



PO Box 1360, Occidental CA 95465 T / F 707 874-2579 rwrwatch@sonic.net northerncaliforniariverwatch.org

Media Release

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Contact: Toben Dilworth: (707) 874-2579
Northern California River Watch Office

Healdsburg Told to Stop Polluting Russian River

San Francisco, CA – A United States Federal Court Judge has ruled that the City of Healdsburg is in violation of the Clean Water Act for dumping its treated sewage into a pond adjacent to the Russian River. The Court ruling followed a three-year legal battle between environmental watchdog group Northern California River Watch (River Watch) and the City.

River Watch was forced to sue Healdsburg over its illegal discharges when informal talks broke down and Healdsburg refused to comply with the Clean Water Act. "Basalt Pond contains extensive wetlands and a highly diverse aquatic ecosystem worthy of protection under the Clean Water Act." announced Toben Dilworth of River Watch.

The 58-acre pit, known as Basalt Pond, is part of a continuous series of similar ponds lying adjacent to and part of the Russian River aquatic ecosystem and resulting from years of sand and gravel excavation. Evidence presented during trial affirmed that water and pollutants discharged into the Basalt Pond are exchanged between the pond and the Russian River via an underground aquifer. The Pond and the River have also exchanged surface water during historical floods in 1995 and 1997, when the levee separating the two waterbodies has breached. Further court findings include:

- Pollutants originating in Basalt Pond reach the Russian River including chloride, fluoride, arsenic, aluminum, barium, nickel, orthophosphate, phosphate, total dissolved solids and possibly estrogen disruptors.
- Basalt Pond is a thriving aquatic ecosystem which functions as an integral part of the Russian River replacing lost habitat for local wildlife and vegetation.
- The City of Healdsburg admitted at trial that discharges from its treatment plant can contribute to algae bloom.

"The City of Healdsburg will now have to obtain an NPDES Permit (National Pollution Discharge Elimination System) which will require a substantial upgrade in the level of treatment given at their wastewater treatment facility," states Dilworth. "They will also be required to establish records, and install, use and maintain equipment to monitor and sample pollutants in their discharge, as well as file compliance reports with the Regional Water Quality Control Board. In short, they'll now be subject to the same rules that everybody else has had to comply with."

In addition, the facility must also comply with the California Toxics Rule, which adds more than 124 chemicals for which sewage plant operators must test for, and in some cases, either must drastically reduce or completely remove from wastewater before discharging it into rivers, tributaries and other surface waters.

The decision also has multiple implications for future wastewater storage and disposal options that wish to make use of similar mining pits along waterways. Such plans will now be subject to NPDES Permits, which will severely restrict or eliminate the amount of pollutants from entering waters of the United States.

"This is a significant victory not only for the Russian River, but for adjacent wetlands and adjacent waterbodies all over the United States," says Dilworth, pointing to the far-reaching implications of the Judge's decision. "This decision will further define jurisdiction of adjacent waterbodies including wetlands implied within the Clean Water Act's original intent, helping to protect critical riparian habitat and eliminating harmful pollutants from entering our precious waterways via groundwater."

Case Reference:

United States District Court For the Northern District of California
Northern California River Watch v. City of Healdsburg
No: C 01-04686 WHA

Additional Contacts:

John Short
Senior Water Resource Control Engineer, Russian River Unit
North Coast Regional Water Quality Control Board
(707) 576-2065