
North Coast Regional Water Quality Control Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD NORTH COAST REGION

FIRST AMENDED ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

NO. R1-2023-0008-A

IN THE MATTER OF THE CITY OF ARCATA WASTEWATER TREATMENT FACILITY ARCATA, HUMBOLDT COUNTY

AMENDED ON JULY 8, 2024

(Originally issued on January 9, 2023)

This First Amended Administrative Civil Liability Complaint (First Amended Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) to the City of Arcata (Discharger) for violations of effluent limitations contained in Waste Discharge Requirements (WDRs) Order No. R1-2019-0006, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022713, for which the Regional Water Board may impose civil liability pursuant to California Water Code (Water Code) section 13385. Pursuant to Water Code section 13323, the Regional Water Board's Executive Officer has delegated their authority to the Assistant Executive Officer to issue this First Amended Complaint.

1. The Discharger owns and operates the Arcata Wastewater Treatment Facility (Facility) located at 600 South G Street, Arcata, California, in Humboldt County. Primary wastewater treatment consists of mechanical bar screens, grit removal, and two primary clarifiers. Primary solids are sent to two anaerobic digesters, sludge drying beds, and a sludge composting operation. Monitoring data collected during the WDRs Order No. R1-2012-0031 Permit term (August 1, 2012, to May 31, 2019) show a median influent flow of 1.40 million gallons per day (mgd) and an average influent flow of 1.80 mgd. Secondary treatment is accomplished using two oxidation ponds, followed by a series of six treatment wetlands. Effluent is disinfected with chlorine and then dechlorinated with sulfur dioxide prior to discharge to Humboldt Bay (Discharge Point 001) or the Arcata Marsh Wildlife Sanctuary (AMWS) (Discharge Point 002).

2. The Regional Water Board adopted WDRs Order No. R1-2019-0006 (2019 Order) on April 17, 2019, and it became effective on June 1, 2019. The 2019 Order requires, among other things, compliance with effluent limitations at Discharge Points 001 and 002.
3. Section IV.A.1 of the 2019 Order contains, in part, the following final effluent limitations for Cyanide, TCDD Equivalents, Settleable Solids, and Biochemical Oxygen Demand (BOD5 @ 20 °C) with which the Discharger is required to maintain compliance at Discharge Point 001:

Table 1: Final Effluent Limitations set forth in the 2019 Order

Parameter	Units	Average Monthly Effluent Limitation	Daily Maximum Effluent Limitation
Cyanide, Total (as CN) ¹	µg/L	0.43	1.0
TCDD Equivalents	pg/L	0.014	0.033
Settleable Solids	ml/L	0.1	0.2
BOD5 @ 20 °C	% Removal	85	N/A

4. The Regional Water Board issued Administrative Civil Liability Complaint No. R1-2023-0008 (Original Complaint) to the City of Arcata on January 9, 2023, for violations of effluent limitations contained in WDRs Order No. R1-2019-0006, NPDES Permit No. CA0022713. The Original Complaint addressed administrative civil liability for the eighty-one (81) violations, eighty (80) of which were subject to mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and/or (i). The Original Complaint assessed an MMP of \$243,000, for violations of effluent limitations at the Facility between February 12, 2020 and September 30, 2022. On January 24, 2023, the Discharger chose to engage in settlement negotiations and waive their right to a hearing by submitting the Hearing Waiver for the Original Complaint.

ALLEGATIONS:

5. Self-monitoring reports submitted by the Discharger show that the Discharger violated the above-referenced effluent limitations on one hundred and thirty-one (131) occasions between February 12, 2020, through March 31, 2024, as identified in the First Amended Exhibit A. The list of violations in the First Amended Exhibit A includes all of the violations contained in the Exhibit A to the

¹ Cyanide, Total (as CN) is determined analytically through strong acid distillation or UV radiation and exposure to strong acid followed by analysis of liberated free cyanide. In water, total cyanide includes the following dissolved species: free cyanide, weak metal cyanide complexes, and strong metal cyanide complexes.

Original Complaint plus additional violations that have been reported and identified since issuance of the Original Complaint. The First Amended Exhibit A is attached hereto and is incorporated herein by this reference. This First Amended Complaint only addresses administrative civil liability for the one hundred and thirty-one (131) violations specifically identified in Exhibit A, which are subject to mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and/or (i).

LEGAL PROVISIONS UPON WHICH LIABILITY IS BASED:

6. Water Code section 13376 prohibits the discharge of pollutants in violation of effluent limitations set forth in WDRs.
7. Water Code section 13385, subdivision (h)(1), requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each serious violation.
8. Water Code section 13385, subdivision (h)(2), defines a “serious violation” as “any waste discharge that violates the effluent limitations contained in the applicable [WDRs] for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”
9. Water Code section 13385, subdivision (i)(1), also requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a period of six consecutive months:
 - a. Violates a waste discharge requirement effluent limitation;
 - b. Fails to file a report pursuant to section 13260;
 - c. Files an incomplete report pursuant to section 13260; or
 - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
10. Water Code section 13385, subdivision (i)(2), defines a “period of six consecutive months” to mean “the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

PROPOSED ADMINISTRATIVE CIVIL LIABILITY ASSESSMENT:

11. The Assistant Executive Officer proposes that the Discharger be assessed an MMP of **three hundred and ninety-three thousand dollars (\$393,000)** for exceeding the effluent limitations for Cyanide, TCDD Equivalents, Total Settleable Solids, and BOD specifically identified in Exhibit A.

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

12. The Assistant Executive Officer of the Regional Water Board proposes a total administrative civil liability amount of **\$393,000** based on the violations in the First Amended Exhibit A.
13. The Regional Water Board will hold a hearing on this First Amended Complaint during the Board meeting scheduled for October 2-4, 2024. The meeting is tentatively planned to occur in the city of Santa Rosa, Sonoma County, California, at 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403, or at a location posted on the [Regional Water Board's website](#), unless the Discharger does one of the following by the deadline to submit the Waiver Form, which will be specified in the Notice of Public Hearing and Hearing Procedures that will subsequently be issued by the Advisory Team:
 - a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of \$393,000 in full;
 - b. Waive the right to a hearing before the Regional Water Board within 90 days after service of this First Amended Complaint to continue engaging with the Regional Water Board Prosecution Team in settlement negotiations; or
 - c. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.
14. To select one of the waiver options identified above, the Discharger must complete the enclosed Waiver Form and submit it to the Regional Water Board Advisory Team. If the Discharger has questions about the Waiver Form or wishes to request an extension, it should contact the Regional Water Board Advisory Team.
15. If a hearing is held, it will be governed by the Notice of Public Hearing and Hearing Procedures that will be provided by the Regional Water Board Advisory Team.
16. During the hearing, the Regional Water Board will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
17. Issuance of this First Amended Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources and Code section 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

City of Arcata Wastewater Treatment Facility
First Amended Administrative Civil Liability Complaint No. R1-2023-0008-A


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Claudia E. Villacorta
Date: 2024.07.08
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Claudia E. Villacorta, P.E.
Assistant Executive Officer
North Coast Regional Water Board

Exhibits:

- A. First Amended Exhibit A - List of Violations Requiring Mandatory Minimum Penalties

Mandatory Penalty Administrative Civil Liability

Arcata City

Arcata City WWTF

WDID No. 1B82114OHUM

NPDES No. CA0022713

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 or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1073186	02/12/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/L	N	*	10%	08/16/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
2	1073187	02/20/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/L	N		30%	08/24/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
3	1073185	02/29/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.1	µg/L	N		156%	09/02/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
4	1077682	04/21/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.5	µg/L	N		50%	10/24/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
5	1077684	04/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.5	µg/L	N		249%	11/02/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
6	1077683	06/17/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/L	N		30%	12/20/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
7	1077679	06/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.3	µg/L	N		202%	01/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
8	1080738	07/08/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/L	N		180%	01/10/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
9	1080739	08/04/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/L	N		180%	02/06/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
10	1080737	08/11/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/L	N		190%	02/13/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
11	1080742	08/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.8	µg/L	N		551%	03/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
12	1080740	09/17/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/L	N		150%	03/21/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
13	1080741	09/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.5	µg/L	N		481%	04/03/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
14	1085135	10/01/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/L	N		160%	04/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
15	1085144	10/08/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/L	N		120%	04/11/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
16	1085145	10/21/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	04/24/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
17	1085137	10/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.3	µg/L	N		435%	05/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
18	1085139	11/09/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	05/13/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
19	1085141	11/16/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	05/20/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
20	1085142	11/24/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/L	N		60%	05/28/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
21	1085138	11/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.1	µg/L	N		388%	06/03/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
22	1085136	12/01/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.8	µg/L	N		80%	06/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
23	1085140	12/28/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/L	N		130%	07/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
24	1085143	12/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.7	µg/L	N		295%	07/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
25	1089227	01/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	µg/L	N		133%	08/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
26	1089225	02/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.2	µg/L	N		20%	08/21/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
27	1089230	02/28/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.2	µg/L	N		179%	09/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
28	1089229	03/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/L	N		10%	09/18/2020	C	> Ct. 3	Y	13385(i)	\$ 3,000
29	1089228	03/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	µg/L	N		133%	10/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
30	1092287	04/07/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/L	N		60%	10/09/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
31	1092288	04/14/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.4	µg/L	N		40%	10/16/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
32	1092289	04/27/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	10/29/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
33	1092291	04/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.7	µg/L	N		295%	11/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
34	1092285	05/04/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/L	N		160%	11/05/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
35	1092286	05/19/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/L	N		120%	11/20/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
36	1092284	05/26/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/L	N		170%	11/27/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
37	1092292	05/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.5	µg/L	N		481%	12/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
38	1092293	06/23/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/L	N		180%	12/25/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
39	1092290	06/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.8	µg/L	N		551%	01/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
40	1096039	07/07/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	01/08/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
41	1096037	07/13/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	01/14/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
42	1096036	07/28/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/L	N		120%	01/29/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
43	1096041	07/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.2	µg/L	N		412%	02/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
44	1096042	08/04/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/L	N		120%	02/05/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
45	1096045	08/18/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	4.4	µg/L	N		340%	02/19/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
46	1096040	08/24/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	02/25/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
47	1096044	08/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	3	µg/L	N		598%	03/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
48	1096046	09/14/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/L	N		170%	03/18/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
49	1096038	09/29/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/L	N		150%	04/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
50	1096043	09/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.6	µg/L	N		505%	04/03/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
51	1099685	10/06/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/L	N		130%	04/09/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
52	1099683	10/20/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/L	N		190%	04/23/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
53	1099681	10/27/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	04/30/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
54	1099687	10/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.4	µg/L	N		458%	05/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
55	1099679	11/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.8	µg/L	N		80%	05/21/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
56	1099682	11/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.8	µg/L	N		319%	06/03/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000

57	1099680	12/08/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.7	µg/L	N		70%	06/11/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
58	1099686	12/15/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/L	N		10%	06/18/2021	C	> Ct. 3	Y	13385(i)	\$ 3,000
59	1099684	12/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.4	µg/L	N		226%	07/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
60	1103364	02/16/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.4	µg/L	N		40%	08/20/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
61	1103368	02/28/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.4	µg/L	N		226%	09/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
62	1103363	03/01/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.8	µg/L	N		80%	09/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
63	1103365	03/08/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	2.1	µg/L	N		110%	09/09/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
64	1103366	03/23/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.7	µg/L	N		70%	09/24/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
65	1103362	03/30/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	2	µg/L	N		100%	10/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
66	1103367	03/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.9	µg/L	N		342%	10/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
67	1106513	05/18/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/L	N		160%	11/19/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
68	1106511	05/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.6	µg/L	N		505%	12/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
69	1106509	06/08/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3.2	µg/L	N		220%	12/10/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
70	1106510	06/15/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3	µg/L	N		200%	12/17/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
71	1111692	06/29/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3.5	µg/L	N		250%	12/31/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
72	1106512	06/30/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	3.2	µg/L	N		644%	01/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
73	1109686	07/06/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/L	N		170%	01/07/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
74	1109688	07/27/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	01/28/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
75	1109680	07/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.55	µg/L	N		493%	02/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
76	1109687	08/03/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/L	N		150%	02/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
77	1109689	08/24/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/L	N		190%	02/25/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
78	1109681	08/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.7	µg/L	N		528%	03/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
79	1109683	09/14/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	03/18/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
80	1109684	09/19/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/L	N		190%	03/23/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
81	1109682	09/30/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.55	µg/L	N		493%	04/03/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
82	1113036	10/05/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/L	N		120%	04/08/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
83	1113033	10/11/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/L	N		160%	04/14/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
84	1113035	10/31/2022	Cyanide, Free Available	Group 2	Monthly Average	0.43	2.4	µg/L	N		458%	05/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
85	1113034	11/16/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/L	N		60%	05/20/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
86	1115833	01/25/2023	TCDD Equivalents	Group 2	Daily Maximum	3E-08	3.9E-07	µg/L	N		1200%	07/29/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
87	1115834	01/31/2023	TCDD Equivalents	Group 2	Monthly Average	1E-08	3.9E-07	µg/L	N		3800%	08/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
88	1115830	02/28/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	µg/L	N		133%	09/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
89	1115831	03/07/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/L	N		60%	09/08/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
90	1115829	03/14/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.5	µg/L	N		50%	09/15/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
91	1115835	03/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.6	µg/L	N		272%	10/02/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
92	1118674	04/30/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	0.93	µg/L	N		116%	11/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
93	1118676	05/16/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.7	µg/L	N		70%	11/17/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
94	1118677	05/25/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.9	µg/L	N		90%	11/26/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
95	1118672	05/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.8	µg/L	N		319%	12/02/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
96	1118678	06/01/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.7	µg/L	N		70%	12/03/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
97	1118671	06/15/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.1	µg/L	N		110%	12/17/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
98	1118670	06/22/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/L	N		140%	12/24/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
99	1118675	06/30/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.1	µg/L	N		388%	01/01/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
100	1121373	07/19/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.8	µg/L	N		80%	01/20/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
101	1121374	07/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.8	µg/L	N		319%	02/01/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
102	1121380	08/02/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/L	N		130%	02/03/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
103	1121375	08/09/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.1	µg/L	N		110%	02/10/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
104	1121376	08/23/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	02/24/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
105	1121382	08/28/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/L	N		160%	03/01/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
106	1121377	08/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.3	µg/L	N		435%	03/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
107	1121381	09/20/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/L	N		150%	03/24/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
108	1121378	09/30/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.5	µg/L	N		481%	04/03/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
109	1123712	10/03/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/L	N		130%	04/06/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
110	1123708	10/10/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.5	µg/L	N		50%	04/13/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
111	1124613	10/30/2023	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	3.56	mg/L	N		17700%	05/03/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
112	1123709	10/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.9	µg/L	N		342%	05/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
113	1123718	11/01/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/L	N		100%	05/05/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
114	1123711	11/08/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/L	N		30%	05/12/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
115	1123713	11/28/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/L	N		60%	06/01/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
116	1123714	11/30/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.6	µg/L	N		272%	06/03/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
117	1123710	12/13/2023	TCDD Equivalents	Group 2	Daily Maximum	3E-08	4.1E-07	µg/L	N		1267%	06/16/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
118	1123720	12/13/2023	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/L	N		30%	06/16/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
119	1123715	12/31/2023	TCDD Equivalents	Group 2	Monthly Average	1E-08	4.1E-07	µg/L	N		4000%	07/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
120	1123719	12/31/2023	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.3	µg/L	N		202%	07/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
121	1126634	01/11/2024	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.7	µg/L	N		70%	07/15/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
122	1126633	01/24/2024	TCDD Equivalents	Group 2	Daily Maximum	3E-08	1.6E-06	ug/L	N		5200%	07/28/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
123	1126642	01/24/2024	TCDD Equivalents	Group 2	Daily Maximum	3E-08	2.7E-07	ug/L	N		800%	07/28/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
124	1126632	01/31/2024	TCDD Equivalents	Group 2	Monthly Average	1E-08	1.6E-06	ug/L	N		15800%	08/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
125	1126636	01/31/2024	TCDD Equivalents	Group 2	Monthly Average	1E-08	2.7E-07	ug/L	N		2600%	08/04/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000

126	1126641	03/06/2024	TCDD Equivalents	Group 2	Daily Maximum	0.014	0.46	pg/L	N		3186%	09/08/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
127	1126635	03/07/2024	Settleable Solids	Group 1	Daily Maximum	0.2	0.4	ml/L	N		100%	09/09/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
128	1126643	03/07/2024	Settleable Solids	Group 1	Maximum Daily	0.2	0.4	ml/L	N		100%	09/09/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
129	1126638	03/13/2024	TCDD Equivalents	Group 2	Daily Maximum	0.014	0.281	pg/L	N		1907%	09/15/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
130	1126639	03/13/2024	TCDD Equivalents	Group 2	Monthly Average	0.014	0.37	pg/L	N		2543%	09/15/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000
131	1126637	03/31/2024	BOD5 @ 20 Deg. C,	Group 1	Monthly Average	85	83	%	N		N/A	10/03/2023	S	> Ct. 3	Y	13385(h)	\$ 3,000

Total Penalty: \$ 393,000

Legend of Table

*Violation #1 is subject to MMP because there were 7 violations of effluent limitations (not included in this Exhibit A) at the facility within the 180-day period leading up to February 12, 2020. The 7 violations within the 180-day period at the Facility are not included in this list because they are part of a separate enforcement action (Expedited Payment Letter Order No R1-2022-0051).
 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.

- 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 February 12, 2020 to March 31, 2024

Group I Violations Assessed MMP:	3
Group II Violations Assessed MMP:	128
Other Effluent Violations Assessed MMP:	0
Violations Exempt from MMP:	1
Total Violations Assessed MMP:	131

Mandatory Minimum Penalty = (128 Serious Violations + 3 Non-Serious Violations) x \$3,000 = \$393,000

North Coast Regional Water Quality Control Board

WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Arcata (Discharger) in connection with the First Amended Administrative Civil Liability Complaint No. R1-2023-0008-A (First Amended Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, “a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing.”

- OPTION 1: Check here if the Discharger waives the hearing requirement and will pay the liability in full.***
- a. I hereby waive any right the Discharger may have to a hearing before the North Coast Regional Water Quality Control Board (Regional Water Board).
 - b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **three hundred and ninety-three thousand dollars (\$393,000)** by submitting a check that references “First Amended ACL Complaint No. R1-2023-0008-A” made payable to the Accounting Office, Attn: ACL Payment Accounting Office, PO Box 1888, Sacramento, California, 95812-1888, and a copy of the check to the Regional Water Board within 30 days from the date on which this waiver is executed.
 - c. I understand the payment of the above amount constitutes a proposed settlement of the First Amended Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board’s Prosecution Team) during this comment period, the Regional Water Board’s Assistant Executive Officer may withdraw the First Amended Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the First Amended Complaint and the imposition of civil liability.

- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the First Amended Complaint may subject the Discharger to further enforcement, including additional civil liability.

OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the First Amended Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Regional Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1." In these discussions, the Discharger may raise settlement options, including Compliance Project(s) and/or Supplemental Environmental Project(s), that meet the State Water Resources Control Board's requirements. Copies of the State Water Resources Control Board's 2017 Water Quality Enforcement Policy and 2018 Policy on Supplemental Environmental Projects (SEPs), are available at:

[Water Quality Enforcement Policy | California State Water Resources Control Board](#)

and

[Supplemental Environmental Projects \(SEPs\) | California State Water Resources Control Board](#)

OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the First Amended Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. The amount of additional time requested and the rationale for the request are included on a separate sheet attached here. It remains within the discretion of the Regional Water Board to approve the extension.

City of Arcata

(Print Name and Title)

(Signature)

(Date)