

**ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING  
ORDER NO. R2-20 \_\_\_\_\_**

**City of St. Helena  
City of St. Helena Wastewater Treatment and Reclamation Plant and Wastewater  
Collection System  
1 Chaix/Thomann Lane, St. Helena, Napa County  
NPDES Permit CA0038016, Regulatory Measure 449439**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), City of St. Helena (Discharger) hereby accepts the conditional offer to settle alleged violations through payment of a mandatory minimum penalty and waives the right to a hearing before the Regional Water Board to dispute the alleged violations. The violations are attached to this Acceptance and Waiver as Exhibit A and incorporated by reference.

The Discharger agrees that Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the penalty authorized by Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in Exhibit A. The Discharger understands that this Acceptance and Waiver waives its right under Water Code section 13323 to contest the allegations in Exhibit A and the amount of civil liability assessed for the violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation not specifically identified in Exhibit A.

This Acceptance and Waiver 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. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

Upon execution, the Discharger shall return the Acceptance and Waiver to the following:

California Regional Water Quality Control Board, San Francisco Bay Region  
NPDES Wastewater Enforcement Section  
Attention: Marcos De la Cruz  
1515 Clay Street, Suite 1400  
Oakland, California 94612

or

[R2NPDES.MMPS@waterboards.ca.gov](mailto:R2NPDES.MMPS@waterboards.ca.gov)

The Discharger understands that federal regulations set forth in Code of Federal Regulations, title 40, section 123.27(d)(2)(iii), require the Regional Water Board to publish notice of, and provide at least 30 days for public comment on, any proposed resolution of an enforcement action. Accordingly, prior to execution by the Regional Water Board's Executive Officer, this Acceptance and Waiver will be published for public comment as required by law.

The Discharger understands that the Executive Officer may execute the Acceptance and Waiver if no comments are received within the public notice period and the Executive Officer agrees that the assessment of the mandatory minimum penalty appropriately resolves the alleged violations. The Regional Water Board's resolution of the violations will preclude State Water Resources Control Board (State Water Board) action for the same violations.

The Discharger understands that the offer may be withdrawn if significant comments are received in opposition to the conditional offer. In that circumstance, Regional Water Board staff will advise the Discharger of the withdrawal and may issue an administrative civil liability complaint and schedule the matter for a hearing before the Regional Water Board or State Water Board.

The Discharger understands that funds collected for violations pursuant to Water Code section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account.

The Discharger understands that, in lieu of full payment of the assessed mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, it may elect to pay a portion toward a supplemental environment project (SEP). The SEP option is the SEP Fund, which supplements Regional Monitoring Program (RMP) studies that would not otherwise be conducted through the RMP's annually approved RMP cost allocations.

The Discharger understands that once the Regional Water Board's Executive Officer executes this Acceptance and Waiver, payment no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The Discharger shall pay the assessed civil liability to the State Water Pollution Cleanup and Abatement Account and/or San Francisco Estuary Institute (for the SEP Fund) as selected above. The State Water Board will send an invoice for any payment due to the State Water Pollution Cleanup and Abatement Account. The Regional Water Board will send an invoice for any payment due to the SEP Fund.

The Discharger agrees to pay the amounts indicated below to the State Water Pollution Cleanup and Abatement Account and, if chosen, the SEP Fund. The Discharger understands that the Regional Water Board will consider the Discharger to have fulfilled any SEP obligation if and when the San Francisco Estuary Institute receives the Discharger's contribution to the SEP Fund. (Place a "✓" or "x" in one box below and fill in the blanks as appropriate. Electing to pay a portion of the assessed liability to the SEP Fund will not change the total amount to be paid.)

**Payment Options:**


- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:  
\$ \_\_\_\_\_ Amount to be paid to the SEP Fund (cannot exceed \$81,000)  
\$ \_\_\_\_\_ Amount to be paid to the State Water Pollution Cleanup and Abatement Account (\$147,000 minus amount inserted above)  
\$ 147,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- Option 2: Pay the total assessed mandatory minimum liability (\$147,000) to the State Water Pollution Cleanup and Abatement Account.

**I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Discharger in the making and giving of this Acceptance and Waiver.**

City of St. Helena

By: Anil Comelo City Manager  
Printed or typed name Title  
 2-1-23  
Signature Date

**Note: Please return the signed Acceptance and Waiver with Exhibit A, together**

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60

By: \_\_\_\_\_ Date \_\_\_\_\_  
Eileen White  
Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region

**EXHIBIT A - Alleged Violations**

**Discharger: City of St. Helena**

City of St. Helena Wastewater Treatment and Reclamation Plant and Wastewater Collection System  
1 Chaix/Thomann Lane, St. Helena, Napa County  
NPDES Permit CA0038016

The following table lists the alleged violations for which the Discharger is subject to civil liabilities pursuant to Water Code section 13385. The table lists the mandatory minimum penalty (MMP) that applies.

**Table 1. List of Alleged Violations**

<b>CIWQS Violation ID No.</b>	<b>Violation Date</b>	<b>Parameter (units)</b>	<b>Group</b>	<b>Effluent Limitation</b>	<b>Reported Value</b>	<b>Percent Exceedance<sup>[1]</sup></b>	<b>Violation Type</b>	<b>MMP<sup>[2]</sup></b>
1079966	2/28/2019	Copper, Monthly Average (µg/L)	2	8.3	17	105%	C1, S	\$3,000
1079967	12/31/2019	Copper, Monthly Average (µg/L)	2	8.3	15	81%	C1, S	\$3,000
1070039	12/31/2019	TSS, Percent Removal Percent Reduction (%)	1	85	77	-9%	C2	\$0
1086900	1/31/2021	Total Coliform, Daily Maximum (MPN/100 mL)	N/A <sup>[3]</sup>	240	540	125%	C1	\$0
1108114	2/2/2021	Total Coliform, 5-sample median (MPN/100 mL)	N/A <sup>[3]</sup>	23	46	100%	C2	\$0
1088165	2/28/2021	Copper, Monthly Average (µg/L)	2	8.3	8.9	7%	C3	\$0
1089202	3/20/2021	TSS, Weekly Average (mg/L)	1	20	21.7	9%	> C3	\$3,000
1089201	3/25/2021	Total Coliform, Daily Maximum (MPN/100 mL)	N/A <sup>[3]</sup>	240	540	125%	> C3	\$3,000
1089199	3/27/2021	TSS, Weekly Average (mg/L)	1	15	25	67%	> C3, S	\$3,000
1089203	3/31/2021	TSS, Monthly Average (mg/L)	1	15	22.1	47%	> C3, S	\$3,000

<b>CIWQS Violation ID No.</b>	<b>Violation Date</b>	<b>Parameter (units)</b>	<b>Group</b>	<b>Effluent Limitation</b>	<b>Reported Value</b>	<b>Percent Exceedance<sup>[1]</sup></b>	<b>Violation Type</b>	<b>MMP<sup>[2]</sup></b>
1098614	11/17/2021	Copper, Daily Maximum (µg/L)	2	14	64	357%	C1, S	\$3,000
1098612	11/20/2021	TSS, Weekly Average (mg/L)	1	20	26	30%	C2	\$0
1098609	11/30/2021	TSS, Monthly Average (mg/L)	1	15	19	27%	C3	\$0
1098613	11/30/2021	Copper, Monthly Average (µg/L)	2	8.3	64	671%	> C3, S	\$3,000
1099830	12/8/2021	Copper, Daily Maximum (µg/L)	2	14	27	93%	> C3, S	\$3,000
1099811	12/11/2021	TSS, Weekly Average (mg/L)	1	20	22	10%	> C3	\$3,000
1099816	12/14/2021	Total Coliform, Daily Maximum (MPN/100 mL)	N/A <sup>[3]</sup>	240	1600	567%	> C3	\$3,000
1099831	12/16/2021	Copper, Daily Maximum (µg/L)	2	14	19	36%	> C3, S	\$3,000
1099818	12/17/2021	Copper, Daily Maximum (µg/L)	2	14	25	79%	> C3, S	\$3,000
1099814	12/18/2021	TSS, Weekly Average (mg/L)	1	20	21	5%	> C3	\$3,000
1099824	12/18/2021	Copper, Daily Maximum (µg/L)	2	14	35	150%	> C3, S	\$3,000
1099832	12/19/2021	Copper, Daily Maximum (µg/L)	2	14	36	157%	> C3, S	\$3,000
1099819	12/20/2021	Copper, Daily Maximum (µg/L)	2	14	41	193%	> C3, S	\$3,000
1099833	12/21/2021	Copper, Daily Maximum (µg/L)	2	14	40	186%	> C3, S	\$3,000
1099834	12/22/2021	Copper, Daily Maximum (µg/L)	2	14	46	229%	> C3, S	\$3,000

CIWQS Violation ID No.	Violation Date	Parameter (units)	Group	Effluent Limitation	Reported Value	Percent Exceedance <sup>[1]</sup>	Violation Type	MMP <sup>[2]</sup>
1099835	12/23/2021	Copper, Daily Maximum (µg/L)	2	14	43	207%	> C3, S	\$3,000
1099815	12/24/2021	Copper, Daily Maximum (µg/L)	2	14	50	257%	> C3, S	\$3,000
1099823	12/25/2021	Copper, Daily Maximum (µg/L)	2	14	47	236%	> C3, S	\$3,000
1099825	12/26/2021	Copper, Daily Maximum (µg/L)	2	14	50	257%	> C3, S	\$3,000
1099820	12/27/2021	Copper, Daily Maximum (µg/L)	2	14	65	364%	> C3, S	\$3,000
1099821	12/28/2021	Copper, Daily Maximum (µg/L)	2	14	61	336%	> C3, S	\$3,000
1099822	12/29/2021	Copper, Daily Maximum (µg/L)	2	14	58	314%	> C3, S	\$3,000
1099817	12/30/2021	Copper, Daily Maximum (µg/L)	2	14	59	321%	> C3, S	\$3,000
1099813	12/30/2021	Total Residual Chlorine, Daily Maximum (mg/L)	2	0	1.17	>20 <sup>[4]</sup>	> C3, S	\$3,000
1099829	12/31/2021	Copper, Monthly Average (µg/L)	2	8.3	44	430%	> C3, S	\$3,000
1099828	12/31/2021	TSS, Monthly Average (mg/L)	1	15	24	60%	> C3, S	\$3,000
1099812	12/31/2021	BOD, Monthly Average (mg/L)	1	15	23	53%	> C3, S	\$3,000
1099827	1/1/2022	TSS, Weekly Average (mg/L)	1	20	29	45%	> C3, S	\$3,000
1099836	1/1/2022	BOD, Weekly Average (mg/L)	1	25	32	28%	> C3	\$3,000
1101417	1/11/2022	Copper, Daily Maximum (µg/L)	2	14	39	179%	> C3, S	\$3,000

CIWQS Violation ID No.	Violation Date	Parameter (units)	Group	Effluent Limitation	Reported Value	Percent Exceedance <sup>[1]</sup>	Violation Type	MMP <sup>[2]</sup>
1101422	1/12/2022	Copper, Daily Maximum (µg/L)	2	14	37	164%	> C3, S	\$3,000
1101421	1/12/2022	Total Coliform, Daily Maximum (MPN/100 mL)	N/A <sup>[3]</sup>	240	920	283%	> C3	\$3,000
1101418	1/13/2022	Copper, Daily Maximum (µg/L)	2	14	34	143%	> C3, S	\$3,000
1101424	1/14/2022	Copper, Daily Maximum (µg/L)	2	14	32	129%	> C3, S	\$3,000
1101419	1/31/2022	Cyanide, Monthly Average (µg/L)	2	9.3	16	72%	> C3, S	\$3,000
1101425	1/31/2022	Copper, Monthly Average (µg/L)	2	8.3	35.5	328%	> C3, S	\$3,000
1101423	1/31/2022	TSS, Monthly Average (mg/L)	1	15	20	33%	> C3	\$3,000
1101426	1/31/2022	BOD, Monthly Average (mg/L)	1	15	16	7%	> C3	\$3,000
1102831	2/8/2022	Total Coliform, Daily Maximum (MPN/100 mL)	N/A <sup>[3]</sup>	240	1600	567%	> C3	\$3,000
1106903	2/8/2022	Total Coliform, 5-sample median (MPN/100 mL)	N/A <sup>[3]</sup>	23	920	3900%	> C3	\$3,000
1102833	2/12/2022	TSS, Weekly Average (mg/L)	1	25	35	40%	> C3, S	\$3,000
1102839	2/12/2022	BOD, Weekly Average (mg/L)	1	25	36	44%	> C3, S	\$3,000
1102838	2/28/2022	Copper, Monthly Average (µg/L)	2	8.3	9.85	19%	> C3	\$3,000
1102830	2/28/2022	TSS, Monthly Average (mg/L)	1	15	35	133%	> C3, S	\$3,000
1102837	2/28/2022	BOD, Monthly Average (mg/L)	1	15	36	140%	> C3, S	\$3,000

**Total Penalty: \$147,000**

**Legend:**

CIWQS = California Integrated Water Quality System database that the Water Boards use to track violations and enforcement.

Violation ID = Identification number assigned to each permit violation within CIWQS.

C = Count – Number of violations within past 180 days, including this violation. A penalty applies under Water Code section 13385(i) when the count is greater than three (> C3).

S = Serious. A penalty applies under Water Code section 13385(h) whenever an effluent limitation is exceeded by 40 percent or more for a Group 1 pollutant or 20 percent or more for a Group 2 pollutant.

**Footnotes:**

[1] Percent that a discharger's reported value exceeds the effluent limitation for a Group 1 or 2 pollutant.

[2] The MMP required under Water Code section 13385(h) and/or (i).

[3] Total coliform is not categorized as a Group 1 or Group 2 pollutant.

[4] Chlorine is a Group 2 pollutant and the percent above the limit of 0.0 mg/L is more than 20 but not quantifiable.

CIWQS Place ID: 258386  
WDID: 2 283014001