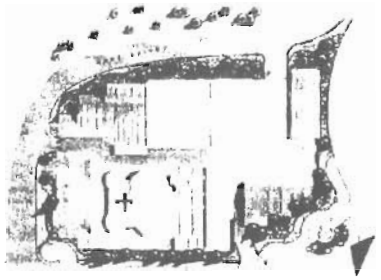
**Overhangs with support brackets**

**CMU Structure / Durable Finish Materials**

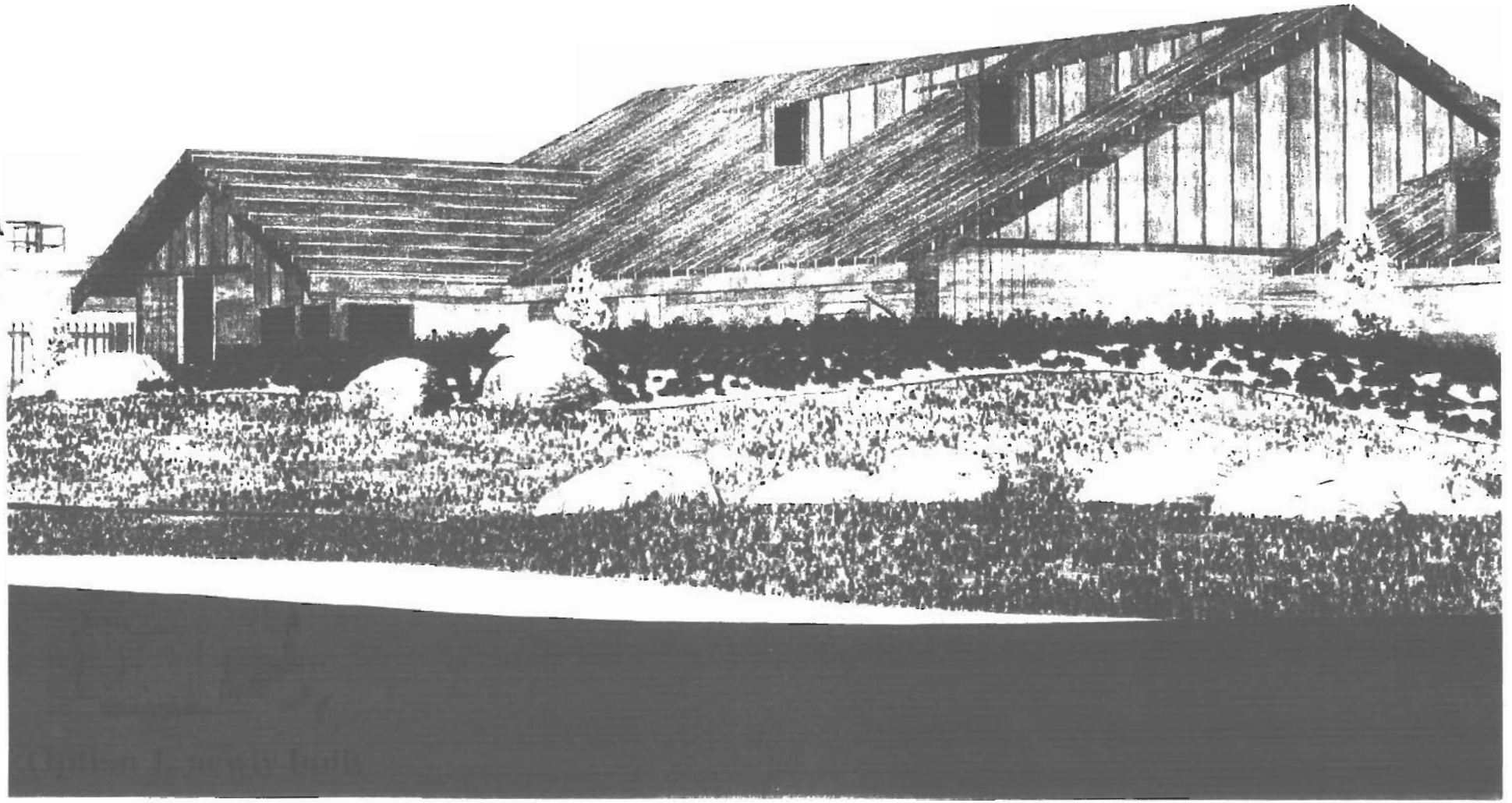
BROWN AND CALDWELL

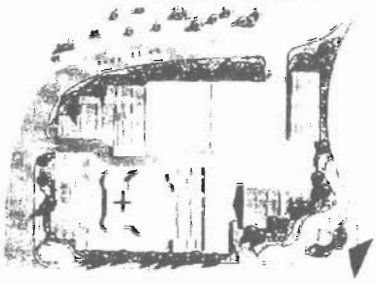
GREENWORKS

Crescent City WWTP

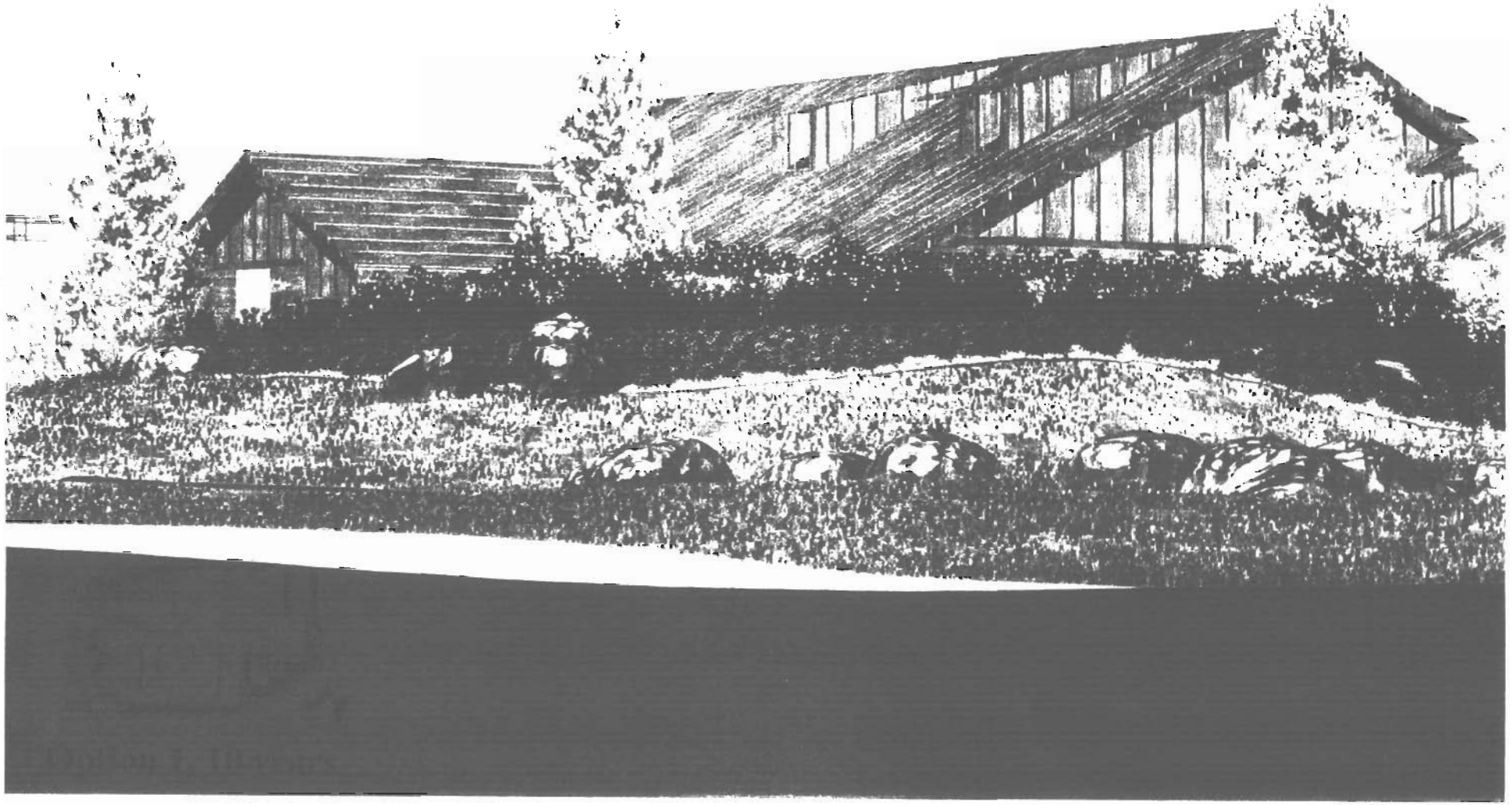


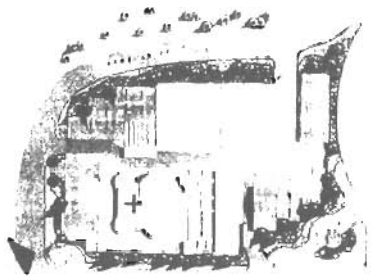
**Option 1, newly built**



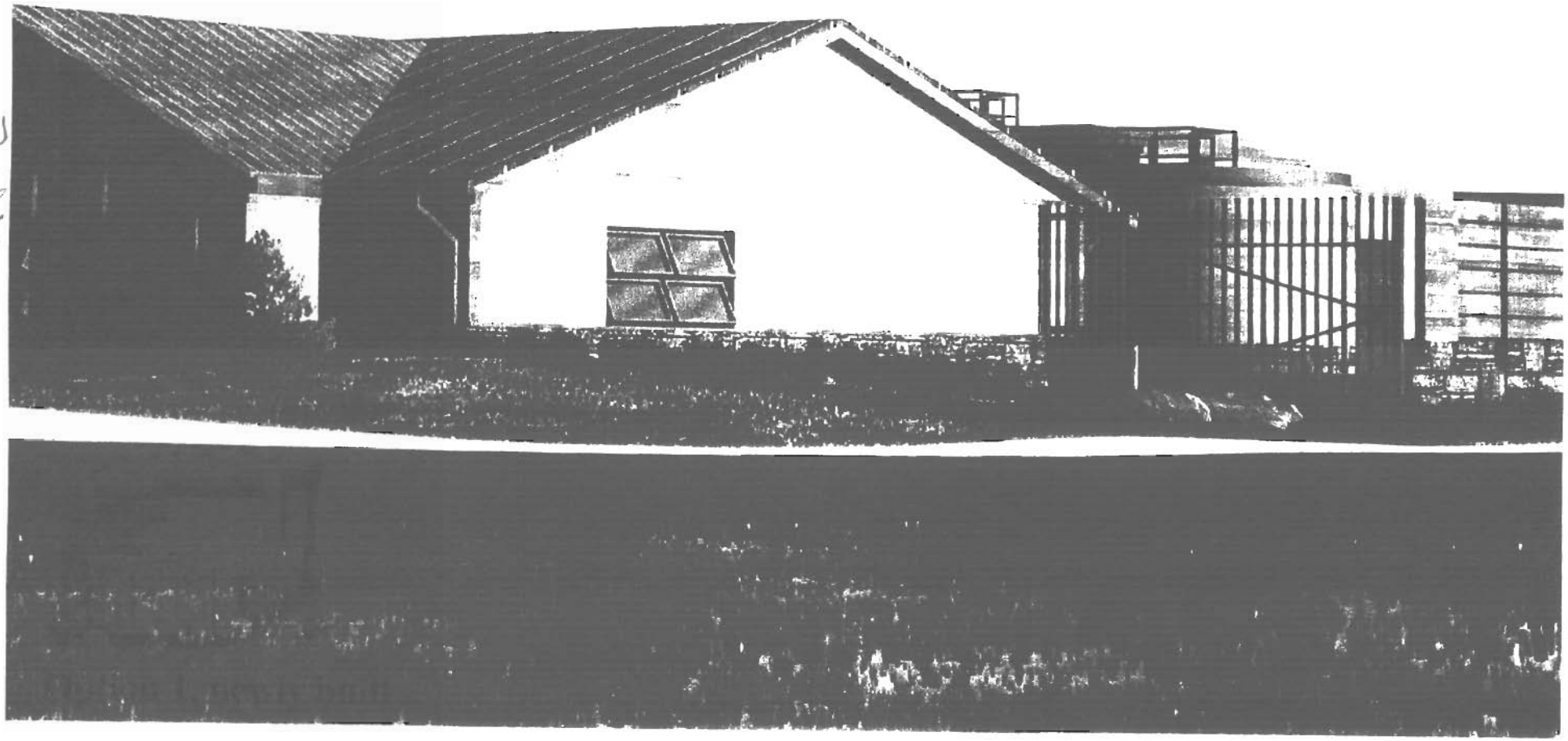


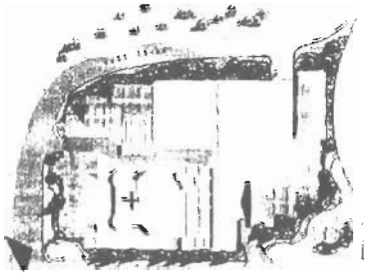
**Option 1, 10 years**



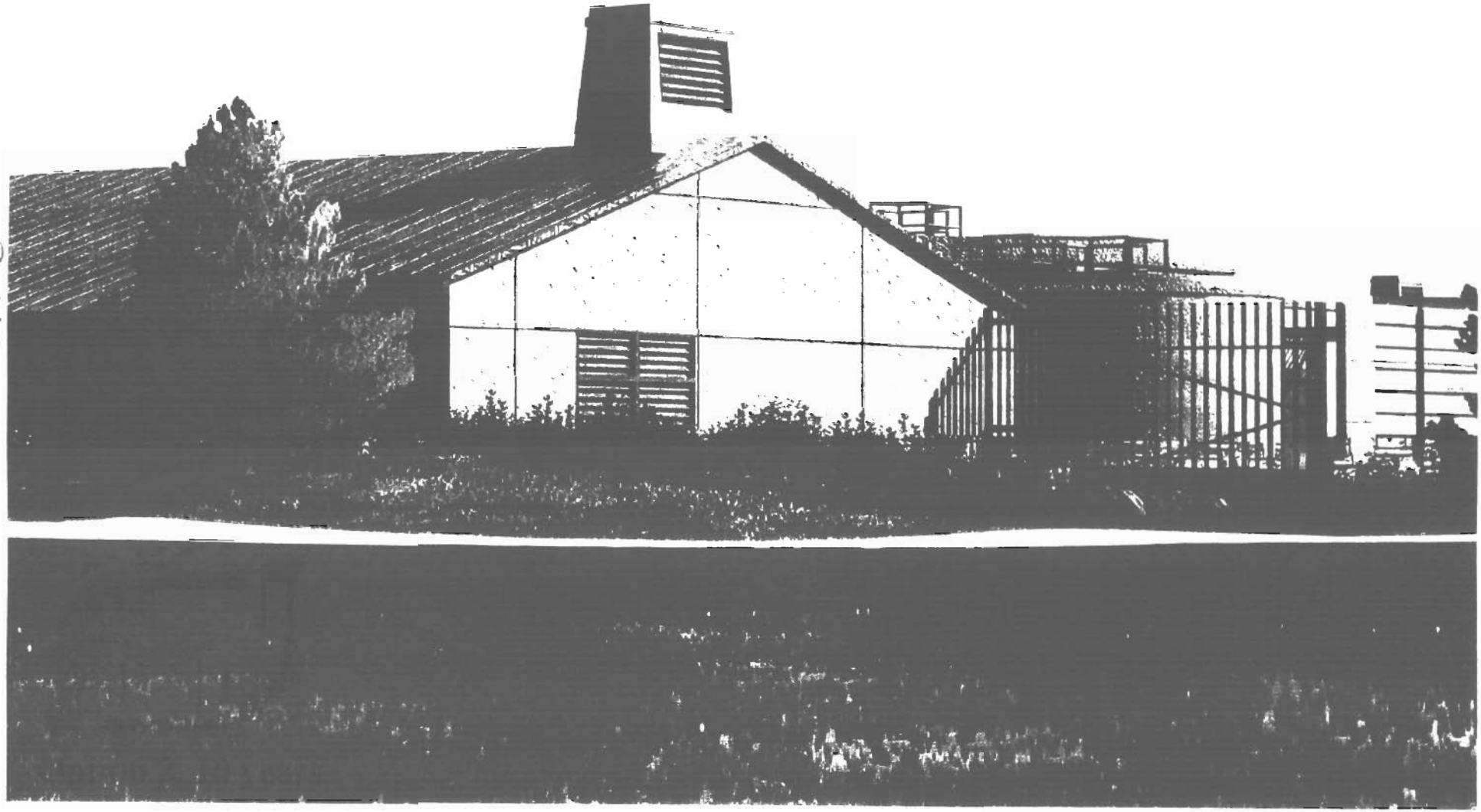


**Option 1, newly built**



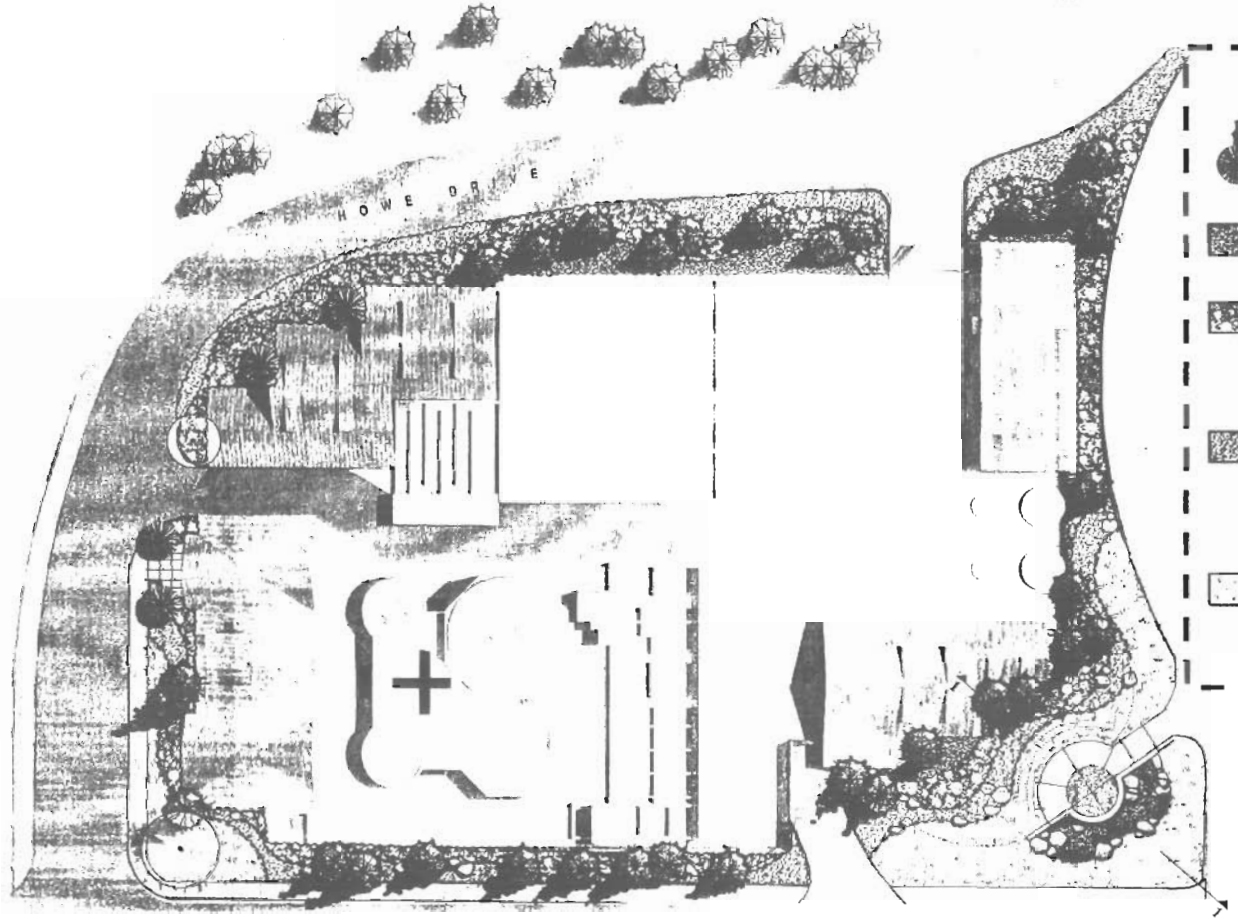


**Option 2, 10 years**



# Landscape Concept Plan

## Native and Adapted Plant Species




**PLANT LEGEND**

**Trees**

| | |
|---|---|
| Aesculus californica | California Buckeye |
| Chamaecyparis lawsoniana | Port Orford Cedar |
| Cupressus macrocarpa | Monterey Cypress |
| Pinus contorta | Shore Pine |
| Umbellularia californica | Oregon Myrtle |

**Background and Accent Planting**

| | |
|---|---|
| Holodiscus discolor | Ocean Spray |
| Myrica californica | Pacific Wax myrtle |
| Ribes spp. | Currant |
| Ribes sanguineum | Catalina Perfume |

**Medium Shrub Planting**

| | |
|---|---|
| Baccharis pilularis | Dwarf Coyote Bush |
| Berberis aquifolium | Oregon Grape |
| Ceanothus gloriosus | Point Reyes Ceanothus |
| Ceanothus thyrsiflorus | Blue Blossom |
| Garrya elliptica | Coast Silktassel |
| Lupinus arboreus | Bush Lupine |
| Polystichum munitum | Sword fern |
| Vaccinium ovatum | Evergreen Huckleberry |

**Groundcover Planting**

| | |
|---|---|
| Achillea millefolium | Common Yarrow |
| Eriogonum glaucum | Beach Aster |
| Eriophyllum staechadifolium | Seaside Woody Sunflower |
| Eschscholzia californica | California Poppy |
| Lotus scoparius | Deerflower |
| Mimulus aurantiacus | Sticky Monkey Flower |
| Sedum spathulifolium | Pacific Sedum |
| Stipa pulchra | Needlegrass |
| Thymus polytrichus | Coastal Strawberry |

**Native Grass Planting**

| | |
|---|---|
| Deschampsia cespitosa | Tufted Hair Grass |
| Eragrostis hypnoides | Coast Buckwheat |
| Festuca californica | California Fescue |
| Festuca idahoensis | Idaho Fescue |
| Juncus patens | California Gray Rush |

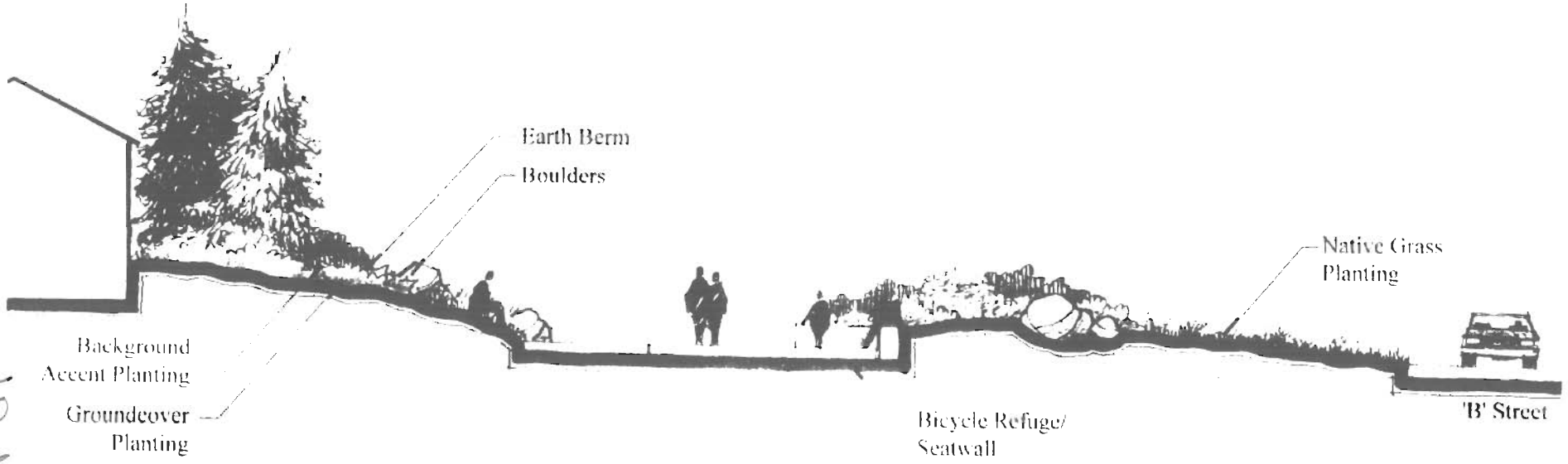
North Scale: 1"=20'

BROWN AND CALDWELL

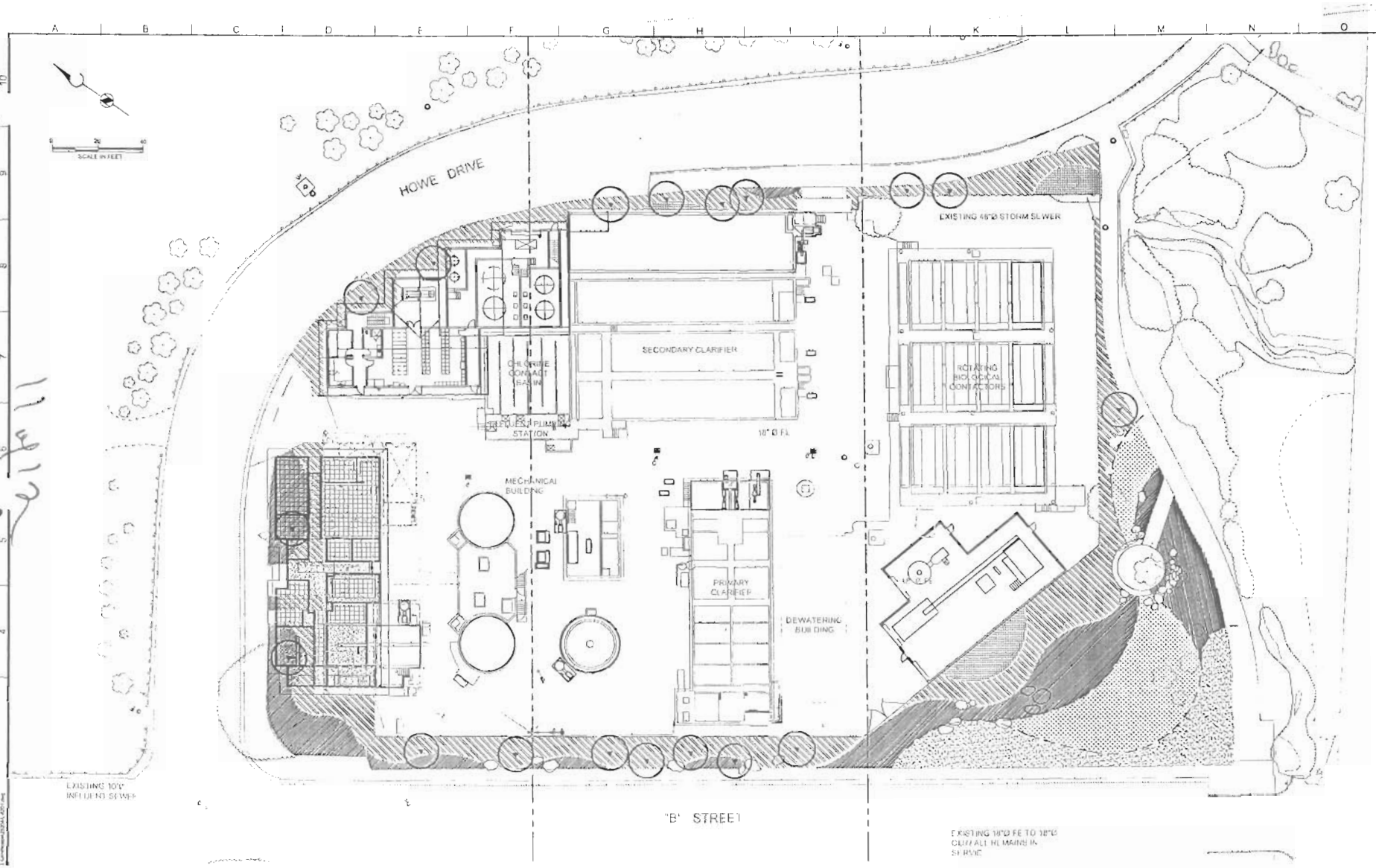
GREENWORKS

Greenwood City WWTP

# Cross Section at Bike Path Seating Area




**Note: Plant material is drawn indicating size at maturity.**




BROWN AND CALDWELL
EUGENE, OREGON

PRELIMINARY DRAWING
NOT FOR
CONSTRUCTION
50% SUBMITTAL

CRESCENT CITY, CA

WATER POLLUTION
CONTROL FACILITIES

LANDSCAPE

PLANTING PLAN

DRAWING NUMBER
L201

## PLANT LEGEND

**TREES**

| | |
|---|---|
| AESCULUS CALIFORNICA | CALIFORNIA BUCKEYE |
| CHAMAECUYPARIS LAWSONIANA | PORT ORFORD CEDAR |
| CUPRESSUS MACROCARPA | MONTEREY CYPRESS |
| PINUS CONTORTA | SHORE PINE |
| UMBELLULARIA CALIFORNICA | OREGON MYRTLE |

**BACKGROUND SHRUB PLANTING**

| | |
|---|---|
| HOLODISCUS DISCOLOR | OCEAN SPRAY |
| MYRICA CALIFORNICA | PACIFIC WAXMYRTLE |
| RIBES SPP. | CURRANT |
| RIBES VIBURNIFOLIUM | CATALINA PERFUME |

**MEDIUM SHRUB PLANTING**

| | |
|---|---|
| BACCHARIS PILULARIS | DWARF COYOTE BUSH |
| BERBERIS AQUIFOLIUM | OREGON GRAPE |
| CEANOTHUS GLORIOSUS | POINT REYES CEANOTHUS |
| CEANOTHUS THYRSIFLORUS | BLUE BLOSSOM |
| GARRYA ELLIPTICA | COAST SILKTASSEL |
| LUPINUS ARBORICUS | BUSH LUPINE |
| POLYSTICHUM MUNITUM | SWORD FERN |
| VACCINIUM OBATUM | EVERGREEN HUCKLEBERRY |

**GROUNDCOVER PLANTING**

| | |
|---|---|
| ACHILLEA MILLEFOLIUM | COMMON YARROW |
| ERIGERON GLAUCUS | BEACH ASTER |
| ERIOPHYLLUM STAECHADIFOLIUM | SEASIDE WOOLY SUNFLOWER |
| ESCHSCHOLZIA CALIFORNICA | CALIFORNIA POPPY |
| LINNAEA BOREALIS | TWINFLOWER |
| MIMULUS AURANTIACUS | STICKY MONKEY FLOWER |
| SEDUM SPATHULIFOLIUM | PACIFIC SEDUM |
| ARCTOSTAPHYLOS UVA-URSI | KINNIKINICK |
| FRAGARIA CHILOENSIS | COASTAL STRAWBERRY |

**NATIVE GRASS PLANTING**

| | |
|---|---|
| DESCHAMPSIA CESPITOSA | TUFTED HAIR GRASS |
| ERIOGONUM LATIFOLIUM | COAST BUCKWHEAT |
| FESTUCA CALIFORNICA | CALIFORNIA FESCUE |
| FESTUCA IDAHOENSIS | IDAHO FESCUE |
| JUNCUS PATENS | CALIFORNIA GRAY RUSH |

**WETLAND ENHANCEMENT**

BROWN AND CALDWELL
EUGENE, OREGON

PRELIMINARY DRAWING
NOT FOR
CONSTRUCTION
50% SUBMITTAL

CRESCENT CITY, CA

WATER POLLUTION
CONTROL FACILITIES

LANDSCAPE

PLANTING DETAILS
AND LEGEND

FILE NAME 25264-L101.DWG
DRAWING NUMBER L202

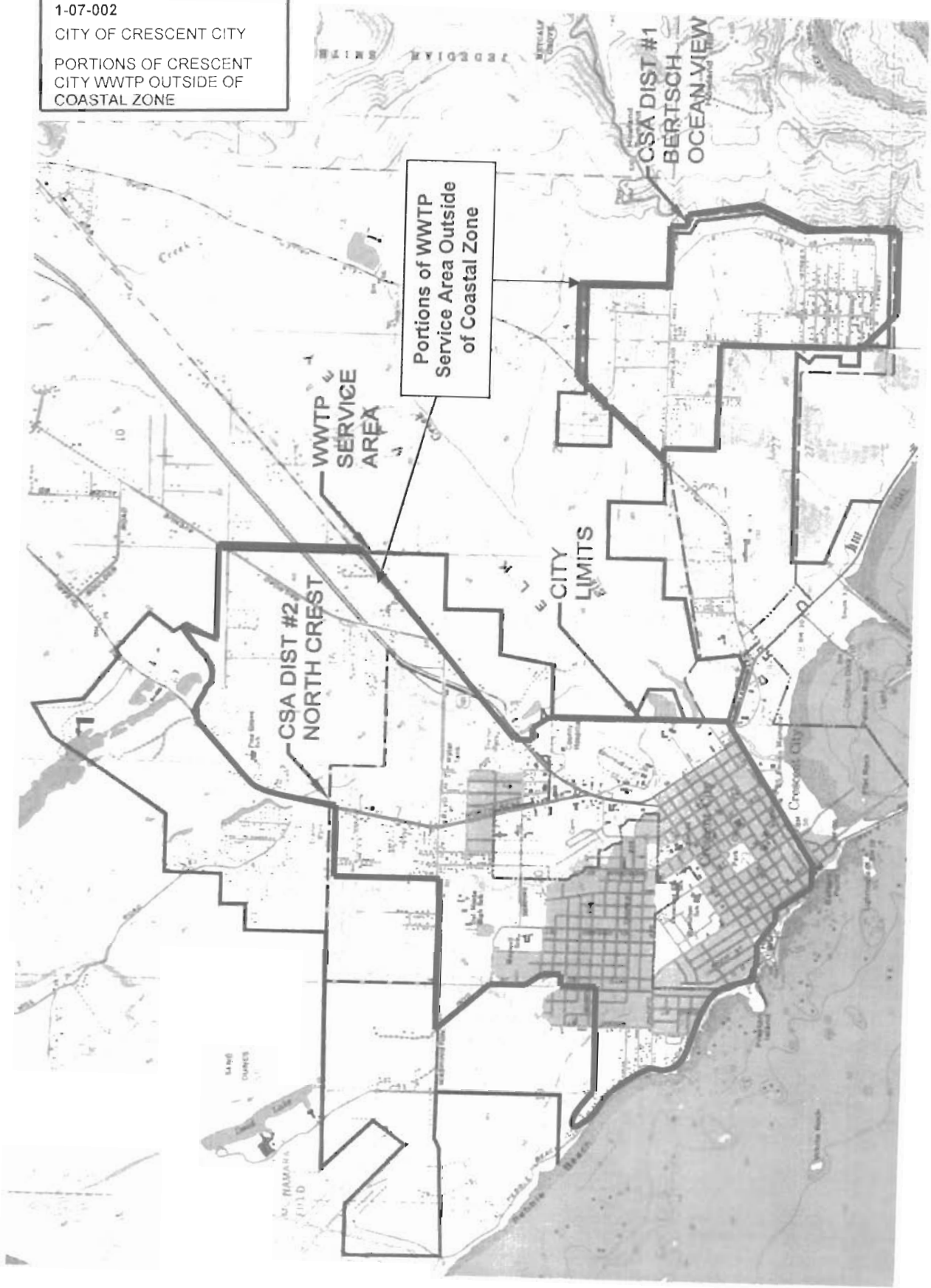
EXHIBIT NO. 6

APPLICATION NO.

1-07-002

CITY OF CRESCENT CITY

PORTIONS OF CRESCENT CITY WWTP OUTSIDE OF COASTAL ZONE



1.3 mgd. However, with construction of the improvements to the transi improved water system will have a capacity of 7.13 mgd, enough to acc General Plan. In addition, *Policy 4.A.1.* ensures that adequate facilities ar before new development may be improved. With these policies in place an system expected to be completed in 2001, the impact is considered less tha

**MITIGATION MEASURES**

No additional mitigation measures beyond those in the General Plan are necessary.

## 5.2 WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL

### ENVIRONMENTAL SETTING

The Crescent City Municipal Wastewater Treatment and Disposal Facility, located at 210 B Street and Battery Point, serves the City of Crescent City and parts of the greater Crescent City area. This facility, which serves a population of 12,000, is designated by State and Federal agencies as the Regional Waste Water Facility The facility's original (1979) design capacity was 1.55 mgd for average dry weather flow and 3.1 mgd for wet weather flows. The current design capacity is 1.89 mgd for average dry weather flow and 4.3 mgd for peak wet weather flows. Treatment consists of screening, preaeration, primary sedimentation, rotating biological contactors, secondary sedimentation, digestion, disinfection, and dechlorination. Sludge is anaerobically digested and dewatered with a filter belt process. Treated and disinfected effluent is discharged through a short outfall into the Pacific Ocean at Battery Point Lighthouse. In 1987, Nolte & Associates conducted a facility improvement study that recommended improvements that would bring the design capacity up to 7.3 mgd. Several improvements were made by the City in 1990 that increased capacity of the plant to roughly five to six mgd. These improvements fell short of the study's recommended design capacity due to limitations with effluent pumps.

Hydraulically, the plant is overloaded by the inflow and infiltration in the winter. In summer months, the plant is organically overloaded. Also during the summer, the physical solids handling process is at capacity and sometimes exceeds capacity, to the point where digestion time for the solids is short-circuited. Needed short-term improvements include digester modifications and polymer enhancement for solids setting, to improve biological removal and improve solids handling, so that digester residual times are increased. In addition, long-term plans for solids disposal must be considered since the landfill will close in the year 2001. Therefore, a land application program needs to be ready for implementation by 2001.

Despite the aforementioned problems and the treatment plant running at full capacity with some days exceeding the design capacity, there are no current plans for expansion of this facility. However, long term facility improvement planning will begin within the year that will include consideration of this facility. The study will consist of a feasibility study that examines treatment capacity alternatives for the county-wide area.

#### Harbor Wastewater Treatment Plant

The Harbor Wastewater Treatment Plant, located at and owned by the Crescent City Harbor District, serves solely as a seafood processing wastewater facility. The treatment plant has a design capacity of approximately 800,000 gpd, and currently runs considerably below design capacity. All by-products left from processing are disposed of at Hambros and some fish carcasses are disposed of at the Crescent City Landfill. Wastewater from this plant is discharged through the same outfall into the Pacific Ocean. The outfall is shared with the Municipal Wastewater Treatment Plant.

This treatment plant has proven to be controversial due to the odors produced by the plant's fish processing. Hydrogen sulfide produced by the plant during shrimping season (April through October) creates a nuisance for recreational users within the harbor. In early 1998, the City turned over ownership of the treatment plant to the Crescent City Harbor District. The Harbor District is working with the City and County to correct the odor problems in the near future.

### Outside Crescent City City Limits

A portion of the unincorporated Crescent City subarea is served by a wastewater collection system, which is owned and maintained by the County Service Area No.1 (CSA). CSA No. 1 consists of two areas — Northcrest and Bertsch Ocean View. The remainder of the Crescent City unincorporated area uses on- site sewage disposal(the predominant type of disposal in the area) - even in areas within the urban boundary. Sewers were put into the Northcrest and Bertsch-Ocean View areas because soils were not suitable for higher densities.

## METHODOLOGY

This section describes the assumptions and thresholds of significance used to assess wastewater collection and treatment impacts resulting from development under the General Plan.

### Assumptions

- This analysis assumes each dwelling unit will generate between 250 and 330 gallons of wastewater per day.
- This analysis assumes commercial land use will generate an average of 1,170 gallons of wastewater per acre.
- The typical wastewater generation for an industrial building in the Planning Area is difficult to determine due the tremendous range in use. Therefore, it is difficult to identify a reasonable generation rate. However, since industrial land use produces large quantities of wastewater, it is important to reflect the typical amount industrial wastewater generated. This analysis assumes industrial land use will generate average 3,500 gallons of wastewater per acre per day. This number is based on Consultant estimates derived from other city/county General Plan EIRs.
- Gallons per day is based on dry weather flows.
- The Crescent City Wastewater Treatment Plant has experienced high levels of inflow and infiltration. However, since reliable estimates of inflow and infiltration I&I quantities are not available, they will not be factored into this analysis.
- The City has been undertaking measures to reduce I&I on the system. I&I reductions/improvements will reduce wet weather volumes.
- The Pelican Bay State Prison will continue to operate their own wastewater system.

### Thresholds of Significance

For the purposes of this EIR, an impact is considered significant if adoption or implementation of the General Plan would result in new development whose wastewater demand would exceed existing system capacity or planned capacity (i.e., facility expansion).

## IMPLICATIONS OF THE LAND USE DIAGRAM

Table 5-2 below shows the estimated future residential, commercial, and industrial wastewater generation levels at buildout of the Land Use Diagram.

**TABLE 5-2**

**ESTIMATED WASTEWATER GENERATION**
**Crescent City Planning Area**

| Land Use | New Growth | | Buildout | |
|---|---|---|---|---|
| | Units/ Acres | Gallons/ Day | Units/ Acres | Gallons/ Day |
| **Residential** | | | | |
| City of Crescent City | 294 | 62,500 - 97,020 | 2,197 | 549,250 - 725,010 |
| Unincorporated Crescent City | 5,309 (3,767)* | 1,327,250 - 1,751,970 (941,750 - 1,243,110) | 9,086 (7,544) | 2,271,500 - 2,998,380 (1,886,000 - 2,489,520) |
| SUBTOTAL | 5,603 (4,601) | 1,400,750 - 1,848,990 (1,150,250 - 1,340,130) | 11,283 (9,741) | 2,820,750 - 3,723,390 (2,435,250 - 3,214,530) |
| **Commercial** | | | | |
| City of Crescent City | 87 | 101,790 | 232 | 271,440 |
| Unincorporated Crescent City | 217 | 253,890 | 368 | 430,560 |
| SUBTOTAL | 304 | 355,680 | 600 | 702,000 |
| **Industrial** | | | | |
| City of Crescent City | 0 | 0 | 0 | 0 |
| Unincorporated Crescent City | 150 | 525,000 | 304 | 1,064,000 |
| SUBTOTAL | 150 | 525,000 | 304 | 1,064,000 |
| TOTAL | n/a | 2,281,430 - 2,729,670 (2,030,930 - 2,220,810) | n/a | 5,036,750 - 5,489,390 (4,201,250 - 4,980,530) |

Note: Utilization of secondary units in the areas designated BP and VLC will add an additional 877 new dwelling units or 2,097 new residents. These new units would further increase the amount of wastewater generated in the city to 289,410 gallons per day.

*Of the 5,309 units, 3,767 units will be on the public wastewater conveyance and treatment system while the other 1,542 will require individual septic tanks. Demand within the Urban Boundary will create a need for 1.2 mgd to be collected and treated.

Source: Mintier & Associates, May 2000.

A large portion of the area within the Crescent City urban boundary is serviced by the Crescent City Municipal Wastewater Treatment and Disposal Facility. At buildout the area within the Crescent City Urban Boundary will generate approximately 5.0 mgd of wastewater. Due to limitations by the ocean outfall, the capacity of the treatment plant is nearly 4.0 mgd, which would leave a gap of approximately 1.0 mgd. In addition, the existing wastewater treatment plant currently (May 2000) has insufficient hydraulic and treatment capacity to meet discharge requirements. Much of the hydraulic overload is attributed to excessive inflow and infiltration due to an old, poorly constructed collection system. This has resulted in the release of partially treated and/or undisinfected wastewater to both the ocean outfall and the harbor. Under the current treatment and conveyance system, new growth under the Land Use Diagram could not be supported by the wastewater treatment plant in its current condition.

Areas outside of the urban boundary will continue to rely on individual septic systems. The area's 1,542 dwellings units would create a demand for 508,860 gallons per day. This area has good soil conditions and has the capacity to accommodate new growth at low densities.

## GENERAL PLAN POLICY RESPONSE

The following General Plan policies address the implications of development under the General Plan for the City's wastewater collection, treatment, and disposal systems:

### General Plan Policies

*4.A.1. The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).*

*4.A.2. The City shall encourage new development to contribute its fair share to providing all public services and infrastructure necessary to serve that development.*

*4.C.1. The City shall promote efficient water use and reduce wastewater system demand by:*

- *a. Requiring water-conserving design and equipment in new construction;*
- *b. Encouraging retrofitting with water-conserving devices; and*
- *c. Designing wastewater systems to minimize inflow and infiltration, to the extent economically feasible.*

*4.C.5. The City shall reserve funds to expand the capacity of its wastewater treatment system in order to develop additional operational capacity necessary for the full development of areas in and out of the Coastal Zone.*

*4.C.2. The City shall work with the County to develop a Crescent City wastewater master plan based on the recommendations of the Community Wastewater Conveyance and Treatment Feasibility Study to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant. The master plan shall recommend either establishment of a regional wastewater treatment facility for the Crescent City urban area, establishing satellite wastewater treatment facilities, expanding the existing wastewater treatment plant, or a combination of two or more improvements.*

*4.C.3. The City shall provide sewer services to those areas in the Coastal Zone in a manner which will allow the development consistent with the City's zoning regulations, and which will not preclude development in the Zone by the arbitrary assignment of services outside the Zone.*

*4.C.4. In order to assure that the City is preserving adequate capacity for Coastal Zone development, the City shall meet bi-annually with representatives of the County of Del Norte and the Harbor District to discuss future development plans and sewer services demands.*

4.2 *The City shall reserve funds to expand the capacity of its wastewater treatment system in order to develop additional operational capacity necessary for the full development of areas in and out of the Coastal Zone. The City shall prepare a summary report of its meetings with the County and Harbor Commission, and a copy of its Capital Improvement Budget. Said report shall describe the future development plans and method for providing sewer connections. Upon completion of the report, copies shall be available for public review and comment.*

**General Plan Response**

***Wastewater Treatment Service Availability***

*Policy 4.A.1.* ensures that adequate capacity is available to serve new development before that development is approved. *Policy 4.C.2.* addresses the need for the City to identify system improvement alternatives that will relieve demand on the current system.

***Funding***

*Policy 4.A.2.* addresses the need for the City to identify funding sources to pay for improvements to the system that will serve new development.

**Wastewater Reduction**

*Policy 4.C.1.* addresses the need for the City to reduce the load on the wastewater system demand by requiring water conservation techniques and minimizing inflow and infiltration.

**IMPACTS**

Buildout of the General Plan will increase the need for wastewater collection and treatment. New growth in the Crescent City Planning Area will create demands on the wastewater treatment system that exceed current capacities. However, *Policy 4.A.1.* ensures that adequate facilities are available or will be available before new development may be approved. With this policy in place, the impact is considered less than significant. With this mitigation measure in place, the impact on the City's wastewater collection and treatment system is considered less than significant.

**MITIGATION MEASURES**

No mitigation measures beyond the policies of the General Plan are necessary.

## 5.3 STORM DRAINAGE

**ENVIRONMENTAL SETTING**

Storm water runoff is collected and conveyed by a combination of surface and underground drop inlets/storm drainage pipes, that discharge into various marsh areas within the city, into Elk Creek, or the Pacific Ocean, depending on the location. Water collected in the collection and conveyance system is segregated from the sewer/treatment system.

**Storm Drainage Description by Area**

- There are six ocean discharge points that dispose of collected storm water from the extreme northwesterly areas of the city, roughly the area contained within Pacific Avenue, D Street, and the beach to the west.

# 5.2 WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL

## ENVIRONMENTAL SETTING

While Del Norte County has several facilities to treat wastewater (as described below), the most prominent approach to collecting, treating, and disposing of wastewater on a countywide basis is the use of on-site (septic) systems. Because on-site systems have the potential to damage water supplies if developed improperly or in unsuitable areas, the County cooperates with the California Regional Water Quality Control Board (RWQCB) to enforce strict standards for their development. The development of all such systems is subject to County and RWQCB permit approval. In most cases, the County Building and Health departments have the authority to approve on-site systems (e.g., for single-family homes, minor subdivisions, multi-family projects with four or fewer units). The RWQCB has permitting authority for land developments of five or more parcels, multi-unit residential projects on a single parcel, commercial or industrial projects with waste flow exceeding 1,500 gallons per day (gpd), and all systems proposed for new construction or repair on State or Federal plans.

### Crescent City Planning Area

A portion of the unincorporated Crescent City subarea is served by a wastewater collection system, which is owned and maintained by the County Service Area No.1 (CSA). CSA No. 1 consists of three areas — the assessed and served areas of Northcrest and Bertsch Ocean View and a collection of outlying unassessed areas, which are not currently served. The remainder of the Crescent City unincorporated subarea, including the unassessed CSA areas, use on- site sewage disposal (the predominant type of disposal in the area) - even in areas within the urban boundary. Sewers were put into the Northcrest and Bertsch-Ocean View areas because soils were not suitable for higher densities and septic systems.

#### *Crescent City Municipal Wastewater Treatment and Disposal Facility*

The wastewater from the unincorporated Crescent City subarea's wastewater collection system is treated by the Crescent City Municipal Wastewater Treatment and Disposal Facility (paid for by the City and County and managed by the City) which provides secondary treatment for the City of Crescent City, the Crescent City Harbor District, and CSA No. 1. The Crescent City Treatment Facility, which serves a population of 12,000, is designated by State and Federal agencies as the Regional Waste Water Facility. The plant provides secondary treatment which consists of screening, preaeration, primary sedimentation, rotating biological contactors, secondary sedimentation, digestion, disinfection, and dechlorination. Treated and disinfected effluent is discharged through a short outfall into the Pacific Ocean at Battery Point Lighthouse. The facility's original (1979) design capacity was 1.55 mgd for average dry weather flow and 3.1 mgd for wet weather flows. In 1987, Nolte & Associates conducted a facility improvement study that recommended system improvements that would bring the design capacity up to 7.3 mgd. Several system improvements were made by the City in 1990 that increased capacity of the plant to roughly five to six mgd. These improvements fell short of the study's recommended design capacity due to limitations with effluent pumps.

Hydraulically, the plant is overloaded by the inflow and infiltration in the winter. In summer months, the plant is organically overloaded. Also during the summer, the physical solids handling process is at capacity and sometimes exceeds capacity, to the point where digestion time for the solids is short-circuited. Needed short-term improvements include digester

modifications and polymer enhancement for solids setting, to improve biological removal and improve solids handling, so that digester residual times are increased. In addition, long-term plans for solids disposal must be considered since the landfill will close in the year 2002. Therefore, a land application program needs to be ready for implementation by 2002.

With the aforementioned problems and the treatment plant running at full capacity with some days exceeding the design capacity, the City of Crescent City and the County have joined together in preparation of a Community Wastewater Conveyance and Treatment Feasibility Study for the countywide area. The study evaluates the existing system and examines alternatives to remedy existing problems such as the expand the existing treatment plant, create a new regional wastewater treatment plant, or operate two separate treatment facilities.

### *Harbor Wastewater Treatment Plant*

The Harbor Wastewater Treatment Plant, located at and owned by the Crescent City Harbor District, serves solely as a seafood processing wastewater facility. The treatment plant has a design capacity of approximately 800,000 gallons per day, and currently runs considerably below design capacity. All by-products left from processing are disposed of at the nearby Hambros soils nutrient production facility and some fish carcasses are disposed of at the Crescent City Landfill. Wastewater from this plant is discharged through the same outfall into the Pacific Ocean. The outfall is shared with the Municipal Wastewater Treatment Plant.

In the past, this treatment plant had proven to be controversial due to the odors produced by the plant's fish processing. Hydrogen sulfide produced by the plant during shrimping season (April through October) created a nuisance for recreational users within the harbor. In early 1998, the City turned over ownership of the treatment plant to the Crescent City Harbor District. The Harbor District worked with the City and County to correct the odor problems.

### Smith River Planning Area

Except for a small package treatment plant serving the Ship Ashore and Salmon Harbor Resorts, wastewater collection, treatment, and disposal is handled by on-site disposal systems. Because the soils throughout the area are generally well suited to on-site disposal, no significant problems have been identified. In the town of Smith River, the County and the Regional Water Quality Control Board have in the past granted waivers for lots under half an acre because of the presence of suitable soils and the absence of historical problems. However, the area is one of concern for nitrate build up related to wastewater disposal systems. In the hillside areas, the County reviews applications for on-site systems closely because of problems that could be caused by steep slopes and shallow soils.

### Fort Dick/Kings Valley Planning Area

This area is served entirely by on-site systems, except for Pelican Bay State Prison, which has its own tertiary treatment and settling ponds. An area of concern exists at and below the 17 ft. elevation around Lake Earl due to lake level issues. This elevation marks the area where subsurface groundwater could interact with leachfields or conflict with WQCB groundwater separation requirements for leachfields. Final outcome depends upon the final decision for lake management. The plan has made no changes that increase densities in this area in order to limit development of additional systems near the Lake. In the southern and eastern parts of this subarea, towards Wonder Stump Road and Kings Valley Road, the soils have a high clay content, the Plan has retained requirements for larger lots to minimize cumulative groundwater impacts.

### Smith River Canyons Planning Area

#### *Hiouchi Area*

All sewage disposal in the Hiouchi area is provided by on-site systems. The Regional Water Quality Control Board has identified potential sewage disposal problems in the Hiouchi area. The County requires case-by-case testing in hillside areas to ensure conditions are suitable.

#### *Gasquet Area*

All wastewater disposal in this area is handled by on-site systems. There are some isolated areas where soils and surface springs limit leachfield development (i.e., the North Fork Road and Sierra Wood Road areas). Most of the developable land in the area has either been developed or approved for development, such as the Mademe Gasquet subdivision, Valhalla Apartments, or Gasquet Mobile Home Park with waste discharge reports already issued. While the area is served by community water and could qualify for 2 unit per 1 acre density, the General Plan has retained the 1 unit per 1 acre density to limit existing plans.

#### *French Hill, Big Flat, and Siskiyou Forks/Stateline 199*

These resource oriented areas rely exclusively on on-site septic systems for their sewage disposal.

### Klamath Planning Area

The Klamath Community Services District operates a small treatment plant that serves the New Klamath Townsite and the Redwood Park Community Services District runs a small gravity collection system. Outside of these two systems, development relies on on-site disposal systems. Generally, the developable areas of the Klamath subarea are well-suited for on-site systems, although there are some hillside areas where clay soils make such systems difficult.

## METHODOLOGY

This section describes the assumptions and thresholds of significance used to assess wastewater impacts resulting from development estimated under the Draft General Plan.

### Assumptions

- This analysis assumes each dwelling unit will generate an average of 330 gallons of wastewater per day.

- This analysis assumes commercial land use will generate an average of 1,170 gallons of potable water per day per acre.

- The typical wastewater generation for an industrial building in the county is difficult to determine due to the tremendous range in use. Therefore, it is difficult to identify a reasonable generation rate. However, since industrial land use produces large quantities of wastewater, it is important to reflect the typical amount industrial wastewater generated. This analysis assumes industrial land use will generate average 3,500 gallons of wastewater per acre per day. This number is based on Consultant estimates derived from other county General Plan EIRs.

- The County shall continue to utilize Regional Water Quality Control Board standards and guidelines for the development of sewage disposal systems.

- The Crescent City Wastewater Treatment Plant has experienced high levels of inflow and infiltration. However, since reliable estimates of I&I quantities are not available, they will not be factored into this analysis.

- Gallons per day is based on dry weather flows.

### Thresholds of Significance

For the purposes of this Draft EIR, an impact is considered significant if adoption or implementation of the General Plan would result in new development whose wastewater demand would exceed existing system capacity or planned capacity (i.e., facility expansion).

## IMPLICATIONS OF THE LAND USE DIAGRAM

Table 5-2 below shows the estimated future residential and commercial wastewater generation levels at buildout of the Draft Land Use Diagram. Table 5-2 summarizes total estimated wastewater generation including units that will be served by both the wastewater conveyance and treatment system and by individual septic tanks. The implications discussion gives a break down of how many dwelling units will require hook-ups under the wastewater system and how much is needed under individual septic tanks.

## TABLE 5-2

## ESTIMATED WASTEWATER GENERATION
## Unincorporated Del Norte County

| Land Use | 1996 to Buildout | | General Plan Buildout | |
|---|---|---|---|---|
| | Units/ Acres | Gallons/ Day | Units/ Acres | Gallons/ Day |
| **Residential** | | | | |
| Crescent City Area* | 4,802 | 1,584,660 | 9,155 | 3,021,150 |
| Smith River | 678 | 223,740 | 1,329 | 438,570 |
| Ft. Dick/Kings Valley | 810 | 267,300 | 1,975 | 651,750 |
| Smith River Canyons | 676 | 223,080 | 1,367 | 451,110 |
| Klamath | 135 | 44,550 | 628 | 207,240 |
| SUBTOTAL | 7,101 | 2,343,330 | 14,454 | 4,769,820 |
| **Commercial** | | | | |
| Crescent City Area* | 217 | 253,890 | 368 | 430,560 |
| Smith River | 33 | 38,610 | 125 | 146,250 |
| Ft. Dick/Kings Valley | 27 | 31,590 | 83 | 97,110 |
| Smith River Canyons | 38 | 44,460 | 88 | 102,960 |
| Klamath | 39 | 45,630 | 449 | 525,330 |
| SUBTOTAL | 354 | 414,180 | 1,114 | 1,303,380 |
| **Industrial** | | | | |
| Crescent City Area* | 154 | 539,000 | 267 | 934,500 |
| Smith River | 125 | 437,500 | 135 | 472,500 |
| Ft. Dick/Kings Valley | 0 | 0 | 34 | 119,000 |
| Smith River Canyons | 0 | 0 | 0 | 0 |
| Klamath | 140 | 490,000 | 119 | 416,500 |
| SUBTOTAL | 419 | 1,466,500 | 555 | 1,942,500 |
| TOTAL | n/a | 4,224,010 | n/a | 8,015,700 |

** Of the 4,802 units, 3,260 units will be on the public wastewater conveyance and treatment system while the other 1,542 will require individual septic tanks. Demand within the urban boundary will create a need for 1.46 mgd.

Source: Mintier & Associates, 2000.

### Crescent City Planning Subarea

A large portion of the area within the Crescent City urban boundary is serviced by the Crescent City Municipal Wastewater Treatment and Disposal Facility. At buildout the Crescent City area (including both the city of Crescent City and the unincorporated Crescent City area) will generate approximately 4.5 mgd of wastewater (3.5 mgd from the county and 1.0 mgd from the city). Due to limitations by the ocean outfall, the capacity of the treatment plant is nearly 4.0 mgd, which would leave a gap of approximately 0.5 mgd. In addition, the existing wastewater treatment plant currently (May 2000) has insufficient hydraulic and treatment capacity to meet discharge requirements. Much of the hydraulic overload is attributed to excessive inflow and infiltration due to an old, poorly constructed collection system. This has resulted in the release of partially treated and/or undisinfected wastewater to both the ocean outfall and the harbor. Under the current treatment and conveyance system, new growth under the Land Use Diagram could not be supported by the wastewater treatment plant in its current condition.

Areas outside of the urban boundary will continue to rely on individual septic systems. The area's 1,542 dwellings units would create a demand for disposal of 508,860 gallons per day. This area has good soil conditions and has the capacity to accommodate new growth at low densities.

### Ft. Dick/Kings Valley Planning Subarea

This area is served entirely by on-site systems. Septic systems that would serve new development in this area will have several constraints. An area of concern exists around Lake Earl where subsurface groundwater could interact with leachfields or conflict with NCRWQCB groundwater separation requirements for leachfields should lake levels be permitted to rise significantly. In the southern and eastern parts of this subarea, toward Wonder Stump Road and Kings Valley Road, the soils have a high clay content.

### Smith River Planning Subarea

Historically, individual septic systems have served the Smith River subarea. However, the NCRWQCB has identified the Smith River townsite as an area of concern due to its high groundwater impact potential. The NCRWQCB commissioned a study conducted by Ramlit Associates to study the cumulative effects of groundwater basins in the region, including the town of Smith River (Ramlit 1982). Although the study has not been updated by the NCRWQCB, it provides general guidance to the Board on the wastewater assimilative capacity of the Smith River groundwater basin. In general, the 1982 study found that the basin had good drainage, percolation, and had "generally good performance" with septic systems. The Ramlit Report estimated buildout (combined existing and potential) of the Town of Smith River (at 430 acres) at 550 units based on the current planned and zoned densities. The proposed General Plan provides for an estimated buildout of 565 units (i.e., combined existing and potential) based on a specified minimum parcel size of ½ acre for new residential lot areas. The Ramlit Report assessed potential water quality problems in the area of Smith River based on the assessed 550 units and concluded that the potential for water quality problems due to septic systems was relatively low particularly compared to the other north coast areas analyzed in the report. The 565 units allowed under the proposed General Plan is only 15 units or 3 percent above the 550 units analyzed in the Ramlit Report. The difference is statistically insignificant. Therefore, the potential for water quality problems in the town of Smith River is considered less than significant based on the findings of the Ramlit Report.

### Smith River Canyons Planning Subarea

This area will continue to be served mainly by individual septic systems. Since there are no public systems in the area, no expansion of any system is planned or necessary.

No water quality issues have been identified from the use of on-site systems for most of the subarea. However, the Regional Wastewater Quality Control Board has raised concerns over sewage disposal in the Hiouchi area. Therefore, possible limitations on soil and water quality may limit the development within this area.

### Klamath Planning Subarea

Growth under the Draft Land Use Diagram will generate a total of approximately 1.0 mgd of wastewater. The small systems run by the Klamath CSD and Redwood Park CSD have capacities that will accommodate the growth under the Land Use Diagram.

Some parts of this subarea will continue to be served by individual septic systems. Generally, the developable areas of the Klamath subarea are well-suited for on-site systems, although there are some hillside areas where clay soils make such systems difficult.

## GENERAL PLAN POLICY RESPONSE

The following General Plan policies address the implications of development under the Draft General Plan for the City's wastewater collection, treatment, and disposal systems:

### General Plan Polices

#### *General Public Facilities*

*7.A.1.* *The County shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The County shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary facilities will be installed or adequately financed and maintained (through fees or other means).*

*7.A.2.* *The County shall direct high density growth to those areas that are already served by public infrastructure and utilities.*

*7.A.3.* *The County shall encourage new development to contribute its fair share to providing all public services and infrastructure necessary to serve that development.*

*7.A.5.* *The County shall continue to coordinate with local service districts and utility providers to help ensure provision of services consistent with this General Plan in the most feasible manner possible.*

*7.A.6* *Where existing or planned public works facilities can accommodate only a limited amount of new development within the Coastal Zone, the priority for public services within the Coastal Zone shall be first to any parcel financially assessed and then to unassess parcels in the following order:*

- *a. essential public services*
- *b. basic industries vital to the economic health of the region, state or nation*
- *c. coastal dependent land uses*
- *d. visitor-serving land uses*

e. *residential land uses*
f. *commercial recreation*
g. *public recreation*
h. *other uses.*

***Wastewater Treatment, Collection, and Disposal***

*7.C.1. This policy number intentionally left blank.*

*7.C.2. The County shall promote efficient water and reduced wastewater system use.*

*7.C.3. The regional wastewater treatment provider and/or the County Services Area shall investigate establishing or updating satellite wastewater treatment facilities to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant.*

*7.C.4. In the Crescent City urban area, the County Services Areas shall consider priority for community sewer system improvements, connections and/or upgrades within existing service boundaries as follows:*

- *Highest priority - to areas which are already served and assessed;*
- *Medium priority - to areas which are not yet assessed but are immediately adjacent to serviced areas such as south of Old Mill Road, northeast Bertsch, multifamily uses at Summer Lane, and southern Parkway; and*
- *Low priority - to areas which are physically removed from existing development and may not require service for 10-20 years from adoption of this plan.*

*7.C.5. In order to accommodate projected growth on currently unassessed lands within its Crescent City urban area boundaries, the County Service Area shall plan for additional improvements and either negotiate additional sewage treatment with the City of Crescent City or provide for additional treatment methods.*

*7.C.6. This policy number left intentionally blank.*

*7.C.7 The County shall encourage all providers of community sewage services to plan for development pursuant to this General Plan.*

*7.C.8. The County may consider approval of projects within Rural land use areas which utilize on-site communal or package sewage disposal systems, however, said systems shall be designed to serve only the subject project at its designated land use densities and shall be owned and administered by homeowners or other fiscally responsible agency.*

## *Urban/Rural Boundary*

*3.A.1. The County intends that urban boundaries are to guide new urban development within or contiguous to or in proximity to existing developed urban areas. An urban boundary may also include areas previously committed to urban uses where it can be shown prior to issuance of a permit that the proposed development will not have a significant adverse effect, either individually or cumulatively on resources.*

*3.A.2. The County shall not approve amendments of an urban boundary without environmental (CEQA) review and an amendment of the General Plan Land Use Diagram. The County shall not approve extension of the urban boundary into adjacent resource or rural lands unless all the following findings are made:*

a. *Necessary urban services and capacity are available;*
b. *The extension of services will not jeopardize the provision of services to areas within the existing urban boundary;*
c. *The extension will not adversely impact agricultural or timberlands adjacent to the extension; and*

e. *The proposed extension as approved does not pose any adverse effects on any identified resources values as reflected in the area Land Use Plan.*

*Exceptions to these provisions are minor adjustments of the line of less than or equal to 100 feet, where the existing line bisects parcels.*

3.A.3. *The County may approve removal of areas from the urban limit only if the area involved is committed to a rural or lesser-density and if the following findings are made:*

a. *The land involved is not capable of urban development at the time of removal and in the foreseeable future;*
b. *The required urban services are not available at the time of removal nor in the foreseeable future; and*
c. *The area is not within a water or sewer district boundary.*

3.A.4. *The County shall concentrate most new growth within existing communities emphasizing infill development, intensified use of existing development, and expanded services.*

***Compact Urban Development***

3.A.5. *The County shall restrict new parcels created within the urban/rural boundary to a minimum of one acre in size if no public sewer and/or water is provided. If either public water or sewer is provided, the County shall permit the parcels to be ½ acre minimum in size. If both public water and sewer are provided, the land use designation shall determine the maximum density for each area.*

## General Plan Response

### *Wastewater Treatment Service Availability*

*Policy 7.A.1.* ensures that adequate facilities are available or will be available before new development may be approved. Both *Policies 7.A.1.* and *7.A.3.* ensure that new development will contribute the to the cost of providing wastewater treatment service necessary to serve that development.

### *Coordination with Service Providers*

*Policies 7.C.7.* and *7.A.5.* ensures that the County will continue to coordinate with local service districts to help ensure provision of services consistent the Draft General Plan.

### *Facility Improvements*

*Policies 7.C.3., 7.C.4.*, and *7.C.5* ensures that improvements are made to the existing wastewater treatment and collection system or new treatment facilities be built to serve new growth in the greater Crescent City urban area.

### *Efficiency*

*Policies 7.A.2. , 7.C.2, 3.C.5.*, and *3.A.4* ensure that new growth in the county is developed in a way that provides for the efficient provision of water services.

## IMPACTS

Buildout of the Draft General Plan will increase the need for wastewater collection and treatment. New growth in the Crescent City area will create demands on the wastewater treatment system that exceed current capacities. In addition, the NCRWQCB has identified possible limitations to the increase in the number of on-site disposal systems in the Smith River and Smith River Canyons Planning Subarea.

*Policy 7.A.1.* ensures that adequate facilities are available or will be available before new development may be approved. With this policy in place, the impact is considered less than significant.

## MITIGATION MEASURES

Although *Policy 7.A.1.* ensures that no new development is approved unless service is available to meet demand (thus reducing the impact to a less-than-significant level), there are no policies in place that address the need to expand existing wastewater treatment capacity and improve the existing collection system. To provide additional mitigation, the following measure should be applied:

**Wastewater-1. Address future limitations in the collection and treatment of wastewater generated in the unincorporated Crescent City area.** Policy 7.C.3 should be revised as follows to specifically address expanding wastewater treatment capacity to meet future demand.

*7.C.3. The regional wastewater treatment provider and/or the County Services Area shall investigate establishing or updating satellite wastewater treatment facilities to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant.*

# CHAPTER 7. OTHER CEQA CONSIDERATIONS

## A. SIGNIFICANT EFFECTS

This EIR finds the following to be significant effects of the proposed project:

- Geology and Soils, if mitigation measures are not implemented
- Biological Resources, if mitigation measures are not implemented
- Air Quality, if mitigation measures are not implemented
- Hazards and Hazardous Materials
- Cultural Resources, if mitigation measures are not implemented
- Traffic and Circulation, if mitigation measures are not implemented
- Population and Housing

## B. ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

This EIR finds the following impacts of the proposed project not to be significant:

- Land Use
- Hydrology and Water Quality
- Visual Environment and Aesthetics

## C. UNAVOIDABLE SIGNIFICANT EFFECTS

There are no feasible mitigation measures to reduce significant impacts from tsunami inundation. Because of the site's elevation and exposure level, the tsunami inundation hazard cannot be mitigated to a less than significant level and would remain significant and unavoidable. **A Statement of Overriding Consideration should be adopted for this impact.**

The project will result in short-term and temporary increases in ambient noise levels, exceeding Del Norte General Plan acceptable noise levels during construction. This impact would remain significant and unavoidable. **A Statement of Overriding Consideration should be adopted for this impact.**

## D. GROWTH INDUCING EFFECTS

CEQA Guidelines require that a Draft EIR discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The Feasibility Study addressed wastewater demand for population projections based on an historical growth rate of about two percent annually. City average growth rate between 1990 and 1998 was 1.8% while the County grew at a 2.3% rate during the same period.

The proposed project includes elements designed to correct problems and construct improvements to meet the wastewater demand during a 20-year planning horizon (2020). All analysis of population and wastewater demand, as well as the proposed improvements, remain within established City and County service areas and within the urban growth boundary. The project does not create additional capacity beyond what is necessary to accommodate growth projections and will not provide service to currently un-served areas that could induce substantial population growth, either directly or indirectly.

## E. CUMULATIVE IMPACTS

Section 15130, Article 9 of CEQA requires a discussion of cumulative impacts when they are significant. CEQA defines "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." This EIR finds no impacts that would be considered as cumulative, separately or in combination.

landfill disposal and development of an agriculturally based land application program.

This Supplemental EIR concludes that the proposed improvements recommended in the Facilities Plan and Value Engineering process and Technical Memorandum 12 best meet the "Environmentally Superior" criteria specified in the CEQA Guidelines.

## D. GROWTH INDUCING IMPACTS

The Feasibility Study addressed wastewater demand for population projections based on an historical growth rate of about two percent annually. The proposed improvements to the WWTP, collection system, and ocean outfall were designed to correct problems and construct improvements to meet wastewater demand during a 20-year planning horizon (2020). All analysis of population and wastewater demand, as well as the proposed improvements, remain within the urban growth boundary. The proposed project does not create additional capacity beyond what is necessary to accommodate growth projections and will not provide services to currently un-served areas that could induce substantial population growth, either directly or indirectly.

The Facilities Plan addressed wastewater demand based on population projections over a 20-year planning horizon. The improvements proposed in the Facilities Plan include elements designed to correct problems and construct improvements to meet the wastewater demand during the 20-year planning horizon period. All analysis of population and wastewater demand, as well as the proposed improvements, remain within the urban growth boundary. The project is designed to accommodate population growth within the service area as projected in the Updated General Plan to the year 2027. As such, the project will not induce substantial population growth in an area either directly or indirectly.

The project sites do not include existing housing and the project will not displace existing housing.

The project sites do not include existing housing and the project will not displace existing housing. Construction of replacement housing elsewhere will not be necessary.

## E. CUMULATIVE IMPACTS

Section 15130, Article 9 of CEQA requires a discussion of cumulative impacts when they are significant. CEQA defines “cumulative impacts” as “two or more

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North Coast Region

Order No. R1-2005-0035
NPDES Permit No. CA0022756
ID No. 1A84006ODN

# MODIFYING CEASE AND DESIST ORDER NO. R1-2000-72 ISSUED FOR THE CITY OF CRESCENT CITY MUNICIPAL WASTEWATER TREATMENT FACILITY

Del Norte County

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

1. On September 22, 2000, the Regional Water Board adopted Order No. R1-2000-71, Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756 for the City of Crescent City Municipal Wastewater Treatment Facility (WWTF). Order No. R1-2000-71 includes effluent limitations that must be met before treated wastewater can be discharged to the Pacific Ocean.

2. The City of Crescent City (hereinafter Permittee) is violating or threatening to violate Order No. R1-2000-71 until such time as the existing WWTF is upgraded.

3. Cease and desist orders (CDO) for existing and threatened violations of the Permittee's discharge permit have been in effect for the WWTF since 1997. Specifically, on February 27, 1997, the Regional Water Board adopted CDO No. 97-17, which documented violations of effluent limits contained in the then-existing waste discharge requirements for the WWTF. Thereafter, the Regional Water Board adopted CDO Nos. 98-24 and 99-54 for existing and/or threatened violations of then-existing waste discharge requirements. Order No. 98-24 included a prohibition on additional discharges into the WWTF until it could be demonstrated that additional capacity is available. Order No. 99-54 modified the discharge prohibition contained in Order No. 98-24 by changing the prohibition on additional connections to a restriction on the addition of new wastewater flows to the equivalent of 220 single-family dwelling units (which translates to 85,800 gallons per day). This action was based on the Permittee's success at interim improvements to the WWTF and collection system infiltration/inflow reduction. A large fish processing facility also closed during the interim period.

4. On September 22, 2000, the Regional Water Board adopted CDO No. R1-2000-72 for threatened violations of the newly adopted (reissued) NPDES permit (Waste Discharge Requirements Order No. R1-2000-71). All previous cease and desist orders were rescinded by CDO No. R1-2000-72. CDO No. R1-2000-72 continued the connection restriction to the WWTF, allowing the addition of no more than the equivalent of 220 single-family dwelling units. The CDO also established a time schedule for completing environmental documents pursuant to the California Environmental Quality Act (CEQA) leading to design and construction of a new WWTF.

5. The Permittee complied with time schedules contained in CDO No. R1-2000-72, requiring completion of CEQA documents. The Regional Water Board modified the CDO on January 24, 2002 (CDO No. R1-2002-0005) to include a time schedule for increasing hydraulic capacity through the ocean outfall and for completing design of a new WWTF. The Permittee currently is in compliance with CDO No. R1-2002-0005.

6. By January 2004, the Permittee had used nearly all if it's allowed 220 new connections. On February 11, 2004 the Regional Water Board adopted Order R1-2004-0001, allowing 160 new connections in addition to the 220 connections allowed by Order No. R1-2000-72. This action was based on flow and organic loading reductions accomplished since computation of the 220-connection limit. By March 25, 2005, the Permittee had assigned all but 20 of the 160 additional connections authorized by Order No. R1-2004-0001, although only 16 of those assigned connections had completed construction. The Permittee has requested 500 additional connections on the basis of organic loading reductions through industrial pretreatment since computation of the 160-connection limit.

7. Pursuant to Title 23 of the California Code of Regulations, section 2244.3(b), prohibitions or restrictions on additional discharges to a WWTF may be removed by the Regional Water Board if the Board finds that: 1) consistent compliance with waste discharge requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, 2) the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, 3) the corrective measures necessary to achieve compliance with requirements will be placed into operation by the discharger in the shortest practicable time, 4) all practicable interim repairs and improvements to the treatment process of the discharge that can be made have been made, and 5) during the interim period of time until compliance with requirements can be fully achieved the treatment processes of the discharge will be so managed, operated, maintained, and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

8. The Permittee installed larger effluent pumps in 2002 to prevent wet-weather discharge of chlorinated effluent to storm drains that discharge into Crescent City Harbor. The present outfall is undersized for the larger effluent pumps. The Permittee has completed high priority collection system rehabilitation work to reduce wet-weather flows, and intends to construct a larger diameter outfall during the summer of 2005. These actions have reduced violations of effluent limitations. The Permittee must continue an aggressive program of collection system rehabilitation and complete the larger diameter outfall in order to remain in compliance with Waste Discharge Requirements Order No. R1-2000-71 while design and construction proceed on improvements to wastewater treatment facilities.

9. On May 19, 2004, the Permittee informed Regional Water Board staff that additional capacity and treatment reliability would be provided through upgrading of the existing twenty-five year old WWTF instead of constructing a new WWTF. This change came through an independent review process that concluded the growth rate in the Crescent City area is not as high as originally thought and that the new WWTF would be more expensive than Crescent City could support. Final design of improvements to the WWTF is due by August 1, 2005.

10. In January 2005, Rumiano Cheese Company installed a pretreatment plant to reduce its contribution to organic loading going into the WWTF. Monitoring data for early operation of the pretreatment facility (February-May 2005) indicate that the pretreatment plant removes organic loading on the WWTF by the equivalent of 500 single family dwelling units (DUEs), which equates to 270 lbs/day of BOD. Additional monitoring should be conducted to confirm long-term reliability and availability of the calculated additional capacity.

11. CDO No. R1-2004-0001 identified industrial discharges into the WWTF as affecting performance of the WWTF and required that "The City shall provide an acceptable pretreatment ordinance within a reasonable period of time." Pretreatment compliance inspections were conducted by EPA contractor Tetra Tech in June 2003 and June 2004. Deficiencies were noted, and the City hired a consultant to evaluate the City's pretreatment ordinance and program. An acceptable pretreatment ordinance has not been submitted.

12. The Permittee has complied with or can comply with conditions cited in Finding No. 7 above, with the possible exception of having the financial resources to construct WWTF improvements, which currently are estimated to cost $20 million. It is appropriate to modify CDO R1-2000-72 to allow additional new connections as the Permittee completes elements of the revised WWTF improvements and continues to monitor success of Rumiano Cheese Company's pretreatment facility.

13. This is an enforcement action and is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15321.

14. On June 21, 2005, after due notice to the Permittee and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that the third provision of Cease and Desist Order No. R1-2000-72 is amended to read:

1. The addition of new flows of wastewater to the wastewater treatment facility from new residential, commercial, industrial, and/or governmental connections is restricted as follows until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of waste discharge requirements, [Title 23, California Code of Regulations, section 22441:

   - the equivalent of 220 single family dwellings or 86,000 gallons per day, whichever is less, ,authorized by Order No. R1-2000-72; plus

   - the equivalent of 160 single family dwellings or 36,000 gallons per day, whichever is less, authorized by Order No. R1-2004-0001; plus

   - the equivalent of 500 single family dwellings (270 lbs/day of BOD).

2. By September 1,2005, the Permittee shall submit a draft pretreatment ordinance addressing the deficiencies outlined in the 2003 and 2004 Tetra Tech Pretreatment Compliance Inspection reports and a time schedule for adoption and implementation of the ordinance. Failure to comply with this requirement may result in the revocation of this amendment to Order No. R1-2000-72.

**Certification**

I, Catherine E. Kuhlman, 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 June 21,2005.

Signature on File

Catherine E. Kuhlman
Executive Officer

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 1, NORTH COAST REGION

ORDER NO. R1-2006-0001
NPDES NO. CA0022756

The following permittee is authorized to discharge in accordance with the conditions set forth in this Order:

| | |
|---|---|
| Discharger | City of Crescent City |
| Name of Facility | Wastewater Treatment Facility |
| Facility Address | 210 Battery Street |
| | Crescent City CA 95531 |
| | Del Norte County |

The permittee is authorized to discharge from the following discharge points as set forth below:

| Discharge Point | Effluent Description | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|---|---|---|---|---|
| 001 | Secondary effluent | 41 °, 44', 38" N | 124 °, 12', 10" W | Pacific Ocean |

| | |
|---|---|
| This Order was adopted by the Regional Water Board on: | January 25,2006 |
| This Order shall become effective on: | February 24,2006 |
| This Order shall expire on: | January 25,2011 |
| The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a major discharge. | |
| The permittee shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements. | |

IT IS HEREBY ORDERED, that Order No. R1-2000-71 is rescinded upon the effective date of this Order except fox enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the permittee shall comply with the requirements in this Order.

I, Catherine E. Kuhlman, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 25,2006.

Signature on File

Catherine E. Kuhlman
Executive Officer

EXHIBIT NO. 9
APPLICATION NO.
1-07-002
CITY OF CRESCENT CITY
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2006-0001 (1 of 67)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**REGION 1, NORTH COAST REGION**

**ORDER NO. R1-2006-0001**
**NPDES NO. CA0022756**

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## I. FACILITY INFORMATION

The following permittee is authorized to discharge in accordance with the conditions set forth in this Order:

| | |
|---|---|
| **Discharger** | **City of Crescent City** |
| **Name of Facility** | **Wastewater treatment facility** |
| **Facility Address** | **210 Battery Street** |
| | **Crescent City CA 95531** |
| | **Del Norte County** |
| **Facility Contact, Title, and Phone** | **James Barnts, City Engineer, (707) 464-9506** |
| **Mailing Address** | **377 J Street, Crescent City CA 95531** |
| **Type of Facility** | **Publicly-owned treatment works** |
| **Facility Design Flow** | **1.86 MGD ADWF** |

## II. FINDINGS

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

A. **Background.** The City of Crescent City (hereinafter permittee) is currently discharging under Order No. R1-2000-71 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756. The permittee submitted a Report of Waste Discharge, dated February 10, 2004, and applied for a NPDES permit renewal to discharge up to 6.12 MGD of treated wastewater from the Crescent City Wastewater Treatment Facility, hereinafter Facility. The application was deemed complete on September 22, 2005.

B. **Facility Description.** The permittee owns and operates a wastewater treatment facility. The treatment system consists of clarifiers for primary treatment and rotating biological contactors for secondary treatment. Wastewater is discharged from Discharge 001 (see table on cover page ) to the Pacific Ocean, a water of the United States. Attachment B provides a topographic map of the area around the facility. Attachment C provides a flow schematic of the facility.

C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for any discharges that are not subject to regulation under CWA section 402.

D. **Background and Rationale for Requirements**. The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.

E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from Chapter 3 of the of the California Environmental Quality Act (Public Resources Code section 21100, et seq.), in accordance with section 13389 of the CWC.

F. **Technology-based Effluent Limitations.** Title 40 of the Code of Federal Regulations (40 CFR), at section 122.44(a), requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR Part 133. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a),

proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

H. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the North Coast Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Pacific Ocean are as follows:

| Discharge Point | Receiving Water Name | Beneficial Use(s) |
|---|---|---|
| 001 | Pacific Ocean | Existing:<br>Navigation (NAV); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sport fishing (COMM); wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE); marine habitat (MAR); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early de4velopment (SPWN); shellfish harvesting (SHELL); aquaculture (AQUA).<br>Potential:<br>Industrial service supply (IND); industrial process supply (PRO); preservation of areas of special biological significance (ASBS). |

The Basin Plan relies primarily on the requirements of the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) for protection of the beneficial uses of the State ocean waters. The Basin Plan, however, may contain additional water quality objectives applicable to the permittee.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

I. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

J. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, subject to various exceptions. Some effluent limitations in this Order are less stringent that those in the previous Order. As discussed in detail in the Fact Sheet (Attachment F), these changes to the effluent limitations are consistent with the anti-backsliding requirements of the CWA and federal regulations.

K. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

L. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the permittee. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

M. **Notification of Interested Parties.** The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

N. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

## III. DISCHARGE PROHIBITIONS

**A.** The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.

**B.** Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.

**C.** The discharge of sludge is prohibited within the State of California, except as authorized by another order of the State Water Board or Regional Water Board.

**D.** The discharge or reclamation of untreated or partially treated waste (receiving a lower level of treatment than described in Finding II.B) from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Attachment D, Standard Provision I.G *[Bypass Provision]*.

**E.** The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.

## IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

### A. Effluent Limitations – Discharge Point 001

#### 1. Final Effluent Limitations – Discharge Point 001

a. The discharge of secondary treated municipal wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E):

| Parameter | Units | Effluent Limitations | | | | | |
|---|---|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum | Six-Month Median |
| Biochemical Oxygen Demand 5-day @ 20°C | mg/L | 30 | 45 | | | | |
| | lbs/day | 700 | 1050 | | | | |
| Total Suspended Solids | mg/L | 30 | 45 | | | | |
| | lbs/day | 475 | 710 | | | | |
| PH | standard units | | | | 6.0 | 9.0 | |
| Oil and Grease | mg/L | 25 | 40 | | | 75 | |
| Settleable Solids | ml/L | 0.1 | | 0.2 | | 3.0 | |
| Turbidity | NTU | 75 | 100 | | | 225 | |
| Total Chlorine Residual | mg/L | | | 0.24 | | 1.8 | 0.06 |
| Ammonia | mg N/L | | | 72 | | 180 | 18 |
| Copper | mg/L | | | 0.3 | | 0.84 | 0.032 |
| Zinc | mg/L | | | 2.2 | | 5.8 | 0.37 |
| Chloroform | mg/L | 3.9 | | | | | |
| bis(2-chloroethyl) ether | ug/L | 1.4 | | | | | |
| bis(2-chloroethoxy) methane | ug/L | 130 | | | | | |
| N-nitrosodimethyl amine | ug/L | 220 | | | | | |

b. **Biochemical Oxygen Demand Percent Removal:** The average monthly percent removal of BOD 5-day 20°C shall not be less than 75 percent.

c. **Total Suspended Solids Percent Removal:** The average monthly percent removal of total suspended solids shall not be less than 85 percent.

d. **Most Probable Number (MPN) of Fecal Coliform Organisms per 100 milliliters:** The monthly median shall not exceed 14 and not more than ten percent of the samples collected in any calendar month shall exceed 43.

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:[1]

1. Bacterial Characteristics

   a. Body-Contact Standards
   Within a zone bounded by the shoreline and a distance of 1000 feet from the shoreline or the 30-foot depth contour, whichever is farther from the shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:
      i. Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 mL (10 per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 mL (100 per mL).
      ii. The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a geometric mean of 200 per 100 mL nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 mL
      iii. Measurements of enterococcus density shall be conducted at all stations where total and fecal coliform measurements are required. The geometric mean enterococcus density shall not exceed 24 organisms per 100 mL for a 30-day period or 12 organisms per 100 mL for a six-month period. The geometric mean shall be a moving average based on no fewer than 5 samples per month evenly spaced over the time interval.

   b. Shellfish Harvesting Standards
   At all areas where shellfish may be harvested for human consumption as determined by the Regional Water Board, the following bacteriological objectives shall be maintained throughout the water column: In any 30-day period, the median total coliform concentration shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

2. Physical Characteristics

   a. Floating particulates and grease and oil shall not be visible.

   b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

   c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

[1] Unless otherwise specified, terms used herein in this section shall have the same meaning as set forth in the Ocean Plan.

d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics

a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Table B of Effluent Limitation B.1. in marine sediments shall not be increased to levels that would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

4. Biological Characteristics

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. General Standards

a. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder.

b. The discharge shall be essentially free of:
   i. Material that is floatable or will become floatable upon discharge.
   ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.
   iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.
   iv. Substances that significantly decrease natural light to benthic communities and other marine life.

v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

c. Waste effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

d. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:
   i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
   ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.
   iii. Maximum protection is provided to the marine environment.
   iv. The discharge does not adversely affect recreational beneficial uses such as surfing and beach walking.

6. Chronic Toxicity

a. The discharge of secondary treated municipal wastewater shall maintain compliance with a receiving water limitation of 1 TUc (toxic units chronic) at Discharge Point 001, with compliance measured at Monitoring Location R-001 as described in the attached Monitoring and Reporting Program (Attachment E).

b. TUc = 100/NOEL

c. The No Observed Effect Level (NOEL) is expressed as the maximum percent receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test.

## VI. PROVISIONS

### A. Standard Provisions:

1. **Federal Standard Provisions.** The permittee shall comply with all Standard Provisions included in Attachment D of this Order.

2. **Regional Water Board Standard Provisions.** (*not applicable – These numbered provisions refer to portions of the statewide standard language template inappropriate for this permit. The numbering has been retained to preserve cross-reference accuracy.*)

### B. Monitoring and Reporting Program Requirements

The permittee shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

### C. Special Provisions

1. (*not applicable*)
2. (*not applicable*)
3. (*not applicable*)
4. (*not applicable*)
5. (*not applicable*)

6. Special Provisions for Municipal Facilities (POTWs Only)

   a. Wastewater Collection Systems
   Within 365 days from the effective date of this Order, the Permittee shall develop and implement a management, operation and maintenance program for its wastewater collection system. The program shall include:
      i. Adoption of the necessary legal authorities to implement the program.
      ii. Establishment of collection system performance goals and measures to control infiltration, inflow, and sanitary sewer overflows.
      iii. A schedule to conduct routine, on-going preventive operation and maintenance activities.
      iv. Procedures to identify structural deficiencies and to propose and implement rehabilitation actions.
      v. The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility.
      vi. The maintenance of accurate collection system maps and maintenance records.
      vii. Collection system employee training program.
      viii. Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

   b. Sanitary Sewer Overflows

i. The Permittee shall submit to the Regional Water Board within 180 days of the effective date of this Order an updated Spill Response and Notification Plan. The Permittee shall review at least every five years and update the Plan, as necessary, and include an updated Plan in the application for new waste discharge requirements.

ii. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.

iii. SSOs shall be reported to the Regional Water Board staff in accordance with the following:

(a.) *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone. A written description of the event shall be submitted with the monthly monitoring report.

(b.) *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.

(c.) *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway do not require Regional Water Board notification.

(d.) Information to be provided verbally includes:

(i.) Name and contact information of caller.
(ii.) Date, time and location of SSO occurrence.
(iii.) Estimates of spill volume, rate of flow, and spill duration.
(iv.) Surface water bodies impacted.
(v.) Cause of spill.
(vi.) Cleanup actions taken or repairs made.
(vii.)Responding agencies.

(e.) Information to be provided in writing includes:

(i.) Information provided in verbal notification.
(ii.) Other agencies notified by phone.
(iii.) Detailed description of cleanup actions and repairs taken.
(iv.) Description of actions that will be taken to minimize or prevent future spills.

iv. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's activities within the collection system over the previous calendar year. This annual report is due to be received by the Regional Water Board by March 1st of each year and shall contain:

(a.) A description of any change in the local legal authorities enacted to implement the program.

(b.) A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume, and cause of the SSO, the names and addresses of the responsible parties (if other than the Permittee).

(c.) A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.
(d.) Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.

v. The Permittee shall perform a self-audit at least once during the life of the Permit to assess the degree to which the performance measurements are being met.

vi. The Permittee shall provide notice to the public of the availability of each annual report in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Permittee and information on how to obtain a copy of the report. The Permittee shall provide documentation that the annual report has been made available to the public.

c. Pretreatment

i. The permittee shall be responsible for the performance of all pretreatment requirements contained in 40 CFR Part 403 and shall be subject to enforcement actions, penalties, fines and other remedies by the U.S. EPA or other appropriate parties as provided in the Clean Water Act, as amended (33 USC 1351 et seq.) (hereinafter "Act"). The permittee shall implement and enforce its approved Wastewater Treatment Facility (WWTF) Pretreatment Program. The permittee's approved WWTF Pretreatment Program is hereby made an enforceable condition of this Permit. U.S. EPA may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Act.

ii. The permittee shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(d) of the Act. The permittee shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.

iii. The permittee shall perform the pretreatment functions as required in 40 CFR Part 403 including, but not limited to:
(a.) Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
(b.) Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
(c.) Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and
(d.) Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).

iv. Annual Reporting Requirements

The permittee shall submit annually a report to U.S. EPA Region 9 and the State Water Board describing the permittee's pretreatment activities over the previous twelve months. In the event that the permittee is not in compliance with any conditions or requirements of this Permit, the permittee shall also include the reasons for noncompliance and state how and when the discharge shall comply with such conditions and requirements. This annual report is due on February 28th of each year and shall contain, but not be limited, to the following information:

(a.) WWTF Influent, Effluent, and Sludge Sampling Results

Sampling results shall include a summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the WWTF's influent and effluent for those pollutants U.S. EPA has identified under Section 307(a) of the Act which are known or suspected to be discharged by industrial users. The permittee is not required to sample for asbestos until U.S. EPA promulgates an applicable analytical technique under 40 CFR Part 136.

Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling and analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. This sampling method is applicable to sludge that is dewatered on-site and immediately hauled off-site for disposal. However, if the sludge is dried in drying beds prior to its final disposal, the sludge composite sample shall be from twelve discrete samples collected from twelve representative locations of the drying beds. Wastewater and sludge sampling and analysis shall be performed in accordance with the frequency stated in the waste discharge monitoring requirements.
The permittee also shall provide any influent, effluent, or sludge monitoring data for nonpriority pollutants that the permittee believes may be causing or contributing to interference, pass-through, or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

(b.) Upset, Interference, or Pass-through
Include a discussion of upset, interference, or pass-through incidents, if any, at the WWTF that the permittee knows or suspects were caused by industrial users of the WWTF system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, and, if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable local or federal discharge limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent pass-through, interference, or noncompliance with sludge disposal requirements.

(c.) Baseline Monitoring Reports
List the cumulative number of industrial users that the permittee has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.

(d.) List of Industrial Users
An updated list of the permittee's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list shall be included. The permittee shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to Federal Categorical Standards by specifying which category(s) of standards are applicable. The list shall indicate which categorical industrial, or specific pollutants from each industry, are subject to local limitations that are more stringent than the Federal Categorical Standards. The permittee also shall list the non-categorical industrial users that are

subject only to local discharge limitations. The permittee shall characterize the compliance status of each industrial user by employing all applicable descriptions:

(i.) In compliance with Baseline Monitoring Report requirements (where applicable);
(ii.) Consistently achieving compliance;
(iii.) Inconsistently achieving compliance;
(iv.) Significantly violated applicable pretreatment required as defined by 40 CFR 403.8(f)(2)(vii);
(v.) On a compliance schedule to achieve compliance (include the date final compliance is required);
(vi.) Not achieving compliance and not on a compliance schedule;
(vii.)The permittee does not know the industrial user's compliance status.

(e.) Industrial User Inspections and Sampling by WWTF

A summary of the inspection and sampling activities conducted by the permittee during the past year to gather information and data regarding industrial users shall be included. The summary shall consist of:

(i.) The names and addresses of the industrial users subject to surveillance by the permittee and an explanation of whether they were inspected, sampled, or both, and the frequency of these activities at each user; and
(ii.) The conclusion or results from the inspection or sampling of each industrial user.

(f.) Compliance and Enforcement Activities

A summary of the compliance and enforcement activities during the past year shall include the names and addresses of the industrial users affected by the following actions:

(i.) Warning letters or notices of violation regarding the industrial user's apparent noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the Federal Categorical Standards or local discharge limitations;
(ii.) Administrative Orders regarding the industrial user's noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(iii.)Civil actions regarding the industrial user's noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(iv.)Criminal actions regarding the industrial users' noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
(v.) Assessment of monetary penalties. For each industrial user, identify the amount of penalties;
(vi.) Restriction of flow to the WWTF; or
(vii.)Disconnection from discharge to the WWTF.

(g.) Changes in the Approved Pretreatment Program
Include a description of any significant changes in operating the pretreatment program that differ from the information in the permittee's approved WWTF Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure, local industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staff levels.

(h.) A summary of the Annual Pretreatment Budget
Attach a summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

(i.) Public Participation Activities
Attach a copy of the public notice as required in 40 CFR 403.8(f)(2)(vii). If no notice was published, explain why.

(j.) Additional Information
Include a description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

v. Quarterly Reporting Requirements
The permittee shall submit quarterly compliance status reports to U.S. EPA Region 9 and the State and Regional Water Boards. The reports shall cover the periods January 1 - March 31, April 1 - June 30, July 1 - September 30, and October 1 - December 31. Each report shall be submitted by the end of the month following the quarter, except that the report for October 1 - December 31 may be included in the annual report. This quarterly reporting requirement shall commence for the first full quarter following issuance of this Permit. The reports shall identify:

(a.) All significant industrial users (SIU), as defined by 40 CFR 403.3(t), that violated any standards or reporting requirements during that quarter;

(b.) What the violations were (distinguish between categorical and local limits);

(c.) What enforcement actions were taken; and

(d.) The status of active enforcement actions from previous periods, including closeouts (facilities under previous enforcement actions which attained compliance during the quarter).

Signed copies of the reports shall be submitted to the Regional Water Board, the U.S. EPA Regional Administrator, and the State Water Board at the following addresses:

California Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Regional Administrator
U.S. Environmental Protection Agency
Attn: WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Pretreatment Program Manager
Regulatory Section
Division of Water Quality
State Water Resources Control Board
P.O. Box 944213
Sacramento, CA 94244-2130

d. Operator Certification
Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State DHS where water reclamation is involved.

7. (*not applicable*)

## VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

**A. Average Monthly Effluent Limitation (AMEL).**
If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. For purposes of Mandatory Minimum Penalties, a violation of an AMEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the permittee will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

**B. Average Weekly Effluent Limitation (AWEL).**
If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. For purposes of Mandatory Minimum Penalties, a violation of an AWEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the permittee will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

**C. Maximum Daily Effluent Limitation (MDEL).**
If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**D. Instantaneous Minimum Effluent Limitation.**
If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**E. Instantaneous Maximum Effluent Limitation.**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

**F. Six-month Median Effluent Limitation (6MEL).**

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, an alleged violation will be flagged and the permittee will be considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. For purposes of Mandatory Minimum Penalties, a violation of a 6MEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the permittee will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median limitation.

# Attachments

1. Attachment A- Definitions
2. Attachment B- Topographic Map
3. Attachment C- Flow Schematic
4. Attachment D- Federal Standard Provisions
5. Attachment E- Monitoring and Reporting Program
6. Attachment F- Fact Sheet

## ATTACHMENT A – DEFINITIONS

**Average Monthly Effluent Limitation (AMEL):** the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Effluent Limitation (AWEL):** the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Daily Discharge:** Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

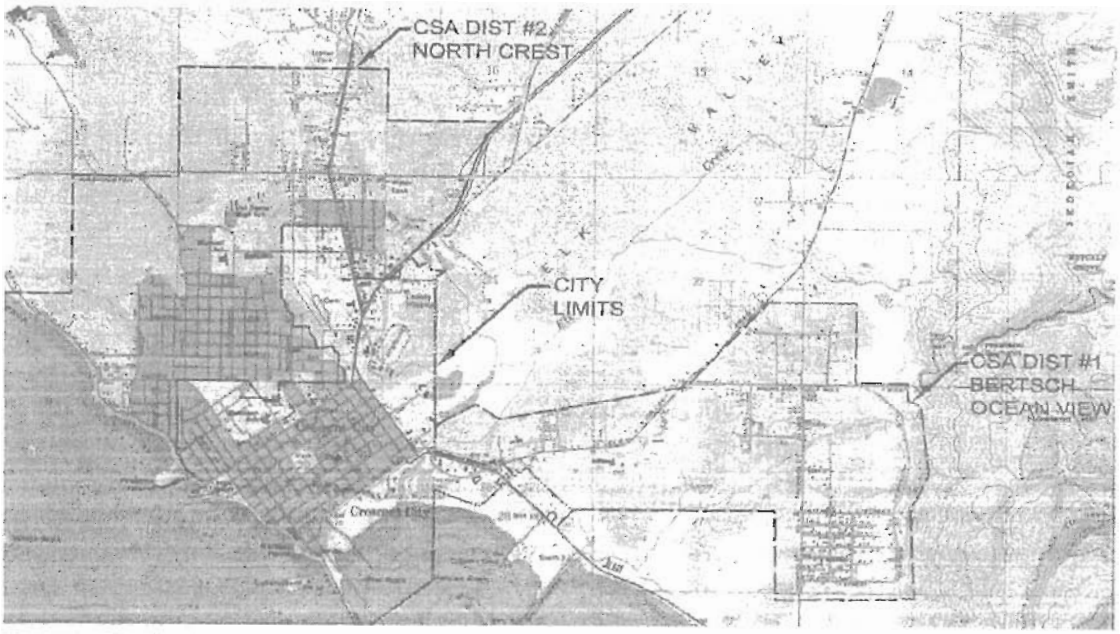
**Instantaneous Maximum Effluent Limitation:** the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation:** the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

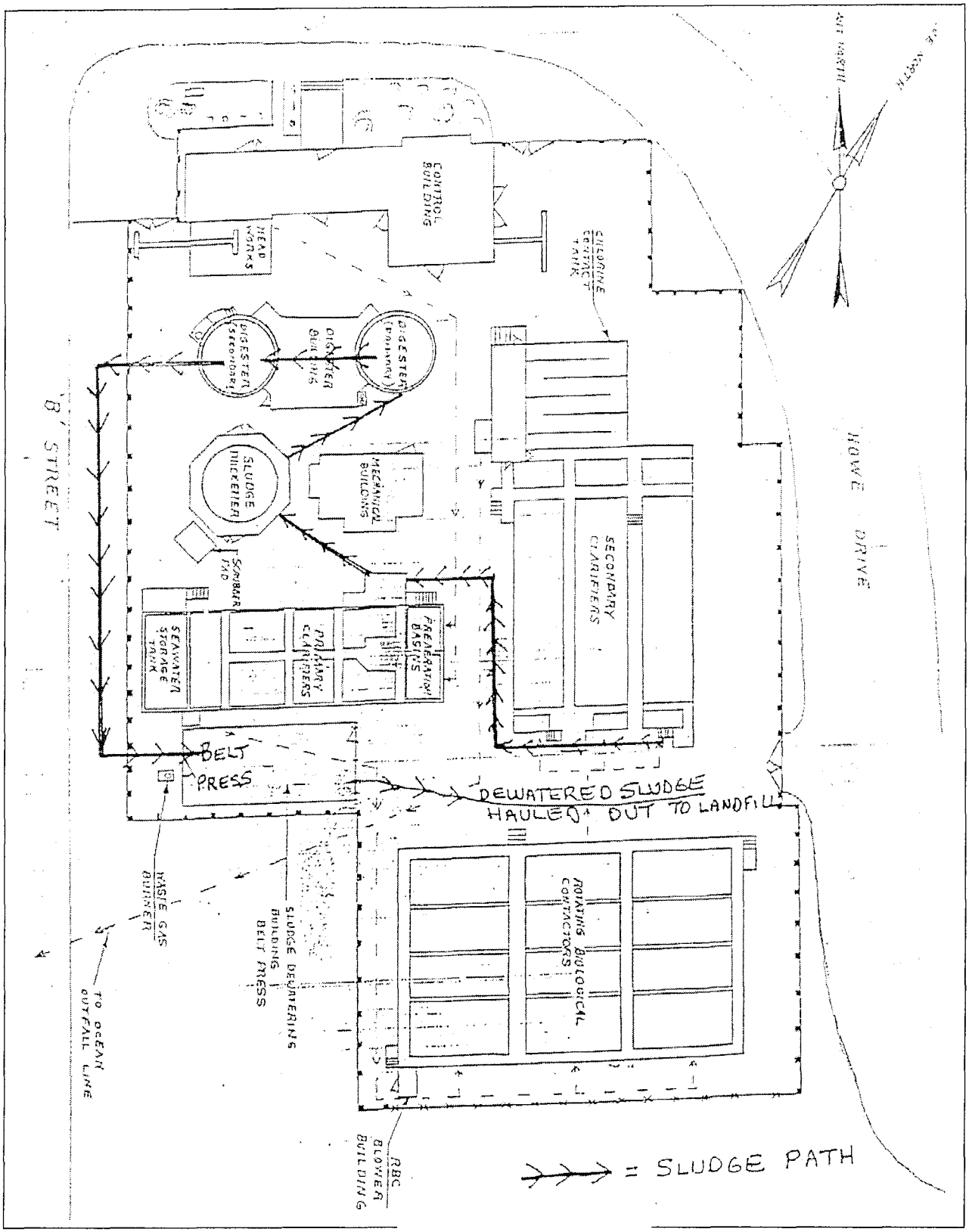
**Maximum Daily Effluent Limitation (MDEL):** the highest allowable daily discharge of a pollutant.

**Six-month Median Effluent Limitation:** the highest allowable moving median of all daily discharges for any 180-day period.

## ATTACHMENT B – TOPOGRAPHIC MAP



## ATTACHMENT C – FLOW SCHEMATIC



# ATTACHMENT D – FEDERAL STANDARD PROVISIONS

## I. STANDARD PROVISIONS – PERMIT COMPLIANCE

### A. Duty to Comply

1. The permittee must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].

2. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

### B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [*40 CFR §122.41(c)*].

### C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [*40 CFR §122.41(d)*].

### D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Order [*40 CFR §122.41(e)*].

### E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [*40 CFR §122.5(c)*].

**F. Inspection and Entry**

The permittee shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [*40 CFR §122.41(i)(1)*];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [*40 CFR §122.41(i)(2)*];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [*40 CFR §122.41(i)(3)*];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [*40 CFR §122.41(i)(4)*].

**G. Bypass**

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [*40 CFR §122.41(m)(1)(i)*].

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [*40 CFR §122.41(m)(1)(ii)*].

2. Bypass not exceeding limitations – The permittee may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a permittee for bypass, unless [*40 CFR §122.41(m)(4)(i)*]:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [*40 CFR §122.41(m)(4)(A)*];

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [*40 CFR §122.41(m)(4)(B)*]; and

c. The permittee submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [*40 CFR §122.41(m)(4)(ii)*].

5. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [*40 CFR §122.41(m)(3)(i)*].

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [*40 CFR §122.41(m)(3)(ii)*].

**H. Upset**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [*40 CFR §122.41(n)(1)*].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [*40 CFR §122.41(n)(2)*].

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [*40 CFR §122.41(n)(3)*]:

a. An upset occurred and that the permittee can identify the cause(s) of the upset [*40 CFR §122.41(n)(3)(i)*];

b. The permitted facility was, at the time, being properly operated [*40 CFR §122.41(n)(3)(i)*];

c. The permittee submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [*40 CFR §122.41(n)(3)(iii)*]; and

d. The permittee complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [*40 CFR §122.41(n)(3)(iv)*].

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof [*40 CFR §122.41(n)(4)*].

## II. STANDARD PROVISIONS – PERMIT ACTION

### A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [*40 CFR §122.41(f)*].

### B. Duty to Reapply

If the permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the permittee must apply for and obtain a new permit [*40 CFR §122.41(b)*].

### C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA and the CWC [*40 CFR §122.41(l)(3)*] [*40 CFR §122.61*].

## III. STANDARD PROVISIONS – MONITORING

**A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [*40 CFR §122.41(j)(1)*].

**B.** Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [*40 CFR §122.41(j)(4)*] [*40 CFR §122.44(i)(1)(iv)*].

## IV. STANDARD PROVISIONS – RECORDS

**A.** Except for records of monitoring information required by this Order related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [*40 CFR §122.41(j)(2)*].

**B. Records of monitoring information shall include:**

1. The date, exact place, and time of sampling or measurements [*40 CFR §122.41(j)(3)(i)*];
2. The individual(s) who performed the sampling or measurements [*40 CFR §122.41(j)(3)(ii)*];
3. The date(s) analyses were performed [*40 CFR §122.41(j)(3)(iii)*];
4. The individual(s) who performed the analyses [*40 CFR §122.41(j)(3)(iv)*];
5. The analytical techniques or methods used [*40 CFR §122.41(j)(3)(v)*]; and
6. The results of such analyses [*40 CFR §122.41(j)(3)(vi)*].

**C. Claims of confidentiality for the following information will be denied [*40 CFR §122.7(b)*]:**

1. The name and address of any permit applicant or permittee [*40 CFR §122.7(b)(1)*]; and
2. Permit applications and attachments, permits and effluent data [*40 CFR §122.7(b)(2)*].

## V. STANDARD PROVISIONS – REPORTING

### A. Duty to Provide Information

The permittee shall furnish to the Regional Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the permittee shall also furnish to the Regional Water Board, SWRCB, or USEPA copies of records required to be kept by this Order [*40 CFR §122.41(h)*] [*CWC 13267*].

### B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [*40 CFR §122.41(k)*].

2. All permit applications shall be signed as follows:

   a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*40 CFR §122.22(a)(1)*];

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [*40 CFR §122.22(a)(2)*]; or

   c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [*40 CFR §122.22(a)(3)*].

3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or USEPA shall be signed by a person described in paragraph (b) of this

provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in paragraph (2.) of this provision [*40 CFR §122.22(b)(1)*];

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [*40 CFR §122.22(b)(2)*]; and

c. The written authorization is submitted to the Regional Water Board, SWRCB, or USEPA [*40 CFR §122.22(b)(3)*].

4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations" [*40 CFR §122.22(d)*].

## C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [*40 CFR §122.41(l)(4)*].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [*40 CFR §122.41(l)(4)(i)*].

3. If the permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as

specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [*40 CFR §122.41(l)(4)(ii)*].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [*40 CFR §122.41(l)(4)(iii)*].

## D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [*40 CFR §122.41(l)(5)*].

## E. Twenty-Four Hour Reporting

1. The permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [*40 CFR §122.41(l)(6)(i)*].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [*40 CFR §122.41(l)(6)(ii)*]:

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(A)*].

   b. Any upset that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(B)*].

   c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [*40 CFR §122.41(l)(6)(ii)(C)*].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [*40 CFR §122.41(l)(6)(iii)*].

## F. Planned Changes

The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [*40 CFR §122.41(l)(1)*]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [*40 CFR §122.41(l)(1)(i)*]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [*40 CFR §122.41(l)(1)(iii)*].

### G. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [*40 CFR §122.41(l)(2)]*.

### H. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

### I. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, SWRCB, or USEPA, the permittee shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

## VI. STANDARD PROVISIONS – ENFORCEMENT

**A.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a

person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].

**B.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [*40 CFR §122.41(a)(3)*].

**C.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [*40 CFR §122.41(j)(5)*].

**D.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [*40 CFR §122.41(k)(2)*].

## VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

### A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Water Board as soon as they know or have reason to believe [*40 CFR §122.42(a)*]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(1)*]:

   a. 100 micrograms per liter (µg/L) [*40 CFR §122.42(a)(1)(i)*];

   b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(1)(ii)*];

   c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(1)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(1)(iv)*].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(2)*]:

   a. 500 micrograms per liter (µg/L) [*40 CFR §122.42(a)(2)(i)*];

   b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];

   c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

### B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [*40 CFR §122.42(b)*]:

1. Any new introduction of pollutants into the POTW from an indirect permittee that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR §122.42(b)(2)*].

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR §122.42(b)(3)*].

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# ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Quality Control Board (RWQCB) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements which implement the federal and California regulations.

## I. GENERAL MONITORING PROVISIONS

**A.** Composite samples may be taken by a proportional sampling device approved by the Executive Officer or by grab samples composited in proportion to flow. In compositing grab samples, the sampling interval shall not exceed one hour.

## II. MONITORING LOCATIONS

The permittee shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

| Discharge Point Name | Monitoring Location Name | Monitoring Location Description |
|---|---|---|
| -- | M-INF | A point in the facility headworks preceding any treatment and receiving all waste from the collection system but no plant recycle streams (the existing monitoring point may be used until September 30, 2006) |
| 001 | M-001 | A point containing all municipal effluent following dechlorination but prior to mixing with seafood processing plant effluent |
| -- | R-001 | Pacific Ocean adjacent to the slot on the east side of Battery Point Light |
| -- | R-002 | Pacific Ocean adjacent to Endert's Beach between White Knob and the mouth of Nickel Creek |
| -- | R-003 | Pacific Ocean on the east side of Whaler Island |
| -- | R-004 | Pacific Ocean adjacent to Preston Island |

## III. INFLUENT MONITORING REQUIREMENTS

### A. Monitoring Location M-INF

1. The permittee shall monitor influent to the facility at M-INF as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Biochemical Oxygen Demand | mg/L | 24-hour composite | weekly | Standard Method 5210B |
| Total Suspended Solids | mg/L | 24-hour composite | weekly | Standard Method 2540D |

2. For purposes of determining percent removal of biochemical oxygen demand (BOD), the permittee may sum the BOD mass computed from samples collected at M-INF and the BOD mass removed by the Rumiano pretreatment process during the same interval. The permittee must provide and certify pretreatment data from the Rumiano plant with all monthly reports for which Rumiano BOD removal is to be considered in percent removal determinations.

## IV. EFFLUENT MONITORING REQUIREMENTS

### A. Monitoring Location M-001

1. The permittee shall monitor effluent discharged at **M-001** as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Flow | MGD | continuous | continuous | Meter |
| Settleable Solids | mL/L | grab | daily | Standard Method 2540F |
| pH | pH | grab | daily | 40CFR136 |
| Total Chlorine Residual | mg/L | grab | daily | 40CFR136 |
| Biochemical Oxygen Demand | mg/L | 24-hour composite | weekly | Standard Method 5210B |

| | | | | |
|---|---|---|---|---|
| Total Suspended Solids | mg/L | 24-hour composite | weekly | Standard Method 2540D |
| Fecal Coliform | MPN | grab | weekly | Standard Method 9221E |
| Turbidity | NTU | grab | weekly | Standard Method 2130B |
| Ammonia | mg/L | grab | monthly | 40CFR136 |
| Total Copper | mg/L | 24-hour composite | monthly | inductively coupled plasma |
| Total Zinc | mg/L | 24-hour composite | monthly | inductively coupled plasma |
| Grease and Oil | mg/L | grab | monthly | 40CFR136 |
| Chloroform | mg/L | grab | monthly | 40CFR136 |
| Total Dissolved Solids | mg/L | grab | monthly | Standard Method 2540C |
| Arsenic | ug/L | grab | Annually in a month not previously sampled | 40CFR136 |
| Cadmium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Hexavalent Chromium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Lead | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Mercury | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Nickel | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Selenium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Silver | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Cyanide | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Non-chlorinated Phenolic Compounds | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Chlorinated Phenolics | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Endosulfan | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Endrin | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| HCH | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Radioactivity | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Acrolein | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Antimony | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| bis(2-chloroethoxy) methane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| bis(2-chloroisopropyl) ether | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Chlorobenzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |

| | | | | |
|---|---|---|---|---|
| Chromium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| di-n-butyl phthalate | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Dichlorobenzenes | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Diethyl phthalate | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Dimethyl phthalate | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 4,6-dinitro-2-methlyphenol | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 2,4-dinitrophenol | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Ethylbenzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Fluoranthene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Hexachloro cyclopentadiene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Nitrobenzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Thallium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Toluene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Tributyltin | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,1,1-trichloroethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Acrylonitrile | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Aldrin | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Benzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Benzidine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Beryllium | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| bis(2-chloroethyl)ether | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| bis(2-ethylhexyl) phthalate | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Carbon tetrachloride | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Chlordane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Chlorodibromomethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| DDT | ug/L | grab | annually in a month not | 40CFR136 |

| | | | | |
|---|---|---|---|---|
| | | | previously sampled | |
| 1,4-dichlorobenzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 3,3'-dichlorobenzidine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,2-dichloroethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,1-dichloroethylene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Dichlorobromoethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Dichloromethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,3-dichloropropene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Dieldrin | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 2,4-dinitrotoluene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,2-diphenylhydrazine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Halomethanes | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Heptachlor | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Heptachlor epoxide | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Hexachlorobenzene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Hexachlorobutadiene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Hexachloroethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Isophorone | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| N-nitrosodimethylamine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| N-nitrosodi-N-propylamine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| N-nitrosodiphenylamine | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| PAHs | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| PCBs | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| TCDD equivalents | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,1,2,2-tetrachloroethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Tetrachloroethylene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |

| | | | | |
|---|---|---|---|---|
| Toxaphene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Trichloroethylene | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 1,1,2-trichloroethane | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| 2,4,6-trichlorophenol | ug/L | grab | annually in a month not previously sampled | 40CFR136 |
| Vinyl chloride | ug/L | grab | annually in a month not previously sampled | 40CFR136 |

**V.** (*NOT APPLICABLE*)

**VI.** (*NOT APPLICABLE*)

**VII.** (*NOT APPLICABLE*)

## VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

### A. Monitoring Location R-001

1. The permittee shall monitor the Pacific Ocean at **R-001** as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Total Coliform | MPN | grab | 5/month | Standard Method 9221 |
| Fecal Coliform | MPN | grab | 5/month | Standard Method 9221E |
| Enterococcus | MPN | grab | 5/month | 40CFR136 |
| Turbidity | NTU | grab | monthly | Standard Method 2130B |
| Dissolved Oxygen | mg/L | grab | monthly | 40CFR136 |
| pH | pH | grab | monthly | 40CFR136 |
| Total Dissolved Solids | mg/L | grab | monthly | Standard Method 2540C |
| Chronic Toxicity | TUc | grab | Twice annually in January and August | Ocean Plan Table III-1 |

A minimum of three test species with Ocean Plan Table III-1 approved critical life stage test protocols shall be used to measure chronic toxicity. If possible, the test species shall include a fish, an invertebrate, and an aquatic plant. After a one-year screening period, monitoring can be reduced to the most sensitive species. Three species testing shall be resumed when the most sensitive species is unavailable for analysis. The sensitivity of the test organisms to a reference toxicant shall be determined concurrently with each bioassay test and reported with the test results.

### B. Monitoring Location R-002

1. The permittee shall monitor the Pacific Ocean at **R-002** as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Turbidity | NTU | grab | monthly | Standard Method 2130B |
| Dissolved Oxygen | mg/L | grab | monthly | 40CFR136 |

| | | | | |
|---|---|---|---|---|
| pH | pH | grab | monthly | 40CFR136 |
| Dilution and control water | | grab | annually | Chronic toxicity analyses at R-001 |

### C. Monitoring Location R-003

1. The permittee shall monitor the Pacific Ocean at **R-003** as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Total Dissolved Solids | mg/L | grab | monthly | Standard Method 2540C |

### D. Monitoring Location R-004

1. The permittee shall monitor the Pacific Ocean at **R-004** as follows:

| Parameter | Units | Sample Type | Minimum Sampling Frequency | Required Analytical Test Method |
|---|---|---|---|---|
| Total Dissolved Solids | mg/L | grab | monthly | Standard Method 2540C |

## IX. (*NOT APPLICABLE*)

## X. REPORTING REQUIREMENTS

### A. General Monitoring and Reporting Requirements

1. The permittee shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

### B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the permittee to electronically submit self-monitoring reports. Until such notification is given, the permittee shall submit self-monitoring reports in accordance with the requirements described below.

2. The permittee shall submit monthly Self Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly reports shall be due on the 1st day of the second month following the end of each calendar month.

3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

| Sampling Frequency | Monitoring Period Begins On... | Monitoring Period | SMR Due Date |
|---|---|---|---|

| | | | |
|---|---|---|---|
| Continuous | 25 February 2006 | All | First day of second calendar month following month of sampling |
| X / hour | 25 February 2006 | Hourly | First day of second calendar month following month of sampling |
| X / day | 25 February 2006 | (Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling. | First day of second calendar month following month of sampling |
| X / week | 26 February 2006 | Sunday through Saturday | First day of second calendar month following month of sampling |
| X / month | 1 March 2006 | 1st day of calendar month through last day of calendar month | First day of second calendar month following month of sampling |
| X / quarter | 1 April 2006 | January 1 through March 31<br>April 1 through June 30<br>July 1 through September 30<br>October 1 through December 31 | May 1<br>August 1<br>November 1<br>February 1 |
| X / semi-annual period | 1 July 2006 | January 1 through June 30<br>July 1 through December 31 | August 1<br>February 1 |
| X / year | 1 January 2007 | January 1 through December 31 | February 1 |

4. The permittee shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

5. The permittee shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.

6. The permittee shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address listed below:

   Regional Water Quality Control Board
   5550 Sklylane Blvd., Suite A
   Santa Rosa, CA 95407

**C. Discharge Monitoring Reports (DMRs)**

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the permittee to electronically submit self-monitoring reports. Until such notification is given, the permittee shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

   State Water Resources Control Board
   Discharge Monitoring Report Processing Center
   Post Office Box 671
   Sacramento, CA 95812

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

**D.** (*not applicable*)

**Attachment F – Fact Sheet – Table of Contents**

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Attachment F – Fact Sheet

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

## I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

| | |
|---|---|
| **WDID** | **1A84006ODN** |
| **Discharger** | **City of Crescent City** |
| **Name of Facility** | **Crescent City Wastewater Treatment Facility** |
| **Facility Address** | **210 Battery Street** |
| | **Crescent City CA 95531** |
| | **Del Norte County** |
| **Facility Contact, Title and Phone** | **James Barnts, City Engineer (707) 464-9506** |
| **Authorized Person to Sign and Submit Reports** | **James Grace, Treatment Plant Supervisor (707) 464-5416** |
| **Mailing Address** | **377 J street, Crescent City CA 95531** |
| **Billing Address** | **(SAME)** |
| **Type of Facility** | **Publicly Owned Treatment Works (POTW)** |
| **Major or Minor Facility** | **Major** |
| **Threat to Water Quality** | **1** |
| **Complexity** | **A** |
| **Pretreatment Program** | **Yes** |
| **Reclamation Requirements** | **(NONE)** |
| **Facility Permitted Flow** | **6,120,000 gallons per day peak wet weather flow** |
| **Facility Design Flow** | **1,860,000 gallons per day average dry weather flow** |
| **Watershed** | **Pacific Ocean** |
| **Receiving Water** | **Pacific Ocean** |
| **Receiving Water Type** | **Ocean** |

**A.** Crescent City (hereinafter permittee) is the owner and operator of the Crescent City wastewater treatment facility (hereinafter Facility) a secondary treatment facility for municipal wastewater.

**B.** The Facility discharges wastewater to the Pacific Ocean, a water of the United States and is currently regulated by Order R1-2000-71 which was adopted on September 22, 2000 and expired on September 22, 2005. The terms of the existing Order automatically continued in effect after the permit expiration date.

**C.** The permittee filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on February 11, 2004. Supplemental Information was requested and received on September 22, 2005.

## II. FACILITY DESCRIPTION

### A. Description of Wastewater and Biosolids Treatment or Controls

Wastewater is received from a Crescent City collection system serving a population of approximately 5170 and a tributary County Services Area #1 collection system serving a population of approximately 9217 in surrounding areas of Del Norte County.

The existing headworks consist of a coarse screen, a grit removal basin, and an influent pumping station with four motor-driven pumps and one diesel-engine-driven pump. The existing equipment is undersized for the expected future flows and is in poor condition. The existing grit removal system at the headworks does not work well, leading to grit buildup in the pre-aeration cells ahead of the primary clarifiers. Two aeration basins are aerated with air diffusers located across the bottom. The air causes grease to float to the surface and to collect in the southeast corner of pre-aeration basin 1 and the northeast corner of pre-aeration basin 2. The grease floats in these zones but cannot be easily removed.

Primary treatment occurs in two parallel 1200-square–foot clarifiers. Secondary treatment occurs in 3 parallel 4-stage rotating biological contactors followed by 3 parallel secondary clarifiers. Each secondary clarifier has a volume of 129,000 gallons with 1,880 square feet of surface area. Treated wastewater is disinfected by addition of sodium hypochlorite with an estimated peak-flow detention time of twenty minutes prior to dechlorination with sodium bisulfite. Following dechlorination, treated wastewater is seasonally mixed with up to 0.8 MGD from a fish processing wastewater plant operated by Crescent City Harbor District. Two 4-MGD pumps transfer the combined effluent to a new 24-inch diameter ductile iron pipe outfall discharging into a rocky slot in the surf zone adjacent to Battery Point Lighthouse.

The solids thickening process currently performs poorly. Gravity is used to remove primary and secondary sludge from their respective sedimentation tanks. Secondary and primary sludge are conveyed to the gravity thickener by the manual operation of telescoping valves. This arrangement requires solids to be removed using a great deal of water to avoid plugging the pipes. The high volume of solids flow to the gravity thickener overwhelms its hydraulic capacity, causing it to perform poorly. The facility typically achieves 2 to 2.5 percent solids in the gravity-thickened solids fed to the anaerobic digesters. The gravity thickener is current housed is a wooden building. Foul air within the building is collected and run through a chemical scrubbing system. The odor control equipment is at the end of its service life.

Two existing 25-foot diameter anaerobic digesters operate in series to produce a Class B material that is disposed of in a landfill. A very thin mix of combined primary and secondary sludge at less than 2 percent solids is pumped from the gravity thickener to digester 1, where the majority of stabilization occurs. The gas mixing system is not used because of foaming problems and aging equipment. Digester gas is stored in the gas-holder-type cover of digester 1. The City's existing gas flare is inoperable, and excess gas is sometimes exhausted to the atmosphere. Digester 2 is primarily used for overflow, and produces little gas. The Downes-type floating cover of digester 2 tends to become misaligned and stuck; because the rollers and guides are not in good working order. The existing gas-tube gas mixing system is inadequate and has not been used for the past six or seven years because of performance problems and the poor condition of the mixing equipment. The only mixing is provided by pumps dedicated to sludge recirculation

for heating. Low pressures within the digester 2 cover allow backflow of digester gas from digester 1. Excessive gas is reportedly bubbling up in the annular space surrounding the digester 2 cover.

Biosolids removed from the treated wastewater are dewatered on a 1.5 meter belt press and approximately four yards per day are transported to the Dry Creek Landfill in Medford, Oregon, for disposal.

## B. Discharge Points and Receiving Waters

Wastewater is discharged to the Pacific Ocean adjacent to Battery Point lighthouse.

## C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations contained in the existing Order for discharges from Monitoring Location M-001 and representative monitoring data from the term of the previous Order are as follows:

| Parameter (units) | Effluent Limitation | | | Monitoring Data (From October 2000 – To July 2005) | | |
|---|---|---|---|---|---|---|
| | Average Monthly | Average Weekly | Maximum Daily | Highest Average Monthly Discharge | Highest Average Weekly Discharge | Highest Daily Discharge |
| BOD5 (mg/L) | 30 | 45 | 60 | 37 | 46 | 47 |
| Suspended solids (mg/L) | 30 | 45 | 60 | 26 | 33 | 36 |
| BOD5 (lb/day) | 475 | 710 | 950 | 550 | 678 | 678 |
| Suspended solids (lb/day) | 475 | 710 | 950 | 310 | 394 | 438 |

## D. Compliance Summary

Crescent City's wastewater treatment facilities have been operating under cease and desist orders since 1997. Historical violations could be attributed to peak flow events and to difficulties maintaining reliable secondary treatment. Fluctuating organic loadings from food processing facilities have produced periodic biochemical oxygen demand violations. Toxic chemicals have been suspected of causing similar violations. Crescent City's pretreatment program has not prevented effluent violations attributed to transient waste loadings to the treatment plant. Violations attributable to peak loadings have recently been reduced by an infiltration and inflow correction program.

## E. Planned Changes

The existing coarse headworks screen will be replaced with a channel grinder. A screening auger will convey the ground screenings to a screening hopper for disposal. The largest channel grinder that can fit into the existing 3-foot-wide channel has a capacity of 15 MGD.

Multiple influent pumps will be installed for redundancy and to provide enough pumping turn down to meet low flow conditions estimated at 0.5 MGD. The rehabilitated influent pumping

station will have a firm capacity of 7.8 MGD with the largest pump out of service. Pumping capacity will be approximately 12 MGD with all pumps in service.

The current grit removal system is scheduled to be demolished. Grit removal will be relocated to the existing pre-aeration basins. An air-diffusion header will be centered across the bottom of each pre-aeration basin, causing turbulence and a rolling pattern that will aid in separating the heavier grit from the organic material in the flow stream. The aeration action will also cause the lighter material such as scum and grease to float to the surface. The bottom of the aeration basins are sloped to a low point where grit can collect and be drawn off through grit collection piping to an existing recessed-impeller-type grit pump. Using a submersible recessed-impeller-type pump at the low point in each pre-aeration basin, grit slurry will be pumped to a new grit cyclone separator that includes a grit cyclone separator and washer. The washed grit will be dropped into a grit bin to be trucked to a landfill.

Grease removal from the primary influent will be accomplished within the pre-aeration basins on the east end of each primary clarifier. The grease will be removed by using motorized tipping troughs along the center wall between the pre-aeration basins. The troughs will collect grease and drop it into a collection box located on the east end of the basins. Once the grease is accumulated in the collection box, an outlet pipe with a sluice gate can be opened to direct the grease to a bin. A drain off the bottom of the bin will allow excess liquid to be emptied to an equipment drain. The contents of the bin will be designated for landfill disposal.

Newly installed pumps will transfer solids from both primary and secondary clarifiers so a lower volume of 1 to 3 percent solids sludge can be pulled from the tanks. One pump will be dedicated to each basin. The pumps will be convoluted-rotary-lobe-type and will be provided with variable-speed drives. The gravity thickener (GT) will be solely dedicated to thickening primary sludge. A flat aluminum cover will be placed over the thickener to reduce the amount of foul air needing to be treated. Access hatches will be provided to gain access to the launders for cleaning. The foul air below the cover will be treated with a foul air treatment system. The wooden building will be demolished, leaving room for the future digester control building and improved vehicular access. The existing transfer pump in the Mechanical Building will continue to be used to pump sludge to the digesters.

Secondary sludge will be thickened separately with a new rotary drum thickener (RDT) installed in the Mechanical Building. Existing influent piping to the gravity thickener will be rerouted to allow primary sludge to be pumped directly to the thickener. The RDT revolves at comparatively low speeds, separating solids as they travel along the rotating screen. The existing digester 2 cover will be repaired or replaced. Horizontal centrifugal chopper pumps will be installed for each digester. The digesters will be converted to parallel operation with increased control of sludge feed, heating, storage, consumption, and extraction. A new gas flare will be installed; and the amount of gas stored in the gas-holder type cover will be determined with installation of a new sludge level sensor.

Crescent City is considering additional treatment capacity with membrane bioreactors if a market develops for recycled water.

## III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

### A. Legal Authorities

This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

### B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

### C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the North Coast Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Pacific Ocean are as follows:

| Discharge Point | Receiving Water Name | Beneficial Use(s) |
|---|---|---|
| 001 | Pacific Ocean | Existing:<br>Navigation (NAV); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sport fishing (COMM); wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE); marine habitat (MAR); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early de4velopment (SPWN); shellfish harvesting (SHELL); aquaculture (AQUA).<br>Potential:<br>Industrial service supply (IND); industrial process supply (PRO); preservation of areas of special biological significance (ASBS). |

2. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

3. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, subject to various exceptions. Some effluent limitations in the Order are less stringent that those in the previous Order. As discussed in this Fact Sheet, these changes to effluent limitations are consistent with the anti-backsliding requirements of the CWA and federal regulations.

4. **Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

**D.** (*Not Applicable*)

**E. Other Plans, Polices and Regulations**

1. The "Water Quality Control Plan for Ocean Waters of California" establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries and coastal lagoons.

2. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

   All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

   The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater 18th Edition (1992). At a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

   In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

3. The permittee has storm water discharges associated with industrial activities, category "ix" as defined in 40 CFR section 122.26(b)(14). The permittee has prepared a Storm Water

Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The permittee must describe storm water discharges, appropriate pollution prevention practices and best management practices in a completed Notice of Intent to be submitted to the State Water Resources Control Board (State Water Board) pursuant to the Statewide General Permit Program.

## IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations; and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR §122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established. Three options exist to protect water quality: 1) 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter may be established.

### A. Discharge Prohibitions

1. **Discharge Prohibition III. A. The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.**

   This prohibition is based on the Basin Plan, previous Order, and State Water Resources Control Board Order WQO 2002-0012 regarding the petition of Waste Discharge Requirements Order No. 01-072 for the East Bay Municipal Utility District and Bay Area Clean Water Agencies. In SWRCB Order WQO 2002-0012, the State Water Board found that this prohibition is acceptable in permits, but should be interpreted to apply only to constituents that are either not disclosed by the permittee or are not reasonably anticipated to be present in the discharge, but have not been disclosed by the permittee. It specifically does not apply to constituents in the discharge that do not have "reasonable potential" to exceed water quality objectives.

   The State Water Board has stated that the only pollutants not covered by this prohibition are those which were "disclosed to the permitting and . . . can be reasonably contemplated." (In re the Petition of East Bay Municipal Utilities District et al., (SWRCB 2002) Order No. WQ 2002-0012, p. 24.) The case cited in that order by the State Water Board reasoned that the permittee is liable for discharges "not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise . . . ." (Piney Run Preservation Assn. v. County Commissioners of Carroll County, Maryland (4th Cir. 2001) 268 F.3d 255, 268.) Thus, State Water Board authority provides that, to be permissible, the constituent discharged (1) must have been disclosed by the permittee and (2) can be reasonably contemplated by the Regional Water Board.

The Regional Water Board has the authority to determine whether the discharge of a constituent is "reasonably contemplated." The Piney Run case makes clear that the permittee is liable for discharges "not within the reasonable contemplation of the permitting authority . . . , whether spills or otherwise . . . ." (268 F.3d 255, 268 [italics added].) In other words, whether or not the Permittee reasonably contemplates the discharge of a constituent is not relevant. What matters is whether the Permittee disclosed the constituent to the Regional Water Board or whether the presence of the pollutant in the discharge can otherwise be reasonably contemplated by the Regional Water Board at the time of permit adoption.

2. **Discharge Prohibition III.B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.**

   This prohibition is based on CWC section 13050.

3. **Discharge Prohibition III.C. The discharge of sludge is prohibited within the State of California.**

   This prohibition is based on Crescent City's report of waste discharge specification that sludge is transported to an Oregon landfill and the Regional Water Board's lack of authority to regulate sludge disposal outside of California.

4. **Discharge Prohibition III.D. The discharge or reclamation of untreated or partially treated waste (receiving a lower level of treatment than described in Finding II.B) from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Attachment D, Standard Provision I.G [Bypass Provision].**

   This prohibition is based on the Basin Plan to protect beneficial uses of the receiving water from unpermitted discharges, and the intent of CWC sections 13260 through 13264 relating to the discharge of waste to waters of the State without filing for and being issued a permit. This prohibition applies to, but is not limited to, sanitary sewer overflows, spills, and other unauthorized discharges of wastewater within the collection, treatment, reclamation, and disposal facilities.

5. **Discharge Prohibition III.F. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.**

   This prohibition is a general prohibition that allows the Permittee to discharge waste only in accordance with waste discharge requirements. It is based on Sections 301 and 402 of the federal CWA and CWC section 13263.

## B. Technology-Based Effluent Limitations

### 1. Scope and Authority

As required by section 301(b)(1)(B) of the CWA, the U.S. EPA developed wastewater treatment standards for POTWs to identify the minimum level of effluent quality attainable by secondary treatment. These technology-based effluent limitations establish a treatment

performance level in terms of Biochemical Oxygen Demand ($BOD_5$), suspended solids, and pH. As described in 40 CFR Part 133, secondary treatment shall achieve the following effluent standards:

BOD and Suspended Solids

i. The 30-day average shall not exceed 30 mg/l.
ii. The 7-day average shall not exceed 45 mg/l.
iii. The 30-day average percent removal shall not be less than 85 percent.

**2. Applicable Technology-Based Effluent Limitations**

a. Biochemical Oxygen Demand

A permit may be renewed, reissued, or modified to contain a less stringent effluent limitation if new information has become available that was not previously available that justifies the application of a less stringent effluent limitation. (33 USC § 1342 (o)(2)(B)(i).) The maximum concentration limitation and maximum mass emission limitation present technology requirements and are not applicable nor required for secondary treatment under 40 CFR § 133. Accordingly, these limitations are omitted from this permit because the limitations promulgated subsequent to the issuance of the original permit present new information not available at that time that justifies the change. Concentration effluent limitations required under 40 CFR §133 remain in effect.

A permit may be renewed, reissued, or modified to contain a less stringent effluent limitation if technical mistakes or mistaken interpretations of law were made in issuing the previous permit. (33 USC § 1342 (o)(2)(B)(ii).) The monthly average mass emission limitation has been modified to be numerically higher than the previous permit. The weekly average mass emission limitation has been increased proportionally. These changes provide a more supportable calculation for mass-based effluent limitations that takes into consideration wet weather flow and wastewater treatment facility performance demonstrated over the period of the expiring permit.

Under 40 CFR § 133.103(d), a lower percent removal requirement may be substituted under special circumstances, including facilities involving less concentrated influent wastewater for separate sewers if certain conditions are met. (40 CFR § 133.103 (d).) This permit specifies a percent removal limitation of 75 percent, reflecting 95$^{th}$ percentile wastewater treatment plant performance from initial implementation of infiltration/inflow correction until the Rumiano pretreatment facility went on-line. This is lower than previous permit requirements of 85 percent removal limitation (through an administrative error, the expiring permit did not list any percent removal limitation, however, the 1984 and 1989 permits did contain the 85 percent BOD removal requirement). The facility will consistently meet its permit effluent concentration limits but the 85 percent removal requirement cannot be met due to less concentrated influent wastewater, and to meet the requirement, the facility would have to achieve significantly more stringent limitations than otherwise required. Also, the less concentrated influent is not the result of excessive I/I. To compensate for BOD removal in advance of influent monitoring, this permit allows summing BOD removal by the Rumiano pretreatment plant with BOD removal at the wastewater treatment facility in computation of BOD removal.

b. Suspended Solids

The same analysis for BOD listed above applies for suspended solids, except that the 85 percent removal requirement for suspended solids remains in force under this permit. The state is only authorized to substitute a lower percent removal requirement under 40 CFR § 133.103(d) if the previous percent removal requirement cannot be met due to less concentrated influent wastewater. The wastewater treatment plant has consistently removed 85 percent of suspended solids under normal operating conditions.

Settleable Solids

Daily maximum and average monthly effluent limitations have been continued from the expiring NPDES permit. The Crescent City wastewater treatment facility has consistently met these effluent limitations.

c. Fecal Coliform Organisms

Monrthly median and $90^{th}$ percentlile effluent limitations have been continued from the expiring NPDES permit. The Crescent City wastewater treatment facility has consistently met these effluent limitations.

**Summary of Technology-based Effluent Limitations**
**Discharge Point 001**

| Parameter | Units | Effluent Limitations | | | | | |
|---|---|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum | Six-Month Median |
| Biochemical Oxygen Demand 5-day @ 20°C | mg/L | 30 | 45 | | | | |
| | lbs/day | 700 | 1050 | | | | |
| Total Suspended Solids | mg/L | 30 | 45 | | | | |
| | lbs/day | 475 | 710 | | | | |
| Settleable Solids | ml/L | 0.1 | | 0.2 | | | |

b. **Biochemical Oxygen Demand Percent Removal:** The average monthly percent removal of BOD 5-day 20°C shall not be less than 75 percent.

c. **Total Suspended Solids Percent Removal:** The average monthly percent removal of total suspended solids shall not be less than 85 percent.

d. **Most Probable Number (MPN) of Fecal Coliform Organisms per 100 milliliters:** The monthly median shall not exceed 14 and not more than ten percent of the samples collected in any calendar month shall exceed 43.

## C. Water Quality-Based Effluent Limitations (WQBELs)

### 1. Scope and Authority

As specified in 40 CFR §122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses for the receiving water as specified in the Ocean Plan.

### 2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Beneficial uses are specified in the Water Quality Control Plan for the North Coast Basin. Water Quality objectives are specified in Table A and Table B of the Ocean Plan.

### 3. Determining the Need for WQBELs

Regional Water Board Staff conducted a reasonable potential analysis for physical and chemical water quality modifiers listed in Table A and Table B of the Ocean Plan. Reasonable potential for pH, settleable solids, turbidity, ammonia, oil & grease, and total chlorine residual was determined on the basis of routine monitoring results. Reasonable potential for copper, zinc, and chloroform was determined on the basis of monitoring results for priority pollutants. Reasonable potential for bis(2-chloroethyl) ether, bis(2-chloroethoxy) methane, and nitrosodimethyl amine was assumed because Crescent City failed to provide analytical data to complete USEPA form 2A submitted with the report of waste discharge.

### 4. WQBEL Calculations

Initial dilution, as defined in the Ocean Plan, was determined by modeling mixing resulting from wave action within the rocky "slot" receiving effluent. Water within the slot was assumed to be completely mixed by the action of breaking waves. The period of mixing was assumed to correspond to the median dominant wave period measured by the National Oceanic and Atmospheric Administration (NOAA) at the nearest observation buoy. Effluent discharged during that period was assumed to mix with a volume of receiving water equal to the product of the surface area of the slot and the median significant wave amplitude measured by NOAA. A re-entrainment factor for previously mixed effluent was considered proportional to NOAA measured median wind velocities producing transverse coastal currents. The model was calibrated against observations during a 1982 dye study producing an estimated initial dilution of 50:1. Model results are compared below:

| | 1982 Dye Study | NOAA August | NOAA December |
|---|---|---|---|
| Effluent flow | 1.4 MGD | 1.86 MGD | 6.92 MGD |
| Wave period | -- | 8 seconds | 12.5 seconds |
| Wave height | 7 feet | 5 feet | 10 feet |
| Wind velocity | 6 knots | 8 knots | 12 knots |
| Dilution ratio | 50:1 | 37:1 | 29:1 |

NOAA August represents average dilution conditions during minimal wave energies expected during average dry weather flows. NOAA December represents average dilution conditions during maximum wave energies expected during wet-weather flows. NOAA December effluent flow is the sum of the 0.8 MGD design flow for the Crescent City Harbor District seafood processing plant plus the limiting 6.12 MGD peak flow design (for disinfection) of the Crescent City wastewater facility. The Crescent City Harbor District seafood processing plant uses the Crescent City outfall structure and only operates during the winter fishing season. A dilution ratio of 29:1 was used to compute Ocean Plan Table B effluent limitations in accordance with procedures specified in the Ocean Plan program of implementation.

## Summary of Water Quality-based Effluent Limitations
## Discharge Point 001

| Parameter | Units | Effluent Limitations | | | | | |
|---|---|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum | Six-Month Median |
| pH | standard units | | | | 6.0 | 9.0 | |
| Oil and Grease | mg/L | 25 | 40 | | | 75 | |
| Settleable Solids | ml/L | | | | | 3.0 | |
| Turbidity | NTU | 75 | 100 | | | 225 | |
| Total Chlorine Residual | mg/L | | | 0.24 | | 1.8 | 0.06 |
| Ammonia | mg N/L | | | 72 | | 180 | 18 |
| Copper | mg/L | | | 0.3 | | 0.84 | 0.032 |
| Zinc | mg/L | | | 2.2 | | 5.8 | 0.37 |
| Chloroform | mg/L | 3.9 | | | | | |
| Bis(2-chloroethyl) ether | ug/L | 1.4 | | | | | |
| Bis(2-chloroethoxy) methane | ug/L | 130 | | | | | |
| N-nitrosodimethyl amine | ug/L | 220 | | | | | |

## V. RATIONALE FOR RECEIVING WATER LIMITATIONS

### A. Surface Water

Receiving water limitations reflect Ocean Plan water quality objectives.

## VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the California Water Code authorize the Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program for this facility.

### A. Influent Monitoring

Influent monitoring of biochemical oxygen demand and total suspended solids is required for computation of percent removal effluent limitations.

### B. Effluent Monitoring

Flow measurements are required to determine compliance with mass effluent limitations. Analyses for settleable solids, pH, turbidity, and grease & oil are required to determine compliance with effluent limitations for Ocean Plan Table A objectives. Analyses for biochemical oxygen demand and total suspended solids are required to determine compliance with the 40CFR133 definition of secondary treatment. Total dissolved solids analyses are required to verify the initial dilution model used to assess Ocean Plan compliance. All other analyses are required to determine compliance with effluent limitations for Ocean Plan Table B objectives.

### C. (*not applicable*)

### D. Receiving Water Monitoring

#### 1. Surface Water

Monitoring location R-001 (Pacific Ocean adjacent to the slot on the east side of Battery Point Light) represents water quality of an area within the waste field where initial dilution (as defined in the Ocean Plan) is complete. Monitoring location R-002 (Pacific Ocean in False Klamath Cove) represents water quality in an area unaffected by the waste. Monitoring locations R-003 (Pacific Ocean on the east side of Whaler Island) and R-004 (Pacific Ocean adjacent to Preston Island) represent background receiving water for purposes of dilution ratio verification.

Analyses for total coliform, fecal coliform, and enterococcus are required at R-001 to determine compliance with Ocean Plan bacterial water quality objectives. Analyses for turbidity, dissolved oxygen, and pH are required at R-001 to determine compliance with Ocean Plan physical and chemical water quality objectives. Total dissolved solids analyses are

required at R-001 to verify the initial dilution model. Chronic toxicity analyses at R-001 conform to Ocean Plan toxicity testing requirements.

Analyses of turbidity, dissolved oxygen, and pH are required at R-002 to determine background values for comparison with analyses at R-001.

Total dissolved solids analyses are required at R-003 and R-004 to verify the initial dilution model when coastal currents may be carrying the effluent plume either north or south along the coast.

## VII. RATIONALE FOR PROVISIONS

### A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

### B. Special Provisions for Municipal Facilities (POTWs Only)

a. **Wastewater Collection System (ProvisionVI.C.6.a)**

The U.S. EPA has prepared a draft proposed rule intended to address the control of sanitary sewer overflow from municipal wastewater collection systems. The core requirement in the draft Rule is for proper system management under the framework of "CMOM." The proposed CMOM (for Capacity, Management, Operations and Maintenance) rule was to be published in the Federal Register by late 2002, after final review by the federal executive branch. The intent of the Rule is to eliminate "preventable" SSOs by requiring entities to implement appropriate capacity, management, operations, and maintenance practices. The permit conditions under the proposed draft rule will be derived from the Clean Water Act sections 304(i), 308, and 402(a).

A CMOM program is a structured program for managers of wastewater collection system to optimize system performance and maintain their facilities. CMOM is an iterative process of evaluating and improving procedures for managing collection systems and ensuring system performance. Under United States Environmental Protection Agency's (EPA's) draft proposed sanitary sewer overflow (SSO) Rule, collection system utilities must meet five performance standards:

- Properly manage, operate and maintain all parts of the collection system;
- Provide adequate conveyance capacity;
- Reduce the impact of any SSOs;
- Provide notification to parties who may be exposed to a SSO; and
- Document the CMOM program in a written plan.

The State Water Resources Control Board is moving forward with implementation of the proposed federal rule, but has of yet not promulgated statewide regulations. Nevertheless, proper management of the municipal wastewater collection system is an

integral component of a properly operating publicly owned treatment works as required by 40 CFR 122.41 (e). The Permit incorporates many of the goals of the EPA's proposed CMOM program. In addition, entities that comply with the CMOM regulations and have acceptable CMOM programs in place will be better able to assert an affirmative defense for unpreventable SSO incidents, and avoid or mitigate regulatory enforcement actions that will otherwise occur.

b. **Sanitary Sewer Overflows (Provision VI.C.6.b)**
The Permit contains provisions that require development and implementation of a management, operation, and maintenance program for its wastewater collection system and clearly identifies the reporting requirements for sanitary sewer overflows. The goal of these provisions is to ensure appropriate and timely response by the Discharger to sanitary sewer overflows to protect public health and water quality. The Plan also includes provisions to ensure adequate notifications are made to the appropriate local, state, and federal authorities.

c. **Industrial Pretreatment (Provision VI.C.6.c)**
Crescent City has a long history of effluent violations attributable to discharges from food processing plants. The secondary treatment process has been unable to cope with the relatively high organic loading and irregular timing of these discharges. Crescent City presently depends upon the reliability of a food processing pretreatment facility to keep total organic loading within wastewater treatment plant design.

Despite the significance of industrial loading and the necessity for municipal oversight, recent pretreatment inspections have noted shortcomings in Crescent City's pretreatment program. This permit requires implementation of a conventional pretreatment program to reduce effluent violations attributable to uncontrolled discharges to the wastewater collection system.

d. **Operator Certification (Provision VI.C.6.d)**
This provision requires the WWTF to be operated by supervisors and operators who are certified as required by Title 23, CCR, section 3680.

## VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the Crescent City wastewater treatment facility. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

### A. Notification of Interested Parties

The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through publication in the Daily Triplicate on November 23, 2005.

### B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on December 23, 2005.

### C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

| | |
|---|---|
| Date: | January 25, 2006 |
| Time: | 9:00 a.m. |
| Location: | Crescent City Cultural Center<br>1001 Front Street<br>Crescent City CA 95531 |

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, waste discharge requirements, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is http://www.waterboards.ca.gov/northcoast/ where you can access the current agenda for changes in dates and locations.

### D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

### E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (707)576-2220.

### F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

### G. Additional Information

Requests for additional information or questions regarding this order should be directed to Albert Wellman at awellman@waterboards.ca.gov.

**Crescent City Planning Commission**
**February 8, 2007**
**Staff Report**

**Agenda Item# IV.C.** **Application #: CDP-07-01**

**Project**: Wastewater Treatment Plant renovation
**Applicant:** City of Crescent City
**Site Address:** 210 Battery Street & 195 B Street
**APN:** 118-020-31, 118-030-14, -15, -16, & -17
**Lot Size:** 2.6 acres **Project Size:** 2.6 acres
**General Plan Land Use**: Public Facilities and Visitor & Local Commercial
**Zoning**: CZ-C2 (Coastal Zone-General Commercial) District

**Surrounding Zoning/Uses:** North: CZ-C2/vacant; East: CZ-O/park; South: CZ-O/open space West: CZ-RP/vacant.

**Background & Project Description:** Please see attached project description, site plans and elevations (Attachment B).

**Staff Analysis**: CCMC section 17.68.010 (part of the Local Coastal Program) states that, "The coastal zone general commercial district is intended to serve as the public utilities area of the city within the coastal zone." Section 17.68.020.2 states that "Wastewater treatment facilities" are a principal permitted use. The Crescent City General Plan land use designation for the existing WWTP is Public Facilities, and the designation for the site proposed for the laboratory building is Visitor & Local Commercial (VLC). The General Plan for this designation states that public facilities are allowed by use permit. However, the CZ-C2 District, which the General Plan states is consistent with the VLC, lists wastewater treatment facilities as a principal permitted use. Staff interprets this to mean that a separate use permit is not required for this project in the CZ-C2 District, especially since the coastal development permit may also be conditionally approved, as discussed below.

In recent Planning Commission meetings, the Commission has expressed concern over the unsightly appearance of the subject properties during the construction of the outfall portion of the project, especially the properties north of the existing treatment plant, where a considerable amount of construction material is stored. This general area of the city is a prime tourist district, and experiences heavy visitor and local traffic enroute to the B Street Pier, Battery Point Lighthouse, Pebble Beach Drive, and Beachfront Park. The coastal development permit approval contains conditions requiring the cleanup and maintenance of the project site to mitigate visual blight to the greatest extent possible.

Moreover, during construction of the outfall portion of the overall project (local CDP 05-01 and UP 05-03), heavy equipment was used to stage the outfall pipe between the two rows of shore pines growing along the north side of Howe Drive. The machinery was driven repeatedly between and on both sides of the tree rows, resulting in significant compaction of the soil and

irreversible damage to the root zone of the trees. The machinery operators and city Public Works staff were certainly not aware that the practice would be so detrimental to the trees; but the use of the tree corridor for outfall pipe staging was not included in the project description or the project environmental analysis pursuant to CEQA, and was not discovered by Planning or Parks staff until the damage had already occurred. Healthy soil contains a vast network of pores that contain and transmit both air and water vital to the physiological processes of trees and other plants. When soil is compacted, the pores collapse and roots subsequently deteriorate.

With such debilitated root systems, tree health rapidly diminishes and the roots begin to lose their ability to anchor the tree. The most immediate result is that trees begin to fall over under high winds, which are especially frequent along the coast. Since the construction of the outfall, at least ten trees have completely failed and several dozen more have begun to lean over. The remaining approximately two hundred pines will all probably all succumb to high winds or the deleterious effects of soil compaction within the next five years, but probably sooner. An important point is that professional arborists and foresters commonly recognize that trees in groves have far greater resistance to windthrow than do isolated or exposed trees. Each tree that fails opens up additional probability that adjacent trees will fail that much sooner. The coastal development permit approval includes a condition that a minimum of two hundred replacement trees be installed along Howe Drive, with species, sizes, planting techniques and locations subject to the approval of the Planning Department.

**General Plan, Local Coastal Program & Zoning Code Consistency:** The application is consistent with the intent of the General Plan coastal development policies, the policies and procedures contained in the Local Coastal Program, and the principal permitted uses in the CZ-C2 District.

**Environmental Determination:**
The project is subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15080 *et seq*. On February 22, 2005 the City Council certified and adopted the Final and Supplemental Environmental Impact Reports for this project (SCH #2000102115) pursuant to the California Environmental Quality Act (CEQA Guidelines.).

**Recommended Findings:**
Staff recommends that the Planning Commission make the following findings:

A. That the project is consistent with the Crescent City General Plan and Municipal Code.
B. That the project is subject to CEQA and that an Environmental Impact Report was prepared and certified by the City Council on February 22, 2005 pursuant to CEQA Guidelines §15080 *et seq*.

**Recommended Actions:**
Staff recommends that the Planning Commission take the following actions:

A. Conduct the public hearing to receive comments on this application.
B. Adopt the Recommended Findings A-B.
C. Approve application #CDP-07-01 subject to the attached conditions of approval and any additional conditions adopted by the Planning Commission at the public hearing:

Attachments: A) Conditions of Approval
B) Project description, site plans, and elevations
C) Aerial photograph of site with APN delineation

**Coastal Development Permit #CDP-07-03,**
**Use Permit #07-01**
**APNs 118-020-31, 118-030-12, -13, -14, -15 & -16**

**Conditions of Approval**

**On March 22, 2007, the Planning Commission approved the above applications, subject to the following conditions:**

1. The approval is for the temporary establishment of construction staging areas in support of the renovation of the existing Wastewater Treatment Plant and the construction of a new laboratory building as approved by local coastal development permit #CDP-07-01.

2. Within ten (10) days following project approval, Kennedy/Jenks Consultants shall provide the City Clerk with a written request to withdraw their appeal of certain conditions of approval adopted for CDP-07-01.

3. Prior to any use of the staging areas, the Public Works Department and/or project contractors shall comply with CDP-07-01 Conditions of Approval Nos. 2 and 3, which were not included in the Kennedy/Jenks appeal.

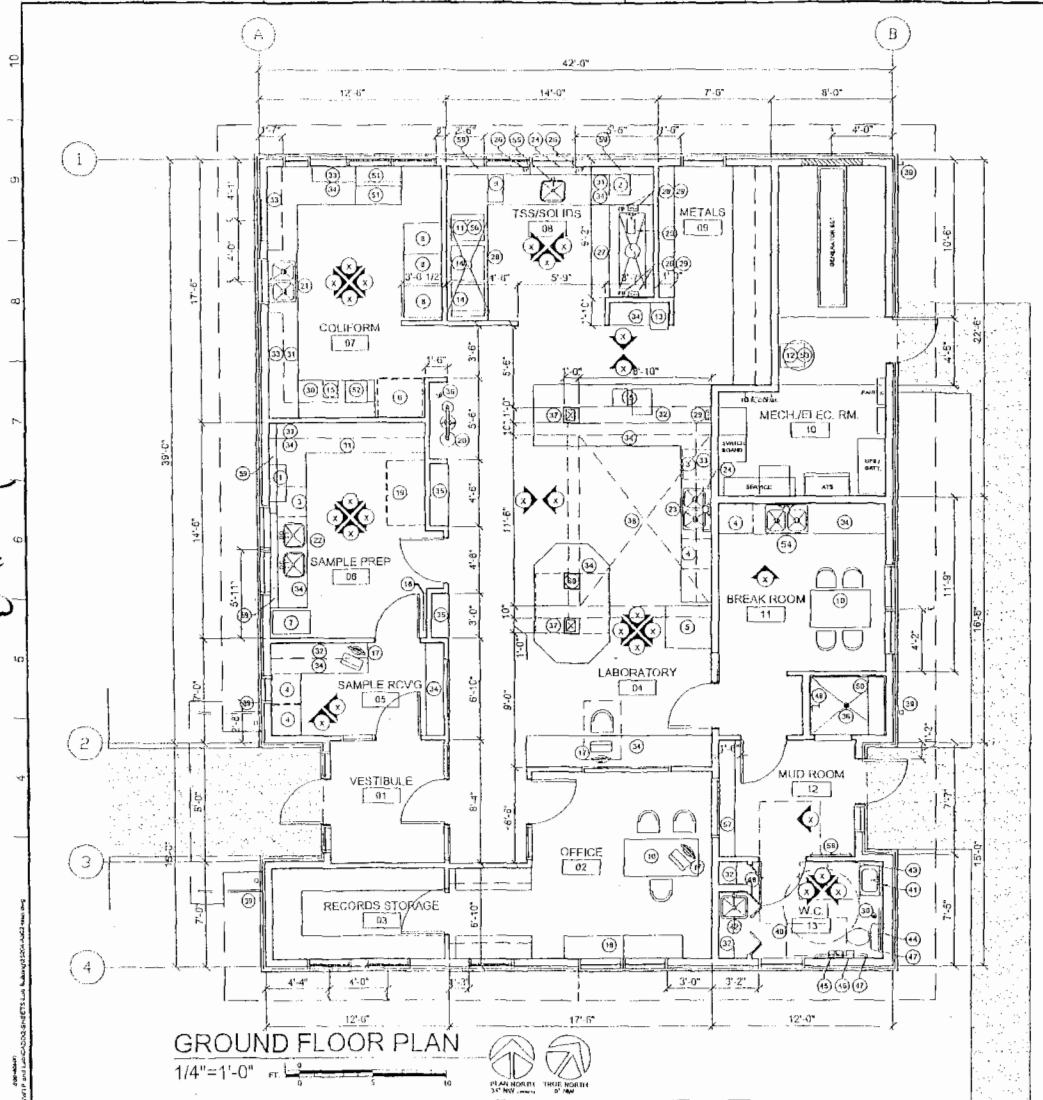
4. There shall be no construction staging, storage of vehicles or equipment, parking or traffic associated with the project on the following parcels and/or areas:
   a. 118-030-22
   b. 118-030-23
   c. 118-030-11
   d. The portion of 118-020-31 south of the existing treatment plant (south side of the bicycle/pedestrian path), excepting works or erosion-control measures to protect the coastal wetland.
   e. Open-space area south of the Battery Point parking area and west of B Street.
   f. The Marine Mammal Center access driveway.
   g. Beachfront Park and Howe Drive, east of the western edge of the access driveway to the Marine Mammal Center.

1. Prior to any use of the staging areas, the Public Works Department shall provide to the Planning Commission, and receive Planning Commission approval, of an operation plan for the staging areas. The plan shall include, but not be limited to:
   a. Provisions for screening the staging areas with visual barrier fencing.
   b. Routes of travel for all construction vehicles and equipment to and from the staging areas and construction sites.

1. Public vehicular access shall be maintained at all times, if feasible, to the B Street Pier.

2. Public pedestrian and/or bicycle access shall be maintained at all times, if feasible, to the path south of the treatment plant to accommodate public access to and from Beachfront Park and the Battery Point area.

3. Prior to filing the Notice of Completion for the renovation project, the Public Works Department shall obtain Planning Commission approval of a plan for the repair and redevelopment of the construction staging areas.




# GROUND FLOOR PLAN

1/4"=1'-0"

PLAN NORTH

TRUE NORTH

## GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUD, CONCRETE, AND CENTERLINE OF COLUMNS, WINDOWS AND DOORS, U.N.O.
2. SEE SHEETS xxx AND xxx FOR INTERIOR ELEVATIONS.
3. SEE DETAIL xxx FOR TYPICAL MOUNTING HEIGHTS.
4. SEE BUILDING PLAN xxx FOR FLOOR MATERIAL TRANSITIONS AND WALL TYPE CALL OUTS.
5. DOOR R.O. 6" MIN. FROM NEAREST PERP. WALL FRAMING OR BUILT-IN CABINETRY, U.N.O.

## KEY NOTES

| | | | |
|---|---|---|---|
| 1 | (BY OWNER) DISTILLATION UNIT | 32 | SHELVES ABOVE |
| 2 | (BY OWNER) CENTRIFUGE | 33 | CABINET ABOVE |
| 3 | (BY OWNER) DISHWASHER | 34 | BUILT-IN BELOW COUNTER CABINETS |
| 4 | (BY OWNER) UNDER COUNTER REFRIGERATOR | 35 | BUILT-IN SHELF UNIT |
| 5 | (BY OWNER) B.O.D. INCUBATOR | 36 | FLOOR DRAIN |
| 6 | (BY OWNER) COLIFORM REFRIGERATOR | 37 | ELECTRICAL CHASE |
| 7 | (BY OWNER) AUTOCLAVE | 38 | LIGHT WELL ABOVE |
| 8 | (BY OWNER) COLIFORM INCUBATOR | 39 | DOWN SPOUT |
| 9 | (BY OWNER) BLENDER | 40 | ADA CLEARANCE |
| 10 | (BY OWNER) DESK/TABLE/CHAIRS | 41 | BATHROOM SINK, SEE SPEC. |
| 11 | (BY OWNER) MUFFLE FURNACE | 42 | MOP SINK, SEE SPEC. |
| 12 | (BY OWNER) VACUUM PUMP CABINET W/ SOUND PROOFING | 43 | PAPER TOWEL DISPENSER |
| 13 | (BY OWNER) BALANCE AND STAND | 44 | SEAT COVER DISPENSER |
| 14 | (BY OWNER) DRYING OVEN | 45 | TOILET TISSUE DISPENSER |
| 15 | (BY OWNER) DESSICATOR | 46 | NAPKIN DISPOSAL |
| 16 | (BY OWNER) POSTING BOARD | 47 | GRAB BAR |
| 17 | (BY OWNER) COMPUTER | 48 | TOWEL HOOK |
| 18 | (BY OWNER) CABINETS/SHELF | 49 | SHOWER W/ BUILT-IN BENCH SEAT |
| 19 | (BY OWNER) REFRIGERATOR TYPE 'R-1', SEE SPEC. | 50 | HAND-HELD SHOWER NOZZLE |
| 20 | EYE WASH & SAFETY SHOWER | 51 | (BY OWNER) WATER BATH |
| 21 | COLIFORM ROOM SINK, SEE SPEC. | 52 | (BY OWNER) BLACK BOX |
| 22 | SAMPLE PREP SINK, SEE SPEC. | 53 | WATER HEATER |
| 23 | LAB SINK, SEE SPEC. | 54 | BREAK ROOM SINK |
| 24 | GLASSWARE DRYING RACK ABV. | 55 | TSS / SOLIDS SINK, SEE SPEC. |
| 25 | FUME HOOD CUP SINK | 56 | ACB BASE CABINET |
| 26 | VALVED VACUUM PORTS | 57 | BUILT-IN BOTTLE STORAGE CABINETRY |
| 27 | FUME HOOD WORKSTATION | 58 | (BY OWNER) COAT RACK / HOOKS |
| 28 | CANOPY HOOD ABOVE | 59 | 6" RAISED BACKSPLASH SHELF |
| 29 | AIR-WATER-GAS | 60 | ELEC. OUTLET PEDESTAL |
| 30 | STAINLESS STEEL COUNTER TOP | 61 | |
| 31 | EPOXY RESIN COUNTER TOP | 62 | |

Michael Willis Architects

LINES 2 INCHES AT FULL SIZE (IF NOT, SCALE ACCORDINGLY)

DESIGNED: MW
DRAWN: SW
CHECKED: MW
CHECKED: JM
APPROVED: JM

EXTERNAL REFERENCE FILES

C-24100

| NUMB | REV. | DESCRIPTION | BY | DATE | APP. |
|---|---|---|---|---|---|
| | | | | | |

**CRESCENT CITY, CA**

WATER POLLUTION CONTROL FACILITIES

ARCHITECTURAL

LABORATORY BUILDING GROUND FLOOR PLAN

FILENAME: 25204-A-902
MWA PROJECT NUMBER: 200334.01
CLIENT PROJECT NUMBER:
DRAWING NUMBER: A902

## GENERAL NOTES CONT'D:

1. ALL COORDINATE VALUES SHOWN ARE BASED ON NAD 83. COORDINATES SHOWN ARE LOCATED AT THE CENTER OR CORNER POINT ON STRUCTURES. VERTICAL DATUM IS BASED ON NAVD 88.

## KEY NOTES:

(1) PROVIDE CONCRETE SIDEWALK PER DETAIL D/C3.

(2) PROVIDE CONCRETE CURB PER DETAIL B/C3.

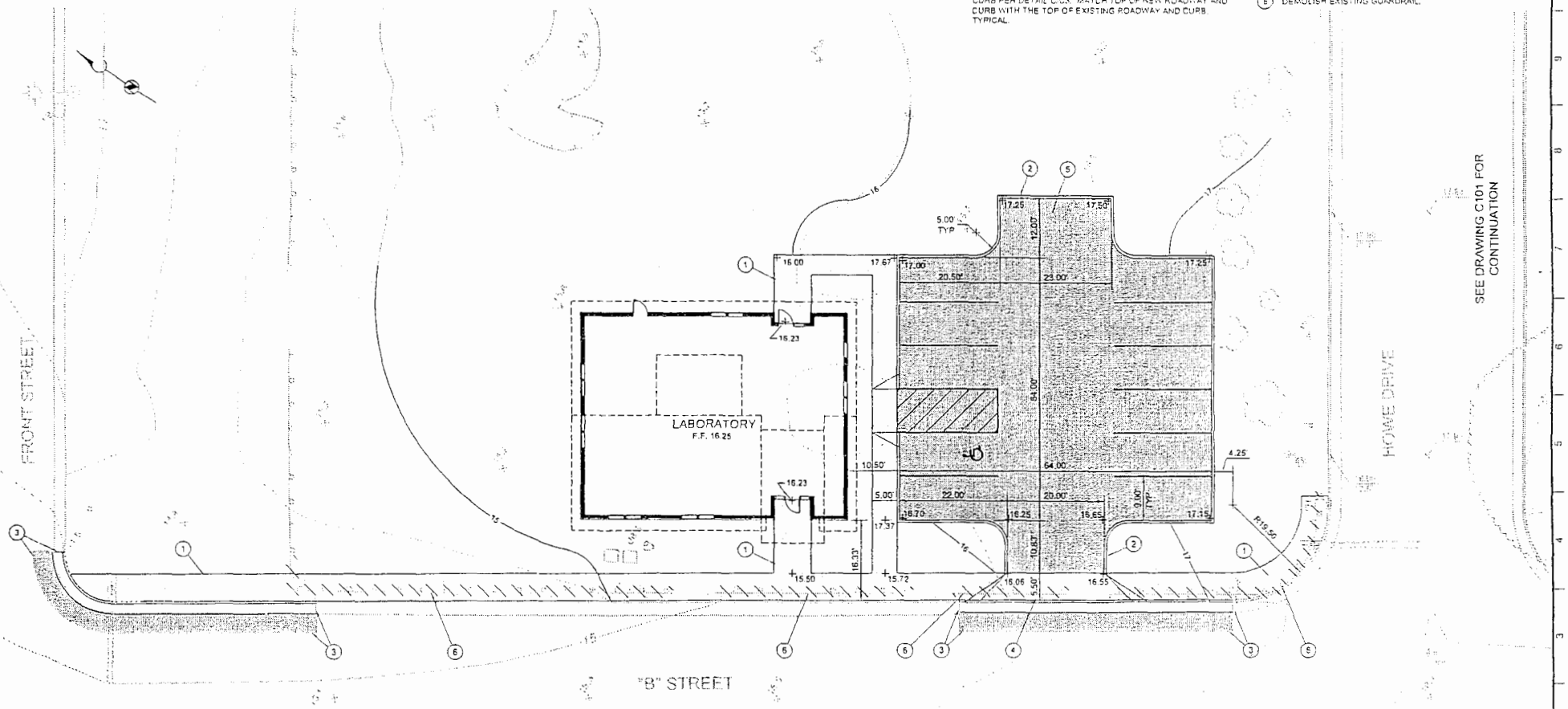
(3) DEMOLISH EXISTING CURB AND PROVIDE NEW CONCRETE CURB PER DETAIL C/C3. MATCH TOP OF NEW ROADWAY AND CURB WITH THE TOP OF EXISTING ROADWAY AND CURB, TYPICAL.

## KEY NOTES CONT'D:

(4) PROVIDE DRIVEWAY ENTRANCE PER DETAIL F/C3.

(5) PROVIDE TYPE B ROADWAY OVER ALL SHADED AREAS PER DETAIL A/C3.

(6) DEMOLISH EXISTING GUARDRAIL.




PAVING AND GRADING

# PLAN

SCALE: 1"=10'-0"

Michael Willis Architects

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| DRAWN: CAS |
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| APPROVED: |

EXTERNAL REFERENCE FILES

REGISTERED PROFESSIONAL ENGINEER — HAND LEONARD STAMP — No. 41297 — Exp. 6-30-07 — CIVIL — STATE OF CALIFORNIA

| REVISIONS | | | | |
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**CRESCENT CITY, CA**

CITY OF CRESCENT CITY CALIFORNIA

WATER POLLUTION CONTROL FACILITIES

CIVIL

LABORATORY BUILDING
PAVING AND GRADING PLAN

| |
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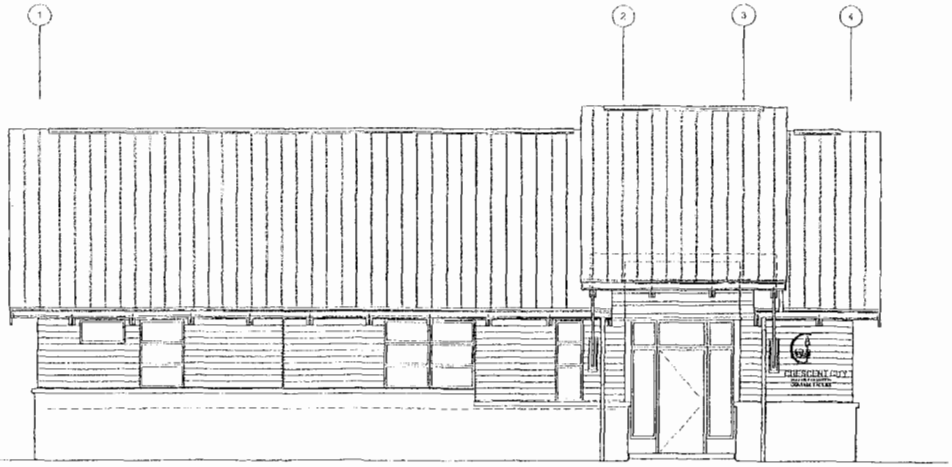
| MWA PROJECT NUMBER: 200334.01 |
| CLIENT PROJECT NUMBER: |
| DRAWING NUMBER: C901 |

bhl



WEST ELEVATION
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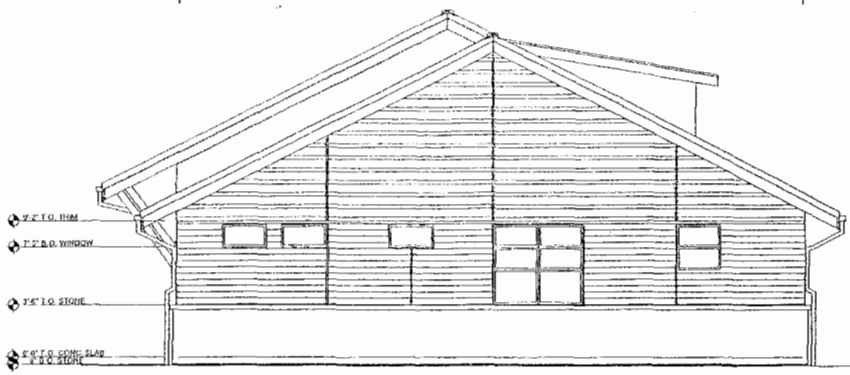


SOUTH ELEVATION
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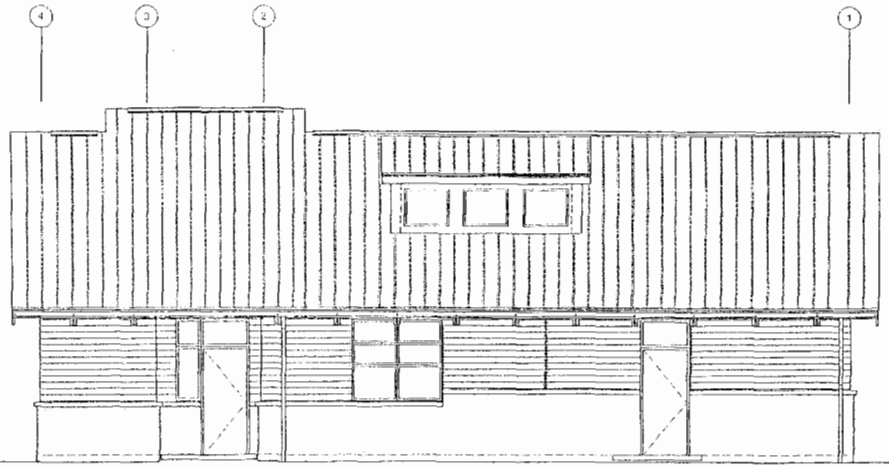
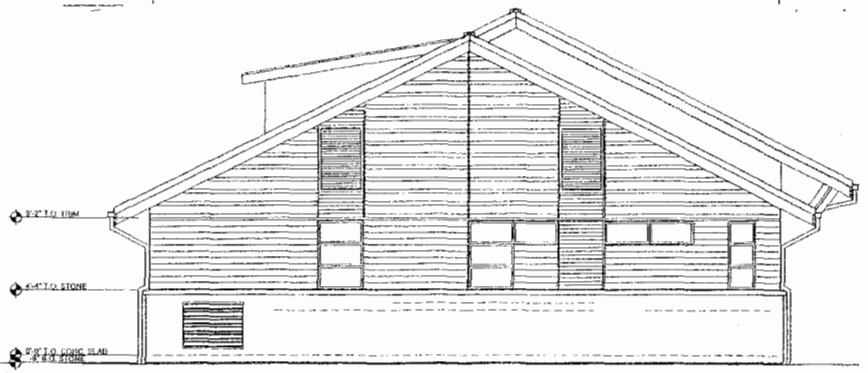


EAST ELEVATION
1/4"=1'-0"




NORTH ELEVATION
1/4"=1'-0"

b of 2

Michael Willis Architects

LINE IS 2 INCHES AT FULL SIZE (IF NOT 2", SCALE ACCORDINGLY)

DESIGNED: MWA
DRAWN: DWD
CHECKED: DW
CHECKED: JW
APPROVED: JW

EXTERNAL REFERENCE FILES

C-24100

| REVISIONS | | | | | |
|---|---|---|---|---|---|
| ZONE | REV. | DESCRIPTION | BY | DATE | APP. |

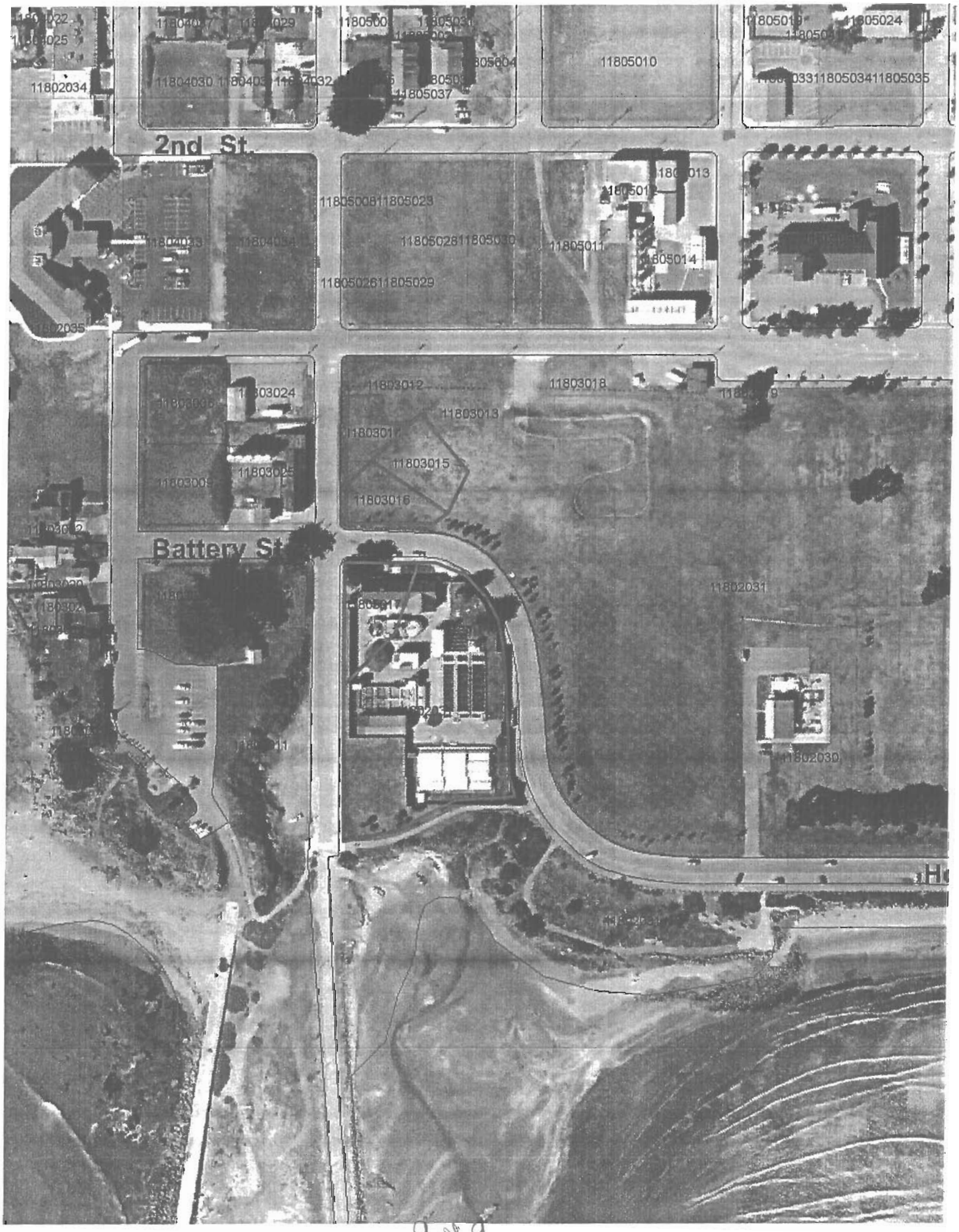
**CRESCENT CITY, CA**

WATER POLLUTION CONTROL FACILITIES

ARCHITECTURAL

LABORATORY BUILDING ELEVATIONS

FILENAME 2520-1-A-904
MWA PROJECT NUMBER 209334.01
CLIENT PROJECT NUMBER
DRAWING NUMBER A904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Battery St
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11802034
11805037
11805023
11805028
11805030
11805011
11805014
11805029
11803012
11803018
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11802030

999

**Crescent City Planning Commission**
**March 22, 2007**
**Staff Report**

**Agenda Item# IV.A.** **Application #: CDP-07-03, UP 07-01**

**Project:** Wastewater Treatment Plant renovation staging areas
**Applicant:** City of Crescent City
**Site Address:** 195 B Street, Beachfront Park Amphitheater area
**APN:** 118-020-31, 118-030-12, -13, -14, -15 & -16
**Lot Size:** N/A **Project Size:** ±2.5 acres
**General Plan Land Use:** Visitor & Local Commercial (VLC), Open Space (OS)
**Zoning:** CZ-C2 (Coastal Zone-General Commercial) District, CZ-O (Coastal Zone-Open Space)

**Surrounding Zoning/Uses:** North: CZ-C2/vacant; East: CZ-O/park; South: CZ-C2/treatment plant, CZ-O/park; West: CZ-C2/treatment plant, vacant.

**Background & Project Description:** The Planning Commission conditionally approved local Coastal Development Permit #CDP-07-01 on February 8, 2007. The project description provided to the Planning Department did not include a description of the proposed staging areas, therefore the staging areas require independent permitting. Kennedy/Jenks Consultants, a sub-consultant firm working on the renovation project, appealed certain conditions of approval on CDP 07-01. Although on March 8, 2007 the Planning Commission approved modifications to the conditions of approval requested by the Public Works Department, Kennedy/Jenks has not yet withdrawn the appeal. In order to avoid moving the overall project forward under cloud of the appeal, staff has therefore added a condition to the current use permit approval requiring formal withdrawal of the appeal. Otherwise, the current coastal development permit and use permit applications should complete the local coastal permitting process.

There are two proposed contractor staging areas: one area (approximately 0.6 acre) will be established on the southeast corner of the intersection of Front and B Streets, and the other area (approximately 1.9 acres) will be established in the amphitheater area of Beachfront Park, immediately east of the existing Treatment Plant (see Attachment B).

**Staff Analysis**: The coastal development permit portion applies to both of the staging areas, but the use permit applies only to the staging area proposed for the amphitheater area, which is contained within the CZ-O District. CCMC section 17.71.020.A states that, "There are no permitted uses without a use permit." Section 17.71.020.A.10 allows "Public buildings and facilities," which staff is interpreting to include temporary uses, such as staging areas, in support of the construction of public buildings and facilities.

**General Plan, Local Coastal Program & Zoning Code Consistency:** If properly conditioned to ensure protection of the public welfare and coastal resources, compatibility with adjacent uses, and avoidance of visual blight, the application is consistent with the intent of the General Plan

coastal development policies, the policies and procedures contained in the Local Coastal Program, and the principal permitted uses in the CZ-C2 and CZ-O Districts.

**Environmental Determination:**
The project is subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15080 *et seq.* On February 22, 2005 the City Council certified and adopted the Final and Supplemental Environmental Impact Reports (EIRs) for this project (SCH #2000102115) pursuant to the California Environmental Quality Act (CEQA Guidelines.). Although the EIRs did not sufficiently address the use of staging areas or their potential negative environmental impacts, the EIRs do not need to be formally modified, recirculated and re-adopted if other permitting processes ensure that proper and more stringent mitigation measures, as conditions of approval, are applied to the project (see Attachment A, Conditions of Approval).

**Recommended Findings:**
Staff recommends that the Planning Commission make the following findings:

A. That the project is consistent with the Crescent City General Plan and Municipal Code.
B. That the project is subject to CEQA and that an Environmental Impact Report was prepared and certified by the City Council on February 22, 2005 pursuant to CEQA Guidelines §15080 *et seq.*
C. That the EIR did not adequately address potential environmental impacts of the staging areas, and that the proposed conditions of approval, if adopted, will avoid the necessity of preparing a subsequent or supplemental EIR pursuant to CEQA Guidelines section 15162 *et seq.*

**Recommended Actions:**
Staff recommends that the Planning Commission take the following actions:

A. Conduct the public hearing to receive comments on this application.
B. Adopt the Recommended Findings A-C.
C. Approve applications CDP-07-03 and UP-07-01 subject to the attached conditions of approval and any additional conditions adopted by the Planning Commission at the public hearing:

Attachments: A) Conditions of Approval
B) Contractor's Staging Area map

12 of 5

**Coastal Development Permit #CDP-07-03,**
**Use Permit #07-01**
**APNs 118-020-31, 118-030-12, -13, -14, -15 & -16**

**Conditions of Approval**

**On March 22, 2007, the Planning Commission approved the above applications, subject to the following conditions:**

1. The approval is for the temporary establishment of construction staging areas in support of the renovation of the existing Wastewater Treatment Plant and the construction of a new laboratory building as approved by local coastal development permit #CDP-07-01.

2. Within ten (10) days following project approval, Kennedy/Jenks Consultants shall provide the City Clerk with a written request to withdraw their appeal of certain conditions of approval adopted for CDP-07-01.

3. Prior to any use of the staging areas, the Public Works Department and/or project contractors shall comply with CDP-07-01 Conditions of Approval Nos. 2 and 3, which were not included in the Kennedy/Jenks appeal.

4. There shall be no construction staging, storage of vehicles or equipment, parking or traffic associated with the project on the following parcels and/or areas:
   a. 118-030-22
   b. 118-030-23
   c. 118-030-11
   d. The portion of 118-020-31 south of the existing treatment plant (south side of the bicycle/pedestrian path), excepting works or erosion-control measures to protect the coastal wetland.
   e. Open-space area south of the Battery Point parking area and west of B Street.
   f. The Marine Mammal Center access driveway.
   g. Beachfront Park and Howe Drive, east of the western edge of the access driveway to the Marine Mammal Center.

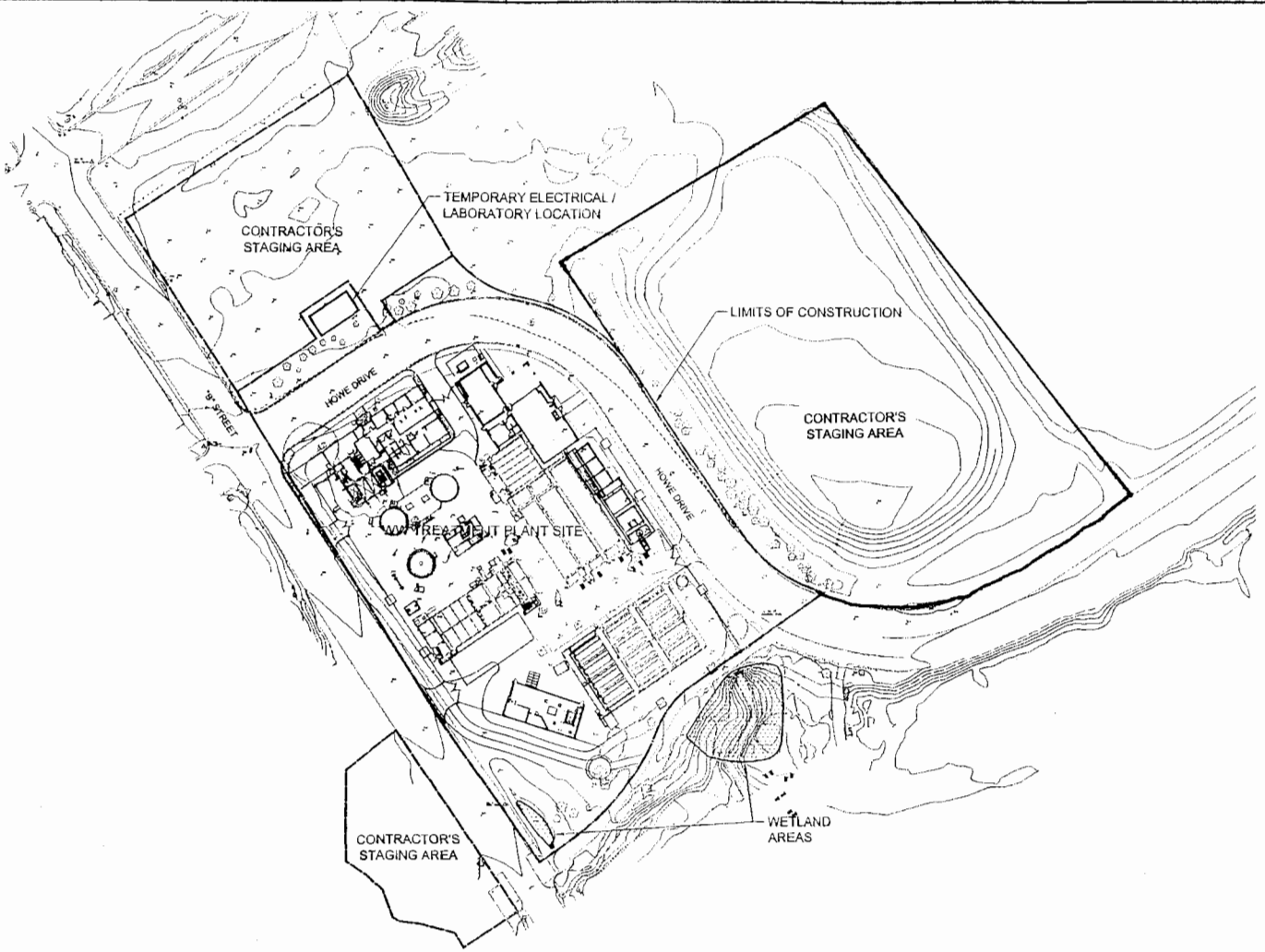
5. Prior to any use of the staging areas, the Public Works Department shall provide to the Planning Commission, and receive Planning Commission approval, of an operation plan for the staging areas. The plan shall include, but not be limited to:
   a. Provisions for screening the staging areas with visual barrier fencing.
   b. Routes of travel for all construction vehicles and equipment to and from the staging areas and construction sites.

6. Public vehicular access shall be maintained at all times, if feasible, to the B Street Pier.

7. Public pedestrian and/or bicycle access shall be maintained at all times, if feasible, to the

path south of the treatment plant to accommodate public access to and from Beachfront Park and the Battery Point area.

8. Prior to filing the Notice of Completion for the renovation project, the Public Works Department shall obtain Planning Commission approval of a plan for the repair and redevelopment of the construction staging areas.




PLAN

SCALE 1"=50'

## GENERAL NOTES:

1. WORK HOURS SHALL BE LIMITED TO DAYTIME WEEKDAY HOURS OF 7:30 AM TO 5:30 PM AND SATURDAY HOURS OF 8:00 AM TO 4:00 PM. ANY CONSTRUCTION ACTIVITIES BEYOND THESE HOURS SHALL BE FIRST APPROVED BY THE CITY.
2. CONTRACTOR SHALL PROTECT WETLAND AND WETLAND HABITAT DURING CONSTRUCTION.
3. CONTRACTOR SHALL REFER TO SPECIFICATIONS FOR PERMIT REQUIREMENTS.

G13

CALDWELL
PORTLAND, OREGON

LINE IS 2 INCHES AT FULL SIZE (IF NOT 2" - SCALE ACCORDINGLY)

DESIGNED: WHH
DRAWN: GAS
CHECKED: AS
CHECKED: WKF
APPROVED: RKP

EXTERNAL REFERENCE FILES

REGISTERED PROFESSIONAL ENGINEER WILLIAM KARL PIGOTT No. 29146 Exp. 03-31-07 CIVIL STATE OF CALIFORNIA

| REVISIONS | | | | | |
|---|---|---|---|---|---|
| ZONE | REV. | DESCRIPTION | BY | DATE | APP. |

**CRESCENT CITY, CA**

CITY OF CRESCENT CITY CALIFORNIA

WATER POLLUTION CONTROL FACILITIES MBR / BUILDINGS

GENERAL

CONTRACTOR'S STAGING AREA AND TEMPORARY LABORATORY LOCATION

FILENAME 25204-G-0013.DWG
BC PROJECT NUMBER 25204
CLIENT PROJECT NUMBER
DRAWING NUMBER G13