

Order R1-2023-0024
Stipulated Administrative Civil Liability Order
Graton Community Services District WWTF

3. Cease and Desist Order (CDO) No. R1-2008-0109 required the Discharger to comply with a time schedule to ensure compliance with the advanced treatment requirement in the *Water Quality Control Plan for the North Coast Region* (Basin Plan). CDO provisions included a capital improvement project (Capital Improvement Project) consisting of improvements to the existing headworks and secondary treatment plant (e.g., sludge removal from treatment ponds), an upgrade of the POTW from secondary to tertiary treatment through the addition of suspended air flotation and a media filter (fuzzy filter), replacement of transfer pumps, construction of a pasteurization disinfection process, and new composting facilities for treatment of biosolids. On March 15, 2012, the CDO was modified by Order No. R1-2012-0015 superseding requirements of Order No. R1-2004-0038.
4. On April 12, 2011, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint No. R1-2011-0051 (Complaint) to the Discharger, seeking to impose \$84,000 in mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and (i), for 33 alleged effluent limitation violations that occurred between November 1, 2006, through March 31, 2010. Due to a reporting error identified after Complaint issuance, 10 of the 33 violations regarding total daily residual Chlorine were dismissed administratively. The Discharger, therefore, has only reported 23 violations, 15 of which are subject to a \$3,000 MMP pursuant to Water Code section 13385, subdivisions (h) or (i). The Discharger waived its right to a hearing within 90 days to propose and implement a compliance project to address the violations.
5. On November 17, 2011, the Discharger submitted an Infeasibility Report that includes a request for interim effluent limitations and compliance schedules for completion of the Capital Improvement Project, and for compliance with final effluent limitations for BOD5, TSS, chlorine residual, and ammonia. The Discharger also requested an additional 20 months to complete the Capital Improvement Project.
6. On January 30, 2014, the Discharger submitted a Statement of Completion for the Capital Improvement Project as required by CDO No. R1-2008-0109.
7. Water Code section 13385, subdivisions (h) and (i), require assessment of MMPs and state, in part, the following:

Water Code section 13385, subdivision (h)(1), states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385, subdivision (h)(2), states the following:

For the purpose of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements 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.

Water Code section 13385, subdivision (i)(1), states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- (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.
- (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants

8. In total, the Discharger is subject to \$45,000 in MMPs for 15 effluent limitation violations that occurred from November 1, 2006, through March 31, 2010, as set forth in Exhibit A, which is attached and incorporated by reference.

9. Water Code section 13385, subdivision (k), states the following:

(1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

- a. The compliance project is designed to correct the violations in five years.

- b. The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.
- c. The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, “a publicly owned treatment works serving a small community” means a publicly owned treatment works serving a population of 10,000 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.

- 10. For the reasons discussed in Exhibit B, which is attached and incorporated by reference, Regional Water Board staff has determined that the Discharger meets the requirements under Water Code section 13385, subdivision (k), and the State Water Resources Control Board’s 2017 Water Quality Enforcement Policy (Enforcement Policy) to be recognized as a publicly owned treatment works serving a small community with a financial hardship. The determination makes the Discharger eligible for a compliance project.
- 11. The Capital Improve Project described in Findings 3, 5, and 6 qualifies as a compliance project within the meaning of Water Code section 13385, subdivision (k), because the violations were corrected within five years, the project was completed in accordance with the Enforcement Policy, and the Discharger prepared a financing plan to complete the project. Upon completion of the compliance project, the Discharger has complied with the effluent limitations for Chlorine, as well as daily, weekly, and monthly limits for pH and BOD.
- 12. Pursuant to the Enforcement Policy, and in accordance with Water Code section 13385, subdivision (k), the Discharger must spend an amount of money on an approved compliance project that is equal to or more than the MMP amount (\$45,000). The Discharger spent \$84,984 of its own funds to complete the Capital Improvement Project.

Section III: Stipulations

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

- 13. **Jurisdiction:** The Regional Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulation.
- 14. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability totaling **forty-five thousand dollars (\$45,000)**. In

accordance with Water Code section 13385, subdivision (k), forty-five thousand dollars has been satisfied and permanently suspended through completion of a compliance project.

15. **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.

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

For the Regional Water Board:

Jeremiah Puget
Senior Environmental Scientist
North Coast Regional Water Quality
Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Jeremiah.Puget@waterboards.ca.gov
(707) 576-2835

For the Discharger:

Chad Davisson
General Manager
Graton Community Services
District
250 Ross Lane, in Sebastopol,
CA, 95472
chaddavisson.gcsd@gmail.com
(707) 823-1542

17. **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.
18. **Matters Addressed by Stipulation:** Upon the Regional Water Board's or its delegate's adoption, this Stipulated Order represents a final and binding resolution and settlement of the alleged violation(s).
19. **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.

20. **Public Notice:** The Discharger understands that this Stipulated Order must be noticed 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 proposed Stipulated Order.
21. **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.
22. **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.
23. **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.
24. **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 liabilities for the underlying alleged violation(s), unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions 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.
25. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323, subdivision (b) provides, and hereby waives its right to a hearing before the Regional Water Board prior to the Order's adoption.
26. **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.
27. **Discharger's Covenant Not to Sue:** 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 this Stipulated Order or the compliance project.
28. **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.
29. **Severability:** This Stipulated Order is severable; should any provision be found invalid; the remainder shall remain in full force and effect.
30. **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.
31. **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.

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IT IS SO STIPULATED.

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

Date: _____ By: _____
Claudia Villacorta
Assistant Executive Officer

Order R1-2023-0024
Stipulated Administrative Civil Liability Order
Graton Community Services District WWTF

Graton Community Services District

Date:

3-6-23

By:

Chad Dammie

ORDER OF THE REGIONAL WATER BOARD

32. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
33. 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 California Code of Regulations, title 14, section 15321(a)(2).

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: _____

By: _____

Valerie M. Quinto
Executive Officer

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Exhibits:

- A. Effluent Limitation Violations Requiring Mandatory Minimum Penalties
- B. Compliance Project Eligibility Determination

Mandatory Penalty Administrative Civil Liability

Graton CSD

WDID No. 1B84060OSON

NPDES No. CA0023639

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?	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Penalty
1	855561	05/11/2007	pH	Other	Daily Minimum	6.0	5.9	SU	N	N/A	11/12/2006	C	Ct. 1	Y	\$ 0
2	855562	05/12/2007	pH	Other	Daily Minimum	6.0	5.8	SU	N	N/A	11/13/2006	C	Ct. 2	Y	\$ 0
3	855563	05/13/2007	pH	Other	Daily Minimum	6.0	5.9	SU	N	N/A	11/14/2006	C	Ct. 3	Y	\$ 0
4	855568	01/23/2008	Biochemical Oxygen	Group 1	Weekly Average	15	18	mg/L	N	20%	07/27/2007	C	Ct. 1	Y	\$ 0
5	855569	01/30/2008	Biochemical Oxygen	Group 1	Monthly Average	10	13	mg/L	N	30%	08/03/2007	C	Ct. 2	Y	\$ 0
6	855570	01/30/2008	Biochemical Oxygen	Group 1	Weekly Average	15	19	mg/L	N	27%	08/03/2007	C	Ct. 3	Y	\$ 0
7	855916	02/06/2008	Biochemical Oxygen	Group 1	Weekly Average	15	31	mg/L	N	107%	08/10/2007	C	N/A	Y	\$ 3,000
8	855917	02/09/2008	Biochemical Oxygen	Group 1	Weekly Average	106	125.9	lb/day	N	19%	08/13/2007	C	N/A	Y	\$ 3,000
9	855918	02/27/2008	Biochemical Oxygen	Group 1	Weekly Average	15	18	mg/L	N	20%	08/31/2007	C	N/A	Y	\$ 3,000
10	855919	02/29/2008	Biochemical Oxygen	Group 1	Monthly Average	10	18	mg/L	N	80%	09/02/2007	S	N/A	Y	\$ 3,000
11	855922	03/01/2008	Biochemical Oxygen	Group 1	Weekly Average	18	35.1	lb/day	N	95%	09/03/2007	S	N/A	Y	\$ 3,000
12	855925	03/12/2008	Biochemical Oxygen	Group 1	Weekly Average	15	16	mg/L	N	7%	09/14/2007	C	N/A	Y	\$ 3,000
13	855923	03/15/2008	Biochemical Oxygen	Group 1	Weekly Average	18	20.71	lb/day	N	15%	09/17/2007	C	N/A	Y	\$ 3,000
14	855926	03/19/2008	Biochemical Oxygen	Group 1	Weekly Average	15	18	mg/L	N	20%	09/21/2007	C	N/A	Y	\$ 3,000
15	855924	03/22/2008	Biochemical Oxygen	Group 1	Weekly Average	18	24	lb/day	N	33%	09/24/2007	C	N/A	Y	\$ 3,000
16	855927	03/26/2008	Biochemical Oxygen	Group 1	Weekly Average	15	24	mg/L	N	60%	09/28/2007	S	N/A	Y	\$ 3,000
17	894169	03/29/2008	Biochemical Oxygen	Group 1	Weekly Average	18	20.9	lb/day	N	16%	10/01/2007	S	N/A	Y	\$ 3,000
18	855921	03/31/2008	Biochemical Oxygen	Group 1	Monthly Average	12	21.6	lb/day	N	80%	10/03/2007	S	N/A	Y	\$ 3,000
19	855920	03/31/2008	Biochemical Oxygen	Group 1	Monthly Average	10	16	mg/L	N	60%	10/03/2007	S	N/A	Y	\$ 3,000
20	1001557	01/31/2010	Biochemical Oxygen	Group 1	Monthly Average	10	13	mg/L	N	30%	08/04/2009	S	N/A	Y	\$ 3,000
21	894170	02/28/2010	Biochemical Oxygen	Group 1	Monthly Average	85	83	%	N	N/A	9/1/2009	C	Ct. 1	Y	\$ 0
22	894172	02/28/2010	Biochemical Oxygen	Group 1	Weekly Average	85	84	%	N	N/A	9/1/2009	C	Ct. 2	Y	\$ 0
23	894173	03/03/2010	Settable Solids	Group 1	Weekly Average	0	0.2	mL/L	N	N/A	9/4/2009	S	Ct. 3	Y	\$ 3,000

Total Penalty: \$45,000

Legend of Table

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

b. Violation is not eligible for MMP because it was already included in a previous Enforcement Action. Included in this list to show rolling 180-day count.

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 November 1, 2006, and March 31, 2010

Group I Violations Assessed MMP:	15
Group II Violations Assessed MMP:	0
Other Effluent Violations Assessed MMP:	0
Violations Exempt from MMP:	0
Total Violations Assessed MMP:	15

Mandatory Minimum Penalty = (8 Serious Violations + 7 Non-Serious Violations) x \$3,000 = \$45,000

Exhibit B

State of California
North Coast Water Quality Control Board
Interoffice Memorandum

TO: Jeremiah Puget
FROM: Jordan Filak
DATE: February 21, 2023

SUBJECT: GRATON COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT (GRATON CSD), DETERMINATION OF ELIGIBILITY FOR COMPLIANCE PROJECT AS A SMALL COMMUNITY WITH A FINANCIAL HARDSHIP

Background and Summary

Graton CSD has accrued \$45,000 in mandatory minimum penalties (MMPs) for the period from November 1, 2006, through March 31, 2010. The analysis described below suggests Graton CSD is currently 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 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."

1. Rural County/Population Cap

Consistent with Water Code section 13385, subdivision (k)(2), the State Water Resources Control Board's 2017 *Enforcement Policy*¹, at page 26, identifies a "rural county" as a county classified by the Economic Research Service (ERS), United States Department of Agriculture (USDA), with a rural-urban continuum code of four through nine.

Graton CSD is a POTW located in Sonoma County. According to the 2013 Rural Urban Continuum Codes file updated on May 10, 2013², Sonoma County has a rural-urban continuum code of two (Metro - Counties in metro areas of 250,000 to 1 million population) and therefore, does not fall within the "rural county" classification. However, based on United States Census Bureau data discussed below, the block groups approximating the services area for the Graton CSD have a total population of 1,743. Pursuant to Water Code section 13385, subdivision (k)(2) criterion, the community served by the Graton CSD meets the definition of "small."

2. Financial Hardship

Consistent with Water Code section 13385, subdivision (k)(2), the *Enforcement Policy*, at page 26, 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 income*⁴ 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 https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

² <http://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx>, accessed January 22, 2020.

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 poverty⁶ level.*

Figure 1, below, shows the service area covered by the Graton CSD, and identifies the United States Census Bureau census tracts and block groups⁷ included within the service area, including Sonoma County Tract 1536, Block groups 1 and 3 and Tract 1537.06, Block group 1.

In order to conduct the analysis to determine financial hardship, staff reviewed datasets available through the Census.gov portal at: <https://data.census.gov/cedsci/>. At the time of this review, the most recent available economic data are from the United States Census Bureau's ongoing 5-year estimates, and the most recent available 5-year estimate with block group data is that for 2020. Datasets staff reviewed to determine financial hardship included those for Total Population (B01003); Number of Households (B19001); Median Household Income weighted by number of households (B19013); Employment Status (B23025); and Ratio of Individuals Below the Poverty Line (C17002).

Accessing the Census.gov link above, staff entered individual dataset numbers into the search window, then filtered the results for each dataset, filtering Geography to: Block Group/California/Humboldt County/All Block Groups within Humboldt County; filtering Years to 2020; and filtering Surveys to ACS 5-Year Estimates Detailed Tables. Table 1, below, shows the results of staff's analysis.

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."*

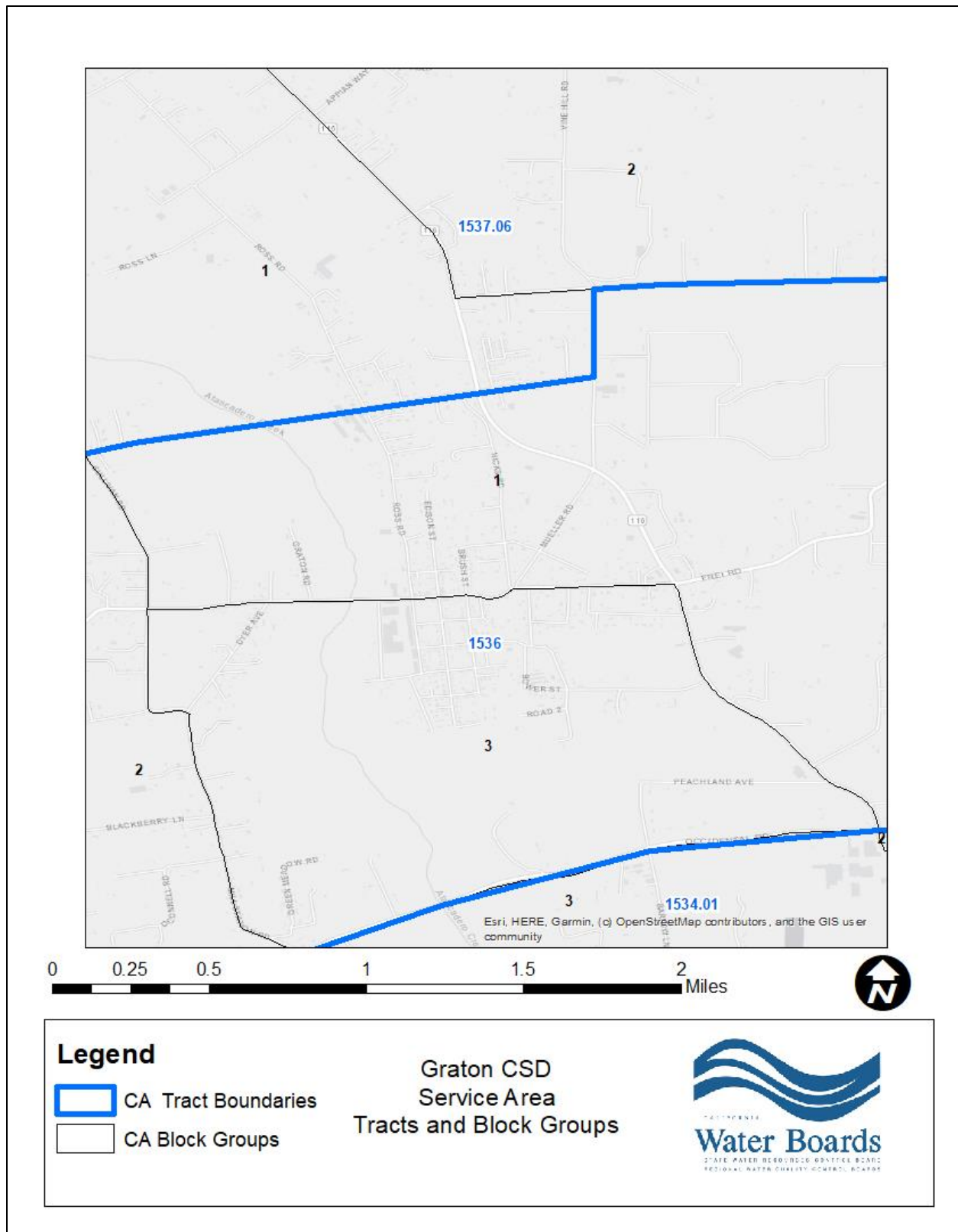


Figure 1

Table 1 – Summary of census data and hardship analysis

Dataset #	Tract 1536 Block Groups 1, 3	Tract 1537.06 Block Group 1	Combined Block Group Data	Financial Hardship Criterion
B01003	2,351 people	686 people	3,037 people	Population <20,000 Criterion Met
B19001	739 households	363 households	1,102 households	N/A
B19013	\$102,924	\$51,205	\$85,624	MHI less than 80% of CA MHI 80% CA MHI (2019) \$64,352 Criterion NOT Met
B23025	1315 In labor force. Of those, 83 are unemployed. 6.31%	376 In labor force. Of those, 80 are unemployed. 21.30%	1691 In labor force. Of those, 163 are unemployed. 9.64%	Unemployment rate 10% or greater Criterion Met

	unemployed	unemployed	unemployed	
C17002	3.89%	11.66%	10.15%	20% below poverty level
	below poverty level	below poverty level	below poverty level	Criterion NOT Met

Based on the Enforcement Policy’s criteria and the most recent U.S. Census block group data, Graton CSD does qualify as a small community with a financial hardship. The service area has an unemployment rate that is more than 10 percent, and the total population is below 20,000.

If the Discharger believes that the U.S. Census data used in this determination do not accurately represent the population served by Graton CSD, the Enforcement Policy provides for the possibility of a local survey approved by the Regional Water Board in consultation with the State Water Board 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. 27).” Pursuant to the Enforcement Policy, the Regional Water Board must consult with the State Water Board when making such determinations.