



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# California Regional Water Quality Control Board San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



**Arnold Schwarzenegger**  
*Governor*

April 23, 2009  
CIWQS Place ID 253174

Rodeo Sanitary District  
Attn: Steven Bealle, Engineer-Manager  
800 San Pablo Avenue  
Rodeo, CA 94572-1232

**SUBJECT:** Tentative Order Setting Administrative Civil Liability, Rodeo Sanitary District,  
Contra Costa County

Dear Mr. Bealle:

Attached is a Tentative Order setting administrative civil liability and the public notice for the Tentative Order for Rodeo Sanitary District (District). The Tentative Order would order the District to pay the liabilities and complete a Supplemental Environmental Project. As described in the attached public notice, the deadline for public comments on the Tentative Order is May 26, 2009.

If you have any questions, please contact Robert Schlipf of my staff at (510) 622-2478, or by email at [rschlipf@waterboards.ca.gov](mailto:rschlipf@waterboards.ca.gov).

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Attachments:

Tentative Order  
Notice of Intent to Adopt Order Setting Administrative Civil Liability

Copy to (by email):

Standard list R-E1  
Advisory Staff of Regional Water Quality Control Board

**California Environmental Protection Agency**



# California Regional Water Quality Control Board

## San Francisco Bay Region



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### NOTICE OF INTENT TO ADOPT ORDER SETTING ADMINISTRATIVE LIABILITY IN THE MATTER OF

### **RODEO SANITARY DISTRICT, CONTRA COSTA COUNTY**

The San Francisco Bay Regional Water Quality Control Board's (Water Board) Executive Officer has been presented with a proposed settlement of the claims alleged in Administrative Liability Complaint No. R2-2008-0092, dated December 3, 2008 (the Complaint). The proposed settlement represents a mutually agreed-upon resolution of the Water Board's Prosecution Team claims through the payment of an administrative civil liability in the amount of \$51,000. This administrative civil liability will consist of a payment of \$30,225 to the State Water Resources Control Board's Cleanup and Abatement Account, and completion of a \$20,775 Supplemental Environment Project. A Tentative Order has been prepared which will effectuate the proposed settlement. The Executive Officer intends to adopt the Tentative Order setting Administrative Civil Liability if no significant comments are received by the deadline stated below. If significant comments are received, a hearing for the Water Board to consider this matter may be publicly noticed.

#### **Written Comment Deadline and Availability of Documents**

The deadline for comment is **5 p.m. on May 26, 2009**. Comments should be sent to the attention of Bruce Wolfe and Thomas Mumley. Persons wishing to file written comments on or objections to the Tentative Order must do so no later than this deadline.

The Complaint, Tentative Order, and related documents are on file, and may be inspected or copied at the Water Board's offices during weekdays between 8:00 a.m. and 5:00 p.m. The Complaint and Tentative Order are also available on the Water Board's website at [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay).

Questions concerning this matter may be addressed to prosecutorial staff Robert Schlipf at 510-622-2478 or [rschlipf@waterboards.ca.gov](mailto:rschlipf@waterboards.ca.gov). Please also refer to the website given above for future developments and updates.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

**TENTATIVE ORDER**

ADMINISTRATIVE CIVIL LIABILITY FOR:  
RODEO SANITARY DISTRICT  
CONTRA COSTA COUNTY

This Order is issued in reference to an adjudicative proceeding initiated by the California Regional Water Quality Control Board, San Francisco Bay Region's ("Regional Water Board's") investigation of effluent limit violations and unauthorized discharges and the issuance of Administrative Civil Liability Complaint No. R2-2008-0092 (Complaint). The parties to the proceeding are the Regional Water Board's Prosecution Team, and Rodeo Sanitary District ("Discharger").

The Discharger has waived its right to a hearing and has agreed to pay \$51,000 in penalties to address the claims alleged in the Complaint. The Discharger will pay that amount to the State Water Pollution Cleanup and Abatement Account, of which \$20,775 will be suspended provided it is satisfied through the completion of a Supplemental Environmental Project (SEP) as set forth in Attachment A.

Having provided public notice of the proposed SEP and an opportunity for comment, the Executive Officer finds that:

1. This Order is in the public interest and the proposed SEP substantially complies with all essential requirements as set forth in the State Water Board's Enforcement Policy for SEPs.
2. The Discharger owns and operates the Rodeo Sanitary District Water Pollution Control Facility (hereafter Facility) and its conveyance system. The Discharger provides secondary treatment for domestic and commercial wastewater from the Cities of Rodeo and Tormey. The Facility has an average dry weather design capacity of 1.14 million gallons per day (mgd) and a peak wet weather capacity of approximately 3.34 mgd.
3. From December 1, 2007, through August 31, 2008, the Discharger had six effluent limitation violations for chlorine residual and one discharge of undisinfectated secondary treated wastewater to San Pablo Bay. These discharges violated Effluent Limitations and Discharge Specifications IV.A.1 for chlorine residual and Proper Operation and Maintenance Attachment D, I.D of Order No. R2-2006-0062, NPDES Permit CA 0037826. Table 1 (Attachment B) summarizes the details of the above violations.
4. The Water Board adopted Order No. R2-2006-0062 on September 13, 2006. The requirements of Order No. R2-2006-0062 became effective on December 1, 2006.

5. Pursuant to Water Code Section 13385(a), a discharger is subject to civil liability for violating any waste discharge requirement. The Regional Water Board may impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:
  - a. \$10,000 for each day in which the violation occurs
  - b. \$10 for each gallon of discharge that is not susceptible to cleanup or is not cleaned up in excess of 1,000 gallons
6. A notice of this Order was published on the Regional Water Board's website notifying the public of a 30-day review period and soliciting public comments on the terms of this Order. The proposed Order supports the total assessment of administrative civil liability in the amount of \$51,000 for the claims alleged in the Complaint and is in the public interest. This Order provides for the full and final resolution of each of the alleged claims.
7. The Executive Officer has considered the exhibits and information in the record and comments provided by the Discharger and the public, including the proposed SEP described in Attachment A and has determined that the Discharger is subject to civil penalties. In determining the amount of civil liability to be assessed against the Discharger, the Executive Officer has considered the factors described in Water Code section 13327 and 13385(a).
8. Issuance of this Order is exempt from the California Environmental Quality Act, pursuant to Title 14, California Code of Regulations, Section 15321.

IT IS HEREBY ORDERED that:

1. Administrative civil liability under California Water Code Section 13385(c) is imposed upon the Discharger in the amount of \$51,000 consisting of a payment of \$30,225 to the State Water Pollution Cleanup and Abatement Account and implementation of an SEP valued at \$20,775.
2. The SEP that is required by this Order is a project to reduce potable water use at the Discharger's wastewater treatment plant. The total estimated cost of the SEP is \$40,800, plus \$1,800 in third party oversight. The Discharge is to fund the SEP with \$20,775 in lieu of penalties, and fund the balance of costs with its own funds. Details regarding this SEP and implementation requirements and time schedules following implementation are set forth in Attachment A.
3. Thirty (30) days following adoption of this Order by the Regional Water Board or approval by the Executive Officer under his delegated authority, the Discharger shall pay the sum of \$30,225 to the State Water Pollution Cleanup and Abatement Account. Thirty (30) days from adoption of this Order by the Regional Water Board or approval by the Executive Officer under delegated authority, the Discharger shall commence implementation of the SEP and shall pay the San Francisco Estuary Project \$1,800 for project oversight. These activities

shall be suspended during the time in which any review is sought by any third party under Water Code Sections 13320 or 13330.

4. In the event that any of the following occur, the Discharger shall pay the entire amount of the suspended penalty of \$20,775 within 30 days to the State Water Pollution Cleanup and Abatement Account:
  - a. The Discharger determines that it does not wish to perform the SEP, or
  - b. The Executive Officer determines that the SEP is not being performed in accordance with the specified terms and conditions of the SEP as approved through this order, or if any costs for oversight or auditing are not paid.

Additionally, in the event that the SEP is completed but expenditures were less than \$20,775, the Discharger shall immediately pay the remaining balance to the State Water Pollution Cleanup and Abatement Account.

5. The Executive Officer is authorized to refer this matter to the Office of the Attorney General for enforcement if the Discharger fails to comply with this Order.

\_\_\_\_\_

Date

\_\_\_\_\_

Bruce H. Wolfe  
Executive Officer

Attachments:

- A. Supplemental Environmental Project
- B. Table 1

# **ATTACHMENT A**

**Title:**           **Recycled Water Project**

**Purpose:**       Reduce potable water use at Rodeo Sanitary District's Water Pollution Control Plant.

**Introduction:** Rodeo Sanitary District (District) developed this Supplemental Environmental Project (SEP) to, in part, satisfy Complaint No. R2-2008-0092.

**Description:** As California is in the midst of another water shortage, the District is seeking to be amongst the leaders in the industry and heed the request of East Bay Municipal Utility District (EBMUD) for reduced potable water consumption. Currently, the District uses about 500,000 gallons per month of potable water on process control, wash down activities, and collection system maintenance. The project will be completed in three phases.

### **Phase I**

The first phase of the recycled water project will consist of the installation a recycled water pumping system, Amiad filtration system, approximately 250 feet of 3-inch recycled water main, a truck fill station, approximately 500 feet of 1-inch recycled water distribution piping and approximately ten recycled water hose bibs.

Phase I, when completed will allow the District to perform collection system maintenance and emergency response with recycled water. Additionally, many of the major wash down hose connections will be plumbed to the recycled water system. It is anticipated the water savings will be approximately 340,000 gallons per year when Phase I is completed. The estimated project costs for Phase I are \$40,800. To pay for this project, the District will direct \$20,775 in lieu of suspended liability towards this SEP, and pay for the remainder (\$20,025) out of funds that are unrelated to resolving Complaint No. R2-2008-0092.

### **Phase II and III (not part of SEP)**

Phase II and III will see the project through to fruition. In summary, these phases will remove the Operations Building, Shop, and WET Laboratory from the existing plant plumbing system, install new potable water plumbing to these locations, and convert the entire Water Pollution Control Plant to recycled water excepting the afore mentioned facilities. This portion of the recycled water project will not be part of the SEP. The District will complete these two phases with District funds later in 2009 and 2010.

### **Project Monitoring:**

To appropriately monitor the success of the SEP, the District will accomplish several tasks as listed below.

1. Gather potable water use data for the treatment plant and the collection system maintenance.
2. Pre-purchase the filter and pump systems.
3. Hire electrician to complete the electrical hookups to the systems.
4. Hire installation contractor for the systems.

5. Install the 3-inch recycled water main with connections for recycled water distribution piping and future work.
6. Install the recycled water truck fill hydrant.
7. Install the recycled water distribution piping and hose bibs.
8. Monitor potable water use at the treatment plant and quantify the reduction for Phase I. This will take up to twelve months as EBMUD bills semi-monthly.

*Budget/Cost:* The projects costs for Phase I are as described below:

- Amiad 25 micron filter system - \$15,000 in lieu of suspended liability
- Recycled water pumping system - \$5,000, in lieu of suspended liability
- Recycled water truck fill station - \$1,000, \$775 in lieu of suspended liability, and \$225 by the District
- Electrical service for filter and pump - \$2,000, District funded
- Recycled water piping, installed costs – 3-inch (250 feet at \$25.5/LF) and 1-inch (500 feet at \$14.62/LF) - \$13,800, District funded
- Installation of major equipment - \$4,000, District funded

Total Construction Cost - \$40,800. In lieu of suspended liability, the District may contribute up to \$20,775 towards this Recycled Water Project. While the project costs are itemized between those funded in lieu of suspended liability and those funded by the District, it is acceptable for the District to modify which items are funded in lieu of suspended liability and which items are funded by the District.

*Measure of Success:*

The District will measure the success of this project by the amount of potable water conserved. After the completion of the project, the District will monitor and compare potable water usage. Potable water use data for the previous two years will be compared to a one year period after the project is placed into operations. From this comparison, the reduction in potable water use at the District will be realized. Based on preliminary data, the District should realize an overall ten percent reduction in potable water use equating to approximately 340,000 gallons per year.

*Schedule/Reporting:*

Date	Milestone/Description
Water Board Approval of SEP	Purchase Amiad filter system and pump. The District anticipates a lead time of three to four months.
July 1, 2009	Develop construction plan and contract with installation contractor.
July 31, 2009	Complete construction of 3-inch recycled water main.
August 31, 2009	Submit progress report on construction activities, procurement activities, and anticipated operational date.
November 30, 2009	Submit certification of construction and operation of recycled water system.



November 30, 2010	Submit final report. Final report will contain tasks completed; itemized accounting of funds spent, and measure the success of the project as described above. If the project does not reduce potable water use by 340,000 gallons per year, the District must provide reasons why such a reduction was not achievable.
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The District will submit all reports to third party oversight authority who reports solely to the Regional Water Board. The oversight authority for this SEP is the San Francisco Estuary Project. The District will fund the San Francisco Estuary Project for its work oversight through the use of District funds to a maximum of \$1,800.

*Contacts:*

Rodeo Sanitary District  
 Steven S. Beall, P.E. – Engineer-Manager  
 (510) 799-2970; [bealls@rodeosan.org](mailto:bealls@rodeosan.org)

Regional Water Board  
 Robert Schlipf, P.E. – Water Resource Control Engineer  
 (510) 622-2478; [RSchlipf@waterboards.ca.gov](mailto:RSchlipf@waterboards.ca.gov)

San Francisco Estuary Project  
 Carol Thornton  
 Contractor to San Francisco Estuary Project  
 1515 Clay Street, Suite 1400  
 Oakland, CA 94612  
 (510) 622-2419, [CThornton@waterboards.ca.gov](mailto:CThornton@waterboards.ca.gov)

# **ATTACHMENT B**

**Table 1: NPDES Permit Violations from December 1, 2007 through August 31, 2008**

<b>Date</b>	<b>Violation</b>	<b>Gallons Discharged</b>	<b>Cause</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty<sup>1</sup></b>
12/13/2007	Chlorine Residual	16,700	Sample Flow Failure	\$3,000	\$167,000
01/14/2008	Chlorine Residual	46,900	Sample Flow Failure	\$3,000	\$469,000
05/21/2008 and 05/22/2008	Failure of proper O&M leading to discharge of undisinfectated wastewater	130,000	Ran out of Chlorine	0	\$1,310,000
06/03/2008	Chlorine Residual	17,600	Operator Error	\$3,000	\$176,000
06/29/2008	Chlorine Residual	4,500	Analyzer Failure	\$3,000	\$45,000
07/17/2008	Chlorine Residual	2,300	Effluent Flow Meter Failure	\$3,000	\$23,000
08/28/2008	Chlorine Residual	13,600	Operator Error	\$3,000	\$136,000
	Total Gallons	231,600	Total Amount	\$18,000	\$2,326,000

Note (1) The Maximum Penalty for each violation is \$10,000 per day per violation plus an additional liability of \$10 per gallon over 1,000 gallons.