

Order No. R1-2023-0025
Stipulated Administrative Civil Liability Order
City of Rio Dell WWTP

3. On November 17, 2021, Regional Water Board staff invited the Discharger to enter settlement negotiations prior to the Regional Water Board issuing an administrative civil liability complaint (ACLC). The Parties have agreed to resolve 34 violations for exceeding effluent limitations for dichlorobromomethane, chlorodibromomethane, total trihalomethanes, and haloacetic acids. These violations, which occurred between June 1, 2021 and March 31, 2023, are subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A to this Stipulated Order, for an administrative civil liability amount of **\$33,000**.
4. Pursuant to Water Code section 13385(h), the Regional Water Board shall assess a \$3,000 MMP for each serious violation. A “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable WDRs for a Group II pollutant by 20 percent or more or for a Group I pollutant by 40 percent or more.
5. Pursuant to Water Code section 13385(i), the Regional Water Board shall assess a \$3,000 MMP for each violation whenever a discharger does any of the following four or more times in period of six consecutive months (except that the requirement to assess the MMP shall not be applicable to the first three violations):
 - a. Violates a WDRs effluent limitation.
 - b. Fails to file a report pursuant to Water Code section 13260.
 - c. Files an incomplete report pursuant to Water Code section 13260.
 - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
6. The Discharger’s self-monitoring reports, from June 1, 2021 to March 31, 2023, document 34 violations of effluent limitations set forth in WDRs Order No. R1-2017-0007. Of the 34 effluent limitation violations, 25 violations were exempt due to interim effluent limitations set forth in TSO No. R1-2017-0045, and 11 violations are subject to MMPs pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A.
7. This Stipulated Order resolves 11 effluent limitation violations subject to MMPs pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A, incorporated herein by reference. The total proposed administrative civil liability amount is **\$33,000** (11 violations x \$3,000 per violation).
8. Pursuant to Water Code section 13385(k)(1), in lieu of assessing all or a portion of MMPs, the Regional Water Board may require a POTW serving a small community to spend an equivalent amount on completion of a compliance project (CP) proposed by the POTW if the Regional Water Board finds each of the following:

- a. The compliance project is designed to correct the violations within five years;
 - b. The compliance project is in accordance with the State Water Resource Control Board's (State Water Board) 2017 Water Quality Enforcement Policy (Enforcement Policy); and
 - c. The POTW has prepared a financing plan to complete the compliance project.
9. For the reasons discussed in Exhibit C, Regional Water Board staff has determined that the Discharger meets the requirements set forth in Water Code section 13385(k), and the Enforcement Policy to be recognized as a POTW serving a small community with a financial hardship. This determination makes the Discharger eligible to complete a CP in lieu of paying the subject MMPs, as described in Exhibit B.
10. Pursuant to the Enforcement Policy, the Discharger must spend an amount of money on an approved CP that is equal to, or more than, the total administrative liability amount held in abeyance pending completion of the project. The Discharger has proposed a CP with an estimated cost of \$152,500. The balance in excess of the administrative civil liability amount (~\$119,500) will be paid for through the City of Rio Dell's approved City Council Funds, and the Clean Water State Revolving Fund (CWSRF).
11. To resolve the alleged violations set forth in Exhibit A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability amount of **\$33,000** against the Discharger. The Discharger may offset up to \$33,000 of this penalty through costs incurred to implement the CP. Up to \$33,000 shall be permanently suspended upon timely completion of the project required herein.
12. The Parties have agreed to settle the matter without additional administrative action or civil litigation and to present this Stipulated Order to the Regional Water Board, or its delegate, for adoption as an Order by settlement pursuant to Government Code section 11415.60.
13. The Prosecution Team has determined that resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the public's best interest.

Section III: Stipulations

The Parties incorporate the foregoing Recitals and stipulate to the following:

14. **Administrative Civil Liability:** The Discharger hereby agrees to pay the administrative civil liability totaling **\$33,000** to resolve the alleged violations. The Parties agree that up to the full \$33,000 of this administrative civil liability shall be

permanently suspended pending completion of the CP described in Section III, paragraph 15. If the suspended liability amount becomes due and payable pursuant to Section III, paragraph 23, the assessed amount shall be submitted by check made payable to the "State Water Pollution Cleanup and Abatement Account," no later than 30 days following notification from the Executive Officer. The check shall reference the Order number on page one of the Stipulated Order, and mailed to:

State Water Resources Control Board Accounting Office
Attn: ACL Payment
P.O. Box 1888
Sacramento, CA 95812-1888

The Discharger shall provide a copy of the check via e-mail to Regional Water Board staff (Zane.Stromberg@waterboards.ca.gov)

15. **Compliance Project Description:** The Discharger has proposed a CP to transition to chloramination wastewater treatment from the current chlorination wastewater treatment to reduce the formation of disinfection by-products (DBPs).

The primary reason for transitioning to chloramination is to reduce the likelihood of DBP formation during wastewater treatment. Over the past five years, the Discharger has regularly exceeded effluent limitations for DBPs such as dichlorobromomethane, chlorodibromomethane, total trihalomethanes, and haloacetic acids. As set forth above, TSO No. R1-2017-0045 was issued in November of 2017 to provide interim effluent limitations for the constituents named above. Staff at the Facility, as well as Regional Water Board Staff, believe the transition of wastewater treatment from chlorination to chloramination will reduce the formation of DBPs and bring the Facility back into compliance with effluent limitations.

The Discharger plans to implement the project in three stages. The first stage consists of bench-scale testing to determine effective Ammonia dosing amounts and evaluate impacts of chloramination on compliance with Ammonia effluent limitations. In the second stage of the project, the Discharger will conduct full-scale chloramine testing while treated effluent is discharged to its irrigation site, then evaluate the effluent quality at the irrigation site. The final step of the project includes installation of new equipment at the Facility (specifically an ammonia injection system and monitoring equipment), then proceeding with full-system design/installation for surface water discharge.

The transition to chloramination wastewater treatment will provide the following benefits: effective pathogen removal, reduction of costs associated with onsite production of sodium hypochlorite, enhanced worker safety at the Facility, reduced operation and maintenance costs, and compliance with effluent limitations and water quality objectives for disinfection byproducts.

Implementation of the project began in October 2022, and the project is set to be completed in March of 2025 (fully installed and operational).

16. **CP Milestone Requirements:** The Discharger agrees that this Stipulated Order includes the Milestone Requirements set forth below. The implementation schedule for completion of the CP and current completion status for milestones, are set forth below:

Table 1: Milestones and Deliverables Schedule

Task	Description	Proposed Completion Date
1	Regional Water Board Approval for Conduction of Full-Scale Chloramine Testing	January 31, 2023
2	First Quarterly Progress Report	August 31, 2023
3	Second Quarterly Progress Report	November 31, 2023
4	Completion of Full-Scale Chloramine Testing (Installation of Temporary Chloramine Disinfection System and Chloramine Disinfection Efficacy Testing)	January 31, 2024
5	Third Quarterly Progress Report	February 29, 2024
6	Technical Memorandum of Disinfection Byproduct Findings and Conceptual Design	March 1, 2024
7	Engineering Firm Under Contract for Full System Design	March 31, 2024
8	Fourth Quarterly Progress Report	May 31, 2024
9	Fifth Quarterly Progress Report	August 31, 2024
10	Completion of Project Design	October 31, 2024
11	Sixth Quarterly Progress Report	November 30, 2024
12	Seventh Quarterly Progress Report	February 28, 2025

13	Complete project implementation (fully installed and operational)	March 31, 2025
14	Submit Final Report/ Certificate of Compliance Project Completion	May 31, 2025

17. Representations and Agreements Regarding the Compliance Project:

- a. As a material condition of the Regional Water Board’s acceptance of this Settlement Agreement, the Discharger represents that it will use the suspended liability amount of \$33,000 to implement the CP. The Discharger understands that its promise to implement the CP, in its entirety and in accordance with the schedule for implementation, is a material condition of this Settlement Agreement.
- b. The Discharger agrees to: (1) spend the total administrative liability amount as described herein; (2) provide certified, written reports on CP implementation to the Regional Water Board consistent with the terms of this agreement; and (3) within 30 days of the CP Completion Date, provide a certification by a responsible official, signed under penalty of perjury, that the Discharger followed all applicable environmental laws and regulations in implementing the CP, including the California Environmental Quality Act (CEQA), Porter-Cologne Water Quality Control Act, and the federal Clean Water Act. The Discharger further agrees that the Regional Water Board has the right to require a third-party audit of the funds expended to implement the CP at the Discharger’s cost, and that the Discharger bears ultimate responsibility for meeting all deadlines specified in this Stipulated Order.

18. Publicity Associated with the Compliance Project: Whenever the Discharger or its agents or subcontractors publicize one or more elements of the CP, they shall state in a **prominent manner** that the project is undertaken as part of a settlement of a Regional Water Board enforcement action against the Discharger.

19. Progress Reports: Because the CP is expected to be completed within approximately two years, this Order requires submission of quarterly progress reports while the project is underway. The Final Report is due by May 31, 2025 and shall include a description of work completed, authenticated photographs of the project and documentation of monies expended.

20. Certification of Compliance Project Completion: No later than 90 days after the CP Completion Date (on or before March 31, 2025 unless extended), a responsible official of the Discharger shall submit a final progress report and certified statement, signed under penalty of perjury, which documents the Discharger’s

expenditures during the CP completion period and documents that the Discharger completed the CP in accordance with the terms of this Stipulated Order. The expenditures may include external payments to outside vendors, but may not include the normal, routine work undertaken by the Discharger staff. In making such certification, the signatories may rely upon normal organizational project tracking systems that capture employee time expenditures and external payments to outside vendors, such as environmental and information technology contractors or consultants. Documentation of CP completion may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate CP completion and the costs incurred. The Discharger shall provide Regional Water Board staff with any additional information reasonably necessary to verify the Discharger's CP expenditures and completion.

21. **Time Extension for CP:** The Executive Officer of the Regional Water Board (or her/his designee) may extend the deadlines set forth in this Stipulated Order if the Discharger demonstrates delays from unforeseeable contingencies, provided the Discharger continues to undertake all appropriate measures to meet its deadlines. The Discharger shall make any deadline extension request in writing **at least 30 days prior to the applicable deadline** if practicable.

Under no circumstances may the completion of the CP extend past five (5) years from the effective date of this Stipulated Order. Any approval of extension by the Executive Officer (or her/his designee) must be in writing.

22. **Regional Water Board Acceptance of Completed CP:** Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of the CP, and any audits, the Executive Officer will issue a "Satisfaction of Order." The Satisfaction of Order shall terminate any further obligations of the Discharger under this Stipulated Order and permanently suspend the remaining penalty amount.
23. **Failure to Expend All Suspended Funds on the Approved CP:** If the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the entire civil administrative liability amount was spent on the completed CP, the Executive Officer shall issue a "Notice of Violation" that will inform the Discharger to pay the full amount of the suspended penalty to the State Water Pollution Cleanup and Abatement Account. The Discharger shall submit payment consistent with the payment method described in Paragraph 14 within 30 days of the date of the Notice of Violation. Timely payment of the full penalty amount shall negate the Discharger's obligations to continue work on the CP.
24. **Regional Water Board is not Liable:** Neither the Regional Water Board members nor the Regional Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from negligent or intentional acts or omissions by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated

Order, nor shall the Regional Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.

25. **Party Contacts for Communications related to Stipulation/Order:**

For the Regional Water Board:

Zane Stromberg
Environmental Scientist
North Coast Regional Water Quality
Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Zane.Stromberg@waterboards.ca.gov
(707) 576-2674

For the Discharger:

Derek Taylor
Chief Plant Operator
Rio Dell Wastewater Treatment Plant
City of Rio Dell
675 Wildwood Ave.
Rio Dell, CA 95562
TaylorD@cityofriodell.ca.gov
(707) 764-5754

26. **Compliance with Applicable Laws:** The Discharger understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.

27. **Matters Addressed by Stipulation:** Upon adoption by the Regional Water Board or its delegate, this Stipulated Order represents a final and binding resolution and settlement of the alleged violations as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on the completion of the CP as specified herein.

28. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Regional Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order.

The failure of the Prosecution Team or Regional Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Regional Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of administrative

civil liability complaints or orders for violations other than those addressed by this Stipulated Order.

29. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
30. **Public Notice:** The Discharger understands that this Stipulated Order must be posted for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Regional Water Board, or its delegate, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Regional Water Board or its delegate. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this Stipulated Order once signed.
31. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Regional Water Board's or its delegate's adoption of the Order, and public review of this Stipulated Order is lawful and adequate. The Parties understand that the Regional Water Board, or its delegate, have the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised or the Regional Water Board requires a public hearing prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.
32. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.
33. **If Order Does Not Take Effect:** In the event that the Order does not take effect because the Regional Water Board or its delegate does not approve it, or the State Water Board or a court vacates it in whole or in part, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liability for the underlying alleged violation(s), unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during settlement discussions are confidential and will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to the following:
 - a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their

advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged in this matter; or

- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
34. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323(b) provides, and hereby waives its right to a hearing before the Regional Water Board prior to the Order's adoption. However, the Discharger may appear at any Regional Water Board hearing where approval of this settlement is discussed. If the settlement is not adopted and the matter proceeds to the Regional Water Board or State Water Board for a hearing, the Discharger does not waive its right to an adjudicatory hearing before any order other than this Stipulated Order is imposed.
 35. **Waiver of Right to Petition or Appeal:** The Discharger hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
 36. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, the Discharger covenants not to sue or pursue any administrative or civil claim(s) against any state agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by the Complaint, this Stipulated Order or the CP, except that this covenant is not intended to, and does not, limit the Discharger's right to sue over other Regional Water Board orders or limit the Discharger's rights to defend against any other taken by the Regional Water Board or its employees, representatives, agents, or attorneys, and shall not release any claims or complaints against any state agency, or the State of California or its officers, Regional Water Board members, employees, representatives, agents, or attorneys to the extent such covenant would be prohibited by California Business and Professions Code section 6090.5 or by any other statute, rule, regulation, or legal principle of similar effect.
 37. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing.

No oral advice, guidance, suggestions, or comments from Regional Water Board employees or officials regarding submissions or notices shall be construed to

relieve the Discharger of its obligation to obtain any final written approval this Stipulated Order requires.

38. **Modification:** The Parties shall not modify this Stipulated order by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Regional Water Board or its delegate.
39. **No Admission of Liability/ No Waiver of Defenses:** In settling this matter, the Discharger does not admit to liability, admit to the truth of the findings or allegations made by the Prosecution Team, or admit to any of the findings in this Stipulated Order or Attachment A, or admit to any violations of the Clean Water Act, the Water Code, any Regional or State Water Board order, or any other federal, state or local laws or ordinances, but recognizes that this Stipulated Order may be used as evidence of a prior enforcement action consistent with Water Code sections 13327 and 13385(e), and the State Water Board's Water Quality Enforcement Policy. By entering into this agreement, Discharger does not waive any defenses or arguments related to any new enforcement action that may be brought by the Regional Water Board, including any brought under its discretionary enforcement authority reserved herein.
40. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
41. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.
42. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.
43. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Regional Water Board, or its delegate, enters the Order incorporating the terms of this Stipulated Order.

(Continued on next page)

Order No. R1-2023-0025
Stipulated Administrative Civil Liability Order
City of Rio Dell WWTP

IT IS SO STIPULATED.

**California Regional Water Quality Control Board,
North Coast Region Prosecution Team**

Date:

By:


Digitally signed by
Claudia E. Villacorta
Date: 2023.04.12
13:44:47 -07'00'


Water Boards

**Claudia E. Villacorta, P.E.
Assistant Executive Officer**

Order No. R1-2023-0025
Stipulated Administrative Civil Liability Order
City of Rio Dell WWTP

City of Rio Dell,

Date:

4/14/2023

By:

Derek Taylor

Derek Taylor, Chief Plant Operator

ORDER OF THE REGIONAL WATER BOARD

44. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
45. Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code §21000 *et seq.*) in accordance with 14 California Code of Regulations (CCR) section 15321(a)(2). This Order includes a CP in the North Coast Region. This Order generally accepts the plans proposed for the CP prior to implementation. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change to the environment.
46. The Executive Officer is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under the Order.

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, North Coast Region.

Date: May 15, 2023

By:

 Digitally signed by
Valerie Quinto
Date: 2023.05.15
14:59:56 -07'00'

Water Boards

**Valerie Quinto
Executive Officer**

Exhibits:

- A. Exhibit A – List of Effluent Limitation Violations Requiring Mandatory Minimum Penalties
- B. Exhibit B – Compliance Project Description
- C. Exhibit C – Compliance Project Eligibility Memorandum

Mandatory Penalty Administrative Civil Liability

Rio Dell City

Rio Dell City WWTF

WDID No. 1B83134OHUM

NPDES No. CA0022748

EXHIBIT "A"

Effluent Limitations Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious, Chronic, or Exempt Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1099340	11/16/2021	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.2	ug/L	N	TSO-2017-0045	N/A	05/20/2021	E	Ct. 1	N		\$ 0
2	1099341	11/16/2021	Dichlorobromomethane	Group 2	Monthly Average	13	14	ug/L	N		8%	05/20/2021	S	Ct. 2	Y	13385(h)	\$ 3,000
3	1099347	11/16/2021	Dichlorobromomethane	Group 2	Daily Minimum	13	14	ug/L	Y	TSO-2017-0045	8%	05/20/2021	E	Ct. 3	N		\$ 0
4	1099348	11/16/2021	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.2	ug/L	Y	TSO-2017-0045	N/A	05/20/2021	E	> Ct. 3	N		\$ 0
5	1099349	11/16/2021	Total Trihalomethanes	Group 2	Monthly Average	110	86	ug/L	Y	TSO-2017-0045	N/A	05/20/2021	E	> Ct. 3	N		\$ 0
6	1099345	11/23/2021	Haloacetic Acids	Other	Monthly Average	150	165.3	ug/L	N		10%	05/27/2021	C	> Ct. 3	Y	13385(i)	\$ 3,000
7	1099346	12/21/2021	Dichlorobromomethane	Group 2	Daily Maximum	13	15.1	ug/L	Y	TSO-2017-0045	16%	06/24/2021	E	> Ct. 3	N		\$ 0
8	1099342	12/21/2021	Dichlorobromomethane	Group 2	Monthly Average	13	15.1	ug/L	N		16%	06/24/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
9	1099343	12/21/2021	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.97	ug/L	N		23%	06/24/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
10	1099344	12/21/2021	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.97	ug/L	Y	TSO-2017-0045	23%	06/24/2021	E	> Ct. 3	N		\$ 0
11	1103312	01/11/2022	Dichlorobromomethane	Group 2	Monthly Average	13	16.3	ug/L	N		25%	07/15/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
12	1103313	01/11/2022	Dichlorobromomethane	Group 2	Daily Maximum	13	16.3	ug/L	Y	TSO-2017-0045	25%	07/15/2021	E	> Ct. 3	N		\$ 0
13	1103319	01/11/2022	Chlorodibromomethane	Group 2	Daily Maximum	1.6	2.6	ug/L	Y	TSO-2017-0045	63%	07/15/2021	E	> Ct. 3	N		\$ 0
14	1103321	01/11/2022	Chlorodibromomethane	Group 2	Monthly Average	1.6	2.6	ug/L	N		63%	07/15/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
15	1103314	02/22/2022	Total Trihalomethanes	Group 2	Monthly Average	110	84.65	ug/L	Y	TSO-2017-0045	N/A	08/26/2021	E	> Ct. 3	N		\$ 0
16	1103320	02/22/2022	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.25	ug/L	Y	TSO-2017-0045	N/A	08/26/2021	E	> Ct. 3	N		\$ 0
17	1103324	02/22/2022	Haloacetic Acids	Other	Monthly Average	150	156	ug/L	N		4%	08/26/2021	C	> Ct. 3	Y	13385(i)	\$ 3,000
18	1103325	02/22/2022	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.25	ug/L	Y	TSO-2017-0045	N/A	08/26/2021	E	> Ct. 3	N		\$ 0
19	1103326	02/22/2022	Dichlorobromomethane	Group 2	Daily Maximum	13	12.7	ug/L	Y	TSO-2017-0045	N/A	08/26/2021	E	> Ct. 3	N		\$ 0
20	1103327	02/22/2022	Dichlorobromomethane	Group 2	Monthly Average	13	12.7	ug/L	Y	TSO-2017-0045	N/A	08/26/2021	E	> Ct. 3	N		\$ 0
21	1103315	03/15/2022	Dichlorobromomethane	Group 2	Monthly Average	13	10.9	ug/L	Y	TSO-2017-0045	N/A	09/16/2021	E	> Ct. 3	N		\$ 0
22	1103316	03/15/2022	Dichlorobromomethane	Group 2	Daily Maximum	13	10.9	ug/L	Y	TSO-2017-0045	N/A	09/16/2021	E	> Ct. 3	N		\$ 0
23	1103322	03/15/2022	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.04	ug/L	Y	TSO-2017-0045	N/A	09/16/2021	E	> Ct. 3	N		\$ 0
24	1103323	03/15/2022	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.04	ug/L	Y	TSO-2017-0045	N/A	09/16/2021	E	> Ct. 3	N		\$ 0
25	1106230	04/19/2022	Dichlorobromomethane	Group 2	Monthly Average	13	9.07	ug/L	Y	TSO-2017-0045	N/A	10/21/2021	E	> Ct. 3	N		\$ 0
26	1106231	04/19/2022	Haloacetic Acids	Other	Monthly Average	150	68.2	ug/L	Y	TSO-2017-0045	N/A	10/21/2021	E	> Ct. 3	N		\$ 0
27	1106232	05/10/2022	Dichlorobromomethane	Group 2	Monthly Average	13	10.5	ug/L	Y	TSO-2017-0045	N/A	11/11/2021	E	> Ct. 3	N		\$ 0
28	1112684	12/27/2022	Chlorodibromomethane	Group 2	Monthly Average	1.6	5.98	ug/L	N		274%	6/31/2022	S	Ct. 1	Y	13385(h)	\$ 3,000
29	1112685	12/28/2022	Haloacetic Acids	Other	Monthly Average	150	172.2	ug/L	Y	a	15%	7/1/2022	C	Ct. 2	N		\$ 0
30	1115207	1/24/2023	Dichlorobromomethane	Group 2	Monthly Average	13	15.2	ug/L	Y		17%	7/28/2022	S	Ct. 3	Y	13385(h)	\$ 3,000
31	1115206	1/24/2023	Chlorodibromomethane	Group 2	Monthly Average	1.6	2.05	ug/L	Y		28%	7/28/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
32	1114805	1/24/2023	Haloacetic Acids	Other	Monthly Average	150	90	ug/L	N	TSO-2017-0045	N/A	7/28/2022	E	> Ct. 3	N		\$ 0
33	1114806	2/17/2023	Dichlorobromomethane	Group 2	Monthly Average	13	10.7	ug/L	N	TSO-2017-0045	N/A	8/21/2022	E	> Ct. 3	N		\$ 0
34	1115205	2/17/2023	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.69	ug/L	Y		6%	8/21/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000

Total Penalty: \$ 33,000

Legend of Table

a. The first three violations in a 180-day period shall not receive MMP assessment unless serious.

E. Exempt – the violation is neither chronic nor serious, it is exempt from mandatory minimum penalties. Refer to "Exempt Reason" column for explanation.

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

TSO R1-2017-0045 - This Time Schedule Order established Interim Effluent Limits for Dichlorobromomethane, Chlorodibromomethane, Total Trihalomethanes, and Haloacetic Acids (during this period, only violations of Average Monthly limitation periods are subject to Mandatory Minimum Penalties). Interim Limits established in TSO R1-2017-0045 were administratively extended until the effective adoption date of TSO R1-2023-0030 within finding 1.4. of TSO R1-2023-0030.

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation Period Between June 1, 2021 and March 31, 2023

Group I Violations Assessed MMP:	0
Group II Violations Assessed MMP:	9
Other Effluent Violations Assessed MMP:	2
Violations Exempt from MMP:	25
Total Violations Assessed MMP:	11

Mandatory Minimum Penalty = (9 Serious Violations + 2 Non-Serious Violations) x \$3,000 = \$33,000

675 Wildwood Avenue
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(707) 764-3532
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September 23, 2022

Claudia E. Villacorta,
P.E. Assistant Executive
Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, #A
Santa Rosa, CA 95403-1012
E-Mail: Claudia.Villacorta@waterboards.ca.gov

Subject: Proposed Compliance Project to Address Mandatory Minimum Penalties for Disinfection Byproducts (City of Rio Dell Wastewater Treatment Plant, WDD No.1B83134OHUM, NPDES No. CA0022748)

Dear Ms. Villacorta:

The City of Rio Dell (City) is planning to implement chloramination disinfection at the City of Rio Dell Wastewater Treatment Plant (WWTP) to reduce the formation of disinfection byproducts. Mandatory Minimum Penalties (MMPs) have been assessed by the Regional Water Board for exceedances of the effluent limitations for disinfection byproducts, such as chlorodibromomethane, dichlorobromomethane, total trihalomethanes, and haloacetic acids, specified in the City's NPDES Permit (Order No. R1-2017-0007). These exceedances occurred during discharges to the Eel River starting in November 2021 and due to the stringency of these limits, which do not consider the lack of actual municipal (MUN) drinking water sources downstream or provide actual dilution credit, may continue intermittently until the new treatment system is fully functional. The WWTP serves a small community with a financial hardship as defined in the State Water Resources Control Board's Water Quality Enforcement Policy.¹ As a result, the City is allowed to spend the entire penalty amount on a Compliance Project (CP) designed to correct the exceedances and would like to allow future MMPs to be put towards this same CP along with interim limits in the permit or a Time Schedule Order (TSO) with the requisite injunctive relief inserted to avoid future penalties. The following project details are provided to support Regional Water Board approval of the proposed CP.

¹ State Water Resources Control Board, "Water Quality Enforcement Policy," adopted April 4, 2017, effective October 5, 2017.

Project Description

The change to chloramination disinfection (from the current chlorination disinfection process) is designed to prevent the formation of disinfection byproducts in final effluent thus improving effluent quality prior to discharge to the Eel River. The City has reviewed project plans with the Regional Water Board, conducted bench scale testing to determine effective ammonia dosing amounts, and evaluated impacts of chloramination on compliance with ammonia effluent limits. The next step is to conduct full scale chloramine testing while treated effluent is discharged to the City's irrigation site. The proposed CP includes installing ammonia injection and monitoring equipment, assessing effluent quality while discharging to the irrigation site, evaluating the results, and then proceeding with full system design/installation for river discharge.

The City has obtained two Model Q46N Ammonia Monitors from ATI Analytical Technology to measure ammonia levels in the effluent throughout the chloramination disinfection process. Ammonia injection, and installation of Ammonia Monitor 1, will occur just downstream of the secondary clarifiers. Depending on the ammonia levels in the clarifier discharge, a flow-based injection of chlorine and ammonia will be used to reach a chloramine dose of 3.5 mg/L with a 5:1 chlorine to ammonia ratio to stay within disinfection requirements. Further downstream in the treatment train, at the existing chlorine mixing/monitoring structure, Ammonia Monitor 2 will be installed just before the existing chlorine monitoring equipment. Both the chlorine and downstream ammonia monitors will be used to confirm correct dosing is achieved before effluent enters the chlorine contact tank.

During the full-scale chloramine test, water quality monitoring will occur at three locations:

- (1) before ammonia injection (prior to Ammonia Monitor 1),
- (2) prior to the chlorine contact tank (at Ammonia Monitor 2), and
- (3) at the end of the chlorine tank (prior to discharge to irrigation site).

Total ammonia, total coliform, temperature and pH will be monitored at all locations. Total chloramine residual will be monitored at location (2) and chlorodibromomethane, dichlorobromomethane, haloacetic acids, total trihalomethanes, total ammonia, un-ionized ammonia, and nitrate will be monitored at location (3). Samples will be collected daily (for total ammonia, pH, temperature, chloramine residual, nitrate), weekly (for total coliform, total trihalomethanes, haloacetic acids), and monthly (for chlorodibromomethane, dichlorobromomethane). Full scale testing will be conducted during the fall/winter of 2022. After at least two weeks of data are obtained, the City will determine whether the targeted approach is sufficient for evaluating performance. Possible changes to the data collection method will be discussed and implemented at that time. The full-scale testing results and conceptual design for the full system will be documented in a Technical Memorandum. Design and installation of the full system will occur over the following year.

Project Benefits

While maintaining effective pathogen removal, the addition of chloramination will reduce costs associated with onsite production of sodium hypochlorite and ensure compliance with effluent limitations and water quality objectives for disinfection byproducts. Other potential benefits could include enhanced worker safety, less operation and maintenance (O&M) costs, and NPDES permit compliance.

Project Budget

The project budget is summarized below. A line -item presentation of the costs with funding sources identified is provided in Attachment 1.

- Budget for Full Scale Testing and Reporting - \$35,000
- Budget for Full System Design Engineering - \$20,000
- Budget for Full System Installation – - \$97,500

Total Project Budget: \$152,500

Project Schedule

The project schedule is summarized below. A detailed timeline with Compliance Project milestones is provided in Attachment 2.

- Full Scale Testing and Reporting – October 2023 to January 2024
- Full System Design – By October 2024
- Full System Installation – By March 2025

Please contact me at 707-764-5754 or taylor@cityofriodell.ca.gov if you have any questions or need additional information.

Sincerely,

Derek Taylor
Wastewater Superintendent

Attachments:

1. City of Rio Dell Wastewater Treatment Plant Compliance Project Line-Item Costs and Funding Sources
2. City of Rio Dell Wastewater Treatment Plant Compliance Project Schedule and Milestones

Cc:

Justin McSmith, Regional Water Board, Justin.McSmith@waterboards.ca.gov
Zane Stromberg, Regional Water Board, Zane.Stromberg@waterboards.ca.gov
Kyle Knopp, City of Rio Dell, knoppk@cityofriodell.ca.gov
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Denise Conners, Larry Walker Associates, denisec@lwa.com

State of California
North Coast Water Quality Control Board
Interoffice Memorandum

TO: Jeremiah Puget, Senior Environmental Scientist

FROM: Zane Stromberg, Environmental Scientist

DATE: January 30, 2023

SUBJECT: CITY OF RIO DELL, WASTEWATER TREATMENT FACILITY (RIO DELL WWTF), DETERMINATION OF ELIGIBILITY FOR COMPLIANCE PROJECT AS A SMALL COMMUNITY WITH A FINANCIAL HARDSHIP

Background and Summary

Rio Dell WWTP has accrued \$33,000 in mandatory minimum penalties (MMPs) for the period of June 1, 2021 through March 31, 2023. Staff repeated the analysis (described below) with current data and determined that Rio Dell WWTF is eligible to complete a Compliance Project (CP) in lieu of paying their penalty.

Analysis

Water Code section 13385, subdivision (k), provides that the State Water Resources Control Board (State Water Board) or Regional Water Board may, contingent upon certain findings, require a publicly owned treatment works (POTW) serving a small community to spend an amount of money equivalent to the MMP amount toward the completion of a compliance project proposed by the POTW, in lieu of paying the penalty amount to the State Water Board's Cleanup and Abatement Account. Water Code section 13385, subdivision (k)(2), defines a POTW "serving a small community" as:

"[A] publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works."

Determining whether a POTW is "serving a small community" entails two separate determinations, whether: (1) the POTW is either situated within a rural county or has a population of 20,000 or less; and (2) the POTW's service area has a "financial hardship."

Rural County/Population Cap

The State Water Resources Control Board's (State Water Board) Water Quality Enforcement Policy¹ (*Enforcement Policy*), defines a "rural county" as "a county classified by the Economic Research Service, United States Department of Agriculture (ERS, USDA) with a rural-urban continuum code of four through nine."

The Rio Dell WWTF is a POTW located in Humboldt County. According to the 2013 Rural Urban Continuum Codes file updated on May 10, 2013,² Humboldt County has a rural-urban continuum code of five (Nonmetro – Counties that have an urban population of 20,000 or more, not adjacent to a metro area) and therefore, does fall within the "rural county" classification, meeting the "rural county" requirement. Furthermore, based on United States Census Bureau data discussed below, the block groups approximating the services area for the Rio Dell WWTF have a total population of 3,621. By either criterion, the community served by the Rio Dell WWTF meets the definition of "small."

Financial Hardship

Consistent with Water Code section 13385, subdivision (k)(2), the *Enforcement Policy*, at page 24, defines "financial hardship" in terms of median household income (MHI), unemployment rate and poverty level.³ Specifically, the *Enforcement Policy* defines "financial hardship" as meaning that the community served by the POTW meets one of the following criteria:

- *Median household income⁴ for the community is less than 80 percent of the California median household income;*

¹ A copy of the State Water Board's Water Quality Enforcement Policy is available at http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf

² <http://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx>, accessed June 30, 2021.

³ *Median household income, unemployment rate, and poverty level of the population served by the POTW are based on the most recent U.S. Census block group data or a local survey approved by the Regional Water Board in consultation with the State Water Board.*

⁴ **Median household income[.]** *The median income divides the income distribution into two equal groups, one having incomes above the median and the other having incomes below the median*

- *The community has an unemployment rate⁵ of 10 percent or greater; or*
- *Twenty percent of the population is below the poverty level.⁶*

“Median household income,” “unemployment rate,” and “poverty level” of the population served by the POTW are based on the most recent U.S. Census block group⁷ data or a local survey approved by the Regional Water Board in consultation with the State Water Board.

Based on the City of Rio Dell service area boundary line (the closest boundary line available geospatially related to the Rio Dell WWTF boundary), which is publicly provided by the city of Rio Dell, and the United States Census Bureau Tract and Block Group map layers available in ArcGIS, WWTF service area lies within Humboldt County Census Tract 111, Block Groups 1, 2 and 3, as shown in Figure 1.

⁵ **Unemployed**[.] *All civilians, 16 years and older, are classified as unemployed if they (1) were neither "at work" nor "with a job but not at work" during the reference week, (2) were actively looking for work during the last 4 weeks, and (3) were available to accept a job. Also included as unemployed are civilians who (1) did not work at all during the reference week, (2) were waiting to be called back to a job from which they had been laid off, and (3) were available for work except for temporary illness.*

⁶ **Poverty**[.] *Following the Office of Management and Budget's Directive 14, the Census Bureau uses a set of income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."*

⁷ **Block group**[.] *A subdivision of a census tract (or, prior to 2000, a block numbering area). A block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract beginning with the same number. Example: block group 3 consists of all blocks within a 2000 census tract numbering from 3000 to 3999. In 1990, block group 3 consisted of all blocks numbered from 301 to 399Z."*

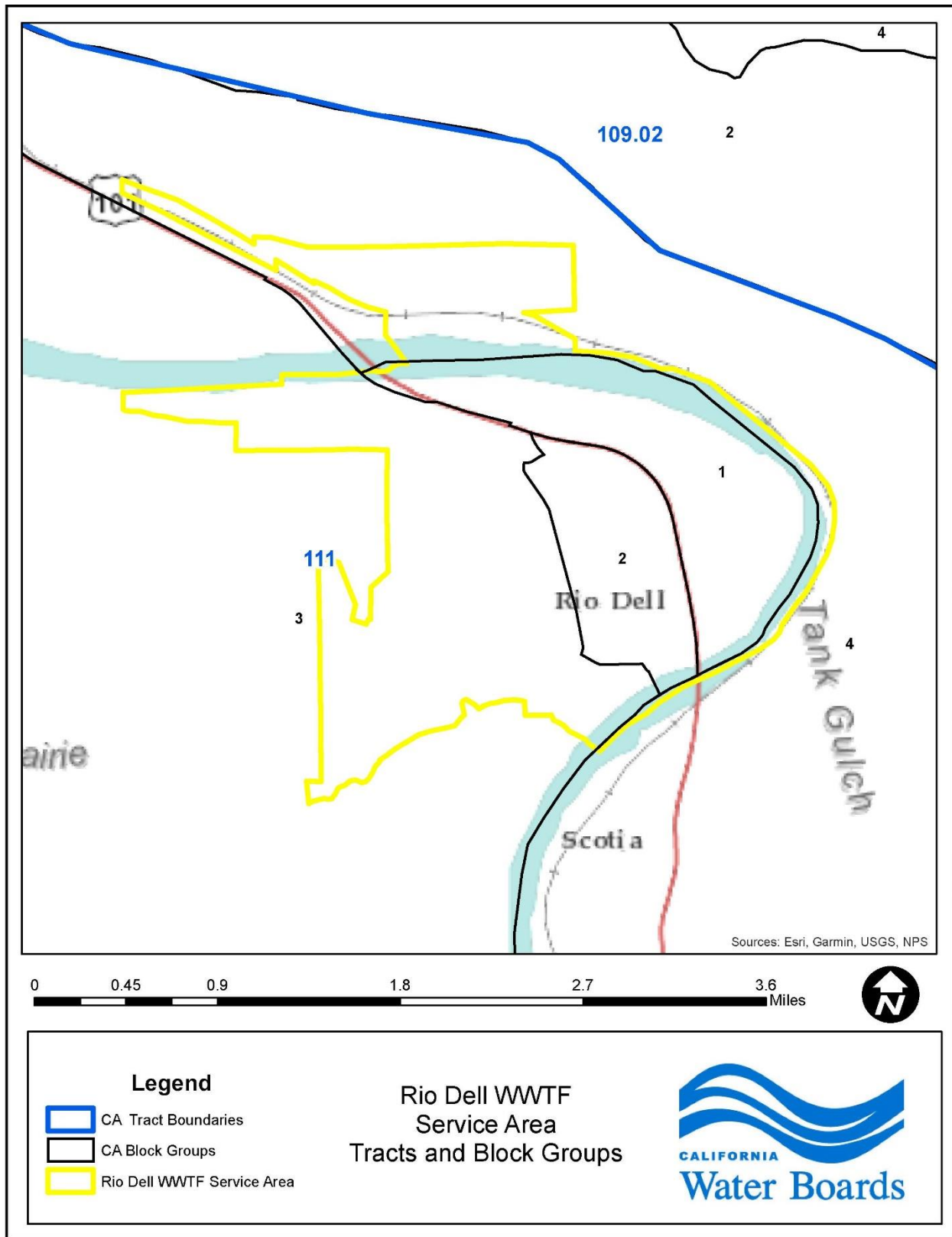


Figure 1 – Rio Dell Service Area, Census Tract, and Census Block Group Boundaries

As the 2020 decennial census did not include collection of economic data, the most recent available economic data are from the United States Census Bureau's ongoing American Community Survey (ACS) estimates. For smaller communities such as Rio Dell, ACS data are only available for 5-year estimates. The most recent available 5-year estimate with block group data is that for 2019. Selected data tables may be retrieved through the Census Bureau's data portal at the link below.

<https://data.census.gov/cedsci/>

The following tables were identified as providing the necessary information at the block group level, and the data were retrieved.

Table #	Table description	Tract 111 Block Group 1	Tract 111 Block Group 2	Tract 111 Block Group 3	Combined Total	Financial Hardship Criterion
B01003	Total Population	1,655	1,186	780	3,621	Population, less than 20,000 Criterion Met
B19013	Median Household Income weighted by number of households	\$29,583	\$40,231	\$36,799	\$35,537	MHI less than 80% of CA MHI 80% 2022 CA MHI = \$62,937 Criterion Met
B23025	Employment Status	642 in labor force. Of those, 62 unemployed 9.66% unemployed	598 in labor force. Of those, 75 unemployed. 12.54% unemployed	539 in labor force. Of those, 25 unemployed. 4.64% unemployed	9.1%	Unemployment rate 10% or greater Criterion Not Met
C17002	Ratio of individuals below the Poverty Level	13.5%	11.5%	10.8%	12.3%	20% below poverty level Criterion Met

The Median Household Income for Rio Dell is \$35,537 which is less than 80% of the 2019 California Median Household Income of \$62,937. Based on the enforcement Policy's criteria and the 2021 U.S. Census Block Group data, Rio Dell qualifies as a small community with a financial hardship.

If the Discharger believes that the U.S. Census data used in this determination do not accurately represent the population served by the Rio Dell WWTF, the Enforcement Policy provides for the possibility of a local survey approved by the Regional Water Board in consultation with the State Water Board (p. 24) and a procedure by which the Discharger may present an alternative justification to the Regional Water Board for designation as a "POTW serving a small community (p. 25)." Pursuant to the Enforcement Policy, the Regional Water Board must consult with the State Water Board when making such determinations.