

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER No. R2-2025-00XX

CEASE AND DESIST ORDER for:

CITY OF VALLEJO AND VALLEJO FLOOD AND WASTEWATER DISTRICT

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter the Water Board, finds that:

1. The Water Board adopted the Municipal Regional NPDES Stormwater Permit, Order No. R2-2022-0018 on May 11, 2022, and amended the permit with Order No. R2-2023-0019 on October 11, 2023, issuing waste discharge requirements as NPDES Permit No. CAS612008 (Permit). The Permit contains prohibitions, limitations, and provisions regulating the stormwater and non-stormwater discharges from the permittees' municipal separate storm sewer systems (MS4).
2. The City of Vallejo and the Vallejo Flood and Wastewater District (Permittees) are subject to the Permit's requirements, including Provision C.10, which requires Permittees to achieve 100 percent trash reduction or no adverse impacts from trash to receiving waters by June 30, 2025.
3. Permit Provision C.10 states: "Permittees shall demonstrate compliance with Discharge Prohibition A.1, for trash discharges, Discharge Prohibition A.2, and trash-related Receiving Water Limitations through the timely implementation of control measures and other actions to reduce trash loads from municipal separate storm sewer systems in accordance with the requirements of this provision."
 - a. Discharge Prohibition A.1 states, in part: "The Permittees shall, within their respective jurisdictions, effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses."
 - b. Discharge Prohibition A.2 states: "It shall be prohibited to discharge rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas."
 - c. Receiving Water Limitation B.1 states: "The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
 - B.1.a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
 - B.1.b. Bottom deposits or aquatic growths;
 - B.1.c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - B.1.d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
 - B.1.e. Substances present in concentrations or quantities that would cause deleterious effects on aquatic biota, wildlife, or waterfowl, or that render any of these unfit for human consumption."

4. Permit Provision C.10.a.i states: "Permittees shall reduce trash discharges from 2009 levels, described below, to receiving waters in accordance with the following schedule:
 - a. 90 percent by June 30, 2023; and
 - b. 100 percent by June 30, 2025."
5. Trash reduction requirements have been included in the Permit since its initial adoption on October 14, 2009, as Order No. R2-2009-0074.
6. The Permittees are in violation of the Permit because they did not meet the 100 percent trash load reduction requirement by June 30, 2025, relative to 2009 baseline conditions, as required by Permit Provision C.10.a.i.
7. Because the 100 percent trash load reduction requirement was not met, there remains a threat of discharge of trash in violation of Discharge Prohibitions A.1 and A.2.
8. On June 30, 2025, the Permittees submitted a Notice of Non-compliance and an updated stormwater Trash Load Reduction Plan (Plan) which documented the Permittees' progress in complying with Permit Provision C.10 requirements and additional planned control measures for achieving 100 percent trash reduction.
9. As of June 30, 2025, the Permittee has treated approximately 8,700 acres of moderate, high, or very high trash generation area and has achieved a cumulative trash reduction of approximately 86 percent via full trash capture or equivalent measures. The remaining uncontrolled area is approximately 917 acres and consists primarily of moderate trash generation area.
10. Within the updated Plan, Permittees stated that in Fiscal Year 2024-2025 they completed a desktop analysis to identify potential locations for additional full trash capture systems and estimated the associated trash load reduction percentages. Permittees identified three additional locations that would treat a cumulative area of approximately 1,243 acres of mostly moderate and high trash generation area. The estimated trash load reduction benefit from these three potential full trash capture projects would be 6 percent. The three potential locations are being evaluated by Caltrans to determine if their right-of-way (ROW) would be addressed should one or more of these systems be constructed. If Caltrans determines that one or more of these systems would be beneficial to addressing trash on their ROW and funding would be provided to fully support the design, fabrication, and construction of these systems, then Vallejo Flood and Wastewater District (District) will further evaluate the feasibility of constructing one or more systems at these locations.
11. In addition, the Permittees are planning to conduct a reevaluation of trash generation in the City to more comprehensively evaluate current trash generation levels in areas identified on the City/District's baseline map as moderate, high or very high trash generating areas and not controlled by full trash capture (FTC) systems or the planned trash control program for Private Land Drainage Areas (PLDAs), the District plans to conduct a reevaluation of trash generation in the City. The reevaluation is aimed at providing a more refined and comprehensive assessment of current trash generation in the City in these land areas and information on trash sources needed to guide future trash control measure implementation. Results from the reevaluation will likely necessitate a refinement of the City's baseline trash generation map and/or trash load reduction calculations.

12. The Permittees have developed and are implementing a Private Land Drainage Area (PLDA) trash control program where owners of each PLDA receive and are required to completed a self-certification questionnaire and return it to the district. The results from the questionnaire and follow-up inspections and enforcement action, where necessary, are anticipated to contribute an additional 6 percent trash load reduction.
13. While working toward completing the trash control projects outlined in Findings 10 12, the Permittees will continue to implement and report on creek and shoreline cleanup measures and/or control of directly discharged trash sufficient to offset the remaining uncontrolled trash generation area. The cumulative offset credit claimed shall be calculated based on the equation provided in Provision C.10.f of the Permit. Furthermore, the 10 percent offset limit established within this sub-provision shall be ignored since the Permittees are required to offset the remaining 14 percent of uncontrolled trash generation area while working towards achieving the 100 trash reduction requirement. At the time of this Order's adoption, the remaining uncontrolled area is 14 percent.

A. Purpose of this Order

1. This Cease and Desist Order (Order) sets deadlines for implementation of trash controls that will bring the Permittees into compliance with the 100 percent trash load reduction by December 31, 2028 relative to 2009 baseline conditions, as required by Permit Provision C.10.a.i.

B. Cease and Desist Order Authority

1. When the Water Board finds a discharge of waste is taking place or threatening to take place that violates requirements prescribed by the Board, California Water Code (Water Code) section 13301 authorizes the Water Board to issue a Cease and Desist Order directing those persons not complying with the requirements or with discharge prohibitions to comply with them in accordance with deadlines set by the Board.
2. Because the Permittees' violation is ongoing, this Order is necessary to ensure that the Permittees return to compliance by describing actions required to meet the Permit requirements and by tracking progress toward the compliance.
3. Reports required under this Order are monitoring and reporting requirements pursuant to Water Code section 13383.

C. Provisions

IT IS HEREBY ORDERED in accordance with Water Code section 13301 that the Permittees shall cease and desist from discharging and threatening to discharge trash in violation of the Permit by complying with the following provisions:

1. **Trash Reduction Implementation Actions.** The Permittees shall implement trash load reduction control actions within all significant trash generating areas within their jurisdiction and prohibit trash discharge in a timely manner sufficient to reach 100 percent trash load reduction relative to the 2009 baseline condition by December 31, 2028 as specified in Permit Provision C.10.a.i.b.

2. **Trash Reduction Offset Actions.** On an ongoing basis, the Permittees shall implement trash load offset actions, consisting of creek and shoreline cleanups and/or cleanups of directly discharged trash that could discharge into receiving waters, sufficient to offset the uncontrolled amount of trash between 100 percent trash load reduction and the reduction it has achieved, until it has reached 100 percent trash load reduction.
3. **Track and Report on Trash Control Actions.** The Permittees shall submit a brief narrative Supplemental Report that describes the Permittees' progress toward meeting the 100 percent trash load reduction requirements and the Permittees' offset work sufficient to offset the Permittee's delayed compliance. The Supplemental Report shall be submitted with the Permittees' Annual Report by September 30 each year until the Permittees achieve the 100 percent trash reduction. The Supplemental Reports shall include the following:
 - a. For the proposed full trash capture device installations:
 - The status of the partnership agreement with Caltrans including project funding; the status of design and contracting of new full trash capture devices; and the status of permitting and construction.
 - b. The status of controls on Private Land Drainage Areas (PLDAs)
 - c. Update on findings from the Permittees trash reevaluation analysis including next steps.
 - d. The status of additional trash reduction actions that will be verified by on-land visual trash assessments (OVTAs);
 - The status of OVTAs (e.g., the trash management areas where OVTAs have been or will be completed, number of assessments completed, and schedule for completion of additional OVTAs); and
 - The outcome of the OVTAs, including any change in trash status for each trash management area and the resulting change in city-wide total trash load reduction associated with OVTAs;
 - e. A description of progress toward meeting the 100 percent trash load reduction requirement by December 31, 2028 including the resulting city-wide total trash load reduction (percent); and
 - f. If needed, a description of additional trash load reduction control actions, beyond those identified in this Order, and a schedule for their implementation, sufficient to achieve the required 100 percent reduction by December 31, 2028.
4. **Force Majeure.**¹ If the Permittees are delayed, interrupted, or prevented from meeting the provisions and deadlines of this Order due to a force majeure, the Permittees shall notify the Executive Officer in writing within ten days of the date the Permittees first know of the force majeure. The Permittees shall demonstrate that timely compliance with the Order or any affected deadlines will be actually and necessarily delayed, and that it has taken measures to avoid or mitigate the delay by exercising all reasonable precautions and efforts, whether before or after the occurrence of the force majeure.

¹ A "force majeure" is an event that could not have been anticipated by and is beyond the control of the Discharger, including an act of God; earthquake, flood, or other natural disaster; civil disturbance or strike; fire or explosion; declared war within the United States; embargo; or other event of similar import and character. "Force majeure" does not include delays caused by funding, contractor performance, equipment delivery and quality, weather, permitting, other construction-related issues, CEQA challenges, initiative litigation, adverse legislation, or legal matters (with the exception of an injunction issued by a court of law specifically preventing construction from occurring).

5. **Consequences of Non-Compliance and Executive Officer Authority.** The Executive Officer is hereby authorized to take enforcement action or to request the Attorney General to take appropriate actions against the Permittees in accordance with Water Code sections 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Water Board consideration. The Water Board reserves the right to take any enforcement action authorized by law.
6. **Administrative Review.** Any person aggrieved by this action may petition the State Water Resources Control Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 PM on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 PM on the next business day. Copies of the law and regulations applicable to filing petitions are available on the internet (at the address below) and will be provided upon request.

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_inst_r.shtml
7. **Other Regulatory Considerations.** The issuance of this Order constitutes an enforcement action, which is categorically exempt from procedural requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), in accordance with the CEQA Guidelines. (Cal. Code Regs., tit. 14, § 15321.)
8. **Notice and Hearing.** The Permittees and interested persons were notified of the Water Board's intent to issue this Order and were provided an opportunity to submit their written views and recommendations at a public hearing. At a public meeting, the Water Board heard and considered all comments pertaining to the discharge regulated under this Order.
9. **Effective Date.** This Order shall be effective on December 10, 2025.

I, Eileen M. White, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 10, 2025.

Eileen M. White, P.E.
Executive Officer