

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION**

In the Matter of: )  
)  
City of Rio Dell )  
Wastewater Treatment Facility )  
475 Hilltop Drive )  
Rio Dell, CA 95562 )  
)

Complaint No. R1-2016-0050  
for  
Administrative Civil Liability

Attn: Kyle Knopp  
City Manager

WDID No. 1B83134OHUM

The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) hereby gives notice that:

1. This Administrative Civil Liability Complaint (Complaint) is issued under the authority of California Water Code section 13323 to the City of Rio Dell (hereinafter Discharger) to assess administrative civil liability for discharges from the Rio Dell Wastewater Treatment Facility (Facility) in violation of provisions of law for which the Regional Water Board is required to impose mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i). The Complaint alleges twelve (12) effluent limit violations of Waste Discharge Requirements (WDRs) Order No. R1-2011-0054, NPDES Permit No. CA 0022748 (WDRs Order No. R1-2011-0054). Of these twelve violations, nine (9) are subject to MMPs and three (3) are exempt from MMPs. The violations cited herein occurred during the period from May 1, 2012, through April 30, 2016, (hereinafter Complaint Period) and are specifically listed in Attachment A, which is incorporated into this Complaint by reference. During the Complaint Period, the Discharger was subject to the waste discharge requirements established in Order No. R1-2011-0054.
2. Unless waived, the Regional Water Board will hold a hearing on this Complaint at its January 26, 2017, Board meeting located at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of the civil liability. Not less than 10 days before the hearing date, an

agenda for the meeting will be available on the Regional Water Board’s website:  
[http://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](http://www.waterboards.ca.gov/northcoast/board_info/board_meetings/).

3. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

The Assistant Executive Officer of the Regional Water Board hereby alleges that:

**STATEMENT OF REQUIREMENTS APPLICABLE TO THE DISCHARGER:**

4. Effective December 1, 2011, the Facility was subject to the requirements of WDRs Order No. R1-2011-0054. Violations occurring during the Complaint Period are discussed in findings below.
5. WDRs Order No. R1-2011-0054 (Effluent Limitations & Discharge Specifications, Section IV.A.2.a.) sets forth effluent limits for Ammonia, Nitrogen Coliform and Nitrate, which are summarized as follows:
  - a. Thirty (30) days prior to activation of the new WWTF described under paragraph 2 of Finding II. B, the Discharger shall submit written notification to the Executive Officer declaring the intent to operate and discharge from the new WWTF. Ninety (90) days after the initial activation of the new WWTF, the Discharger shall maintain compliance with the following final effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP (Attachment E).

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Ammonia ,Nitrogen, Total (as N)	mg/L	See Attachment G <sup>8</sup>	--	See Attachment G <sup>8</sup>
Nitrate Nitrogen, Total (as N)	mg/L	8.0	--	--
Nitrogen, Total (as N)	mg/L	10	--	--
Total Coliform Organisms	MPN/100 mL	23 <sup>5</sup>	---	230

<sup>5</sup> The median concentrations shall not exceed a Most Probable Number (MPN) of 23 per 100 milliliters, using the bacteriological results of the last 30 calendar days for which analyses have been completed.

<sup>8</sup> Average monthly effluent limitations (AMELs) for ammonia are determined based on the pH and temperature of the receiving water at the time the discharge is sampled. Maximum daily effluent limitations (MDELs) for ammonia are determined based on the pH of the receiving water at the time the discharge is sampled. See Attachments G-1 and G-2 for full tables of effluent limitations for ammonia.

## **ALLEGED VIOLATIONS**

6. The Discharger's self-monitoring reports for the Complaint Period document twelve (12) violations of effluent limitations, as identified in Attachment A. Of these twelve violations, nine (9) are subject to MMPs and three (3) are exempt from MMPs.

## **FACTUAL BASIS FOR THE ALLEGED VIOLATIONS**

The following evidence supports the alleged violations described above:

7. The Discharger owns and operates the wastewater collection, treatment, and disposal facilities that serve approximately 3,100 people within the City of Rio Dell. The Facility was upgraded and started operating in February 2013. The Facility treats domestic, commercial, and industrial wastewater. The Facility has an average dry weather treatment capacity of 0.62 mgd, and an average wet weather treatment capacity of 1.25 mgd.

The Facility includes a headworks with a mechanical bar screen, grit removal system, and three influent pumps; an Aero-Mod secondary treatment and solids stabilization system that includes extended aeration, nitrification and denitrification, clarification and aerobic sludge digestion; chlorination; and dechlorination. Disinfected secondary effluent is disinfected may be discharged to the Eel River between October 1 and May 14 and is discharged to a 23-acre pasture irrigation site during the dry season (generally May through October). Solids from the Aero-Mod digesters are dewatered with a belt filter press and a biosolids dryer and condenser. Dried biosolids are given away to the community for use in gardening.

8. The Regional Water Board adopted WDR Order No. R1-2011-0054 on September 29, 2011; the Order became effective on December 1, 2011. Order No. R1-2011-0054 regulates discharges from the Facility, and serves as an NPDES permit under the federal Clean Water Act.
9. In its monitoring reports submitted for the Complaint Period, the Discharger self-reported twelve (12) exceedances of the effluent limitations set forth in Order No. R1-2011-0054. Of the effluent limitation exceedances, five (5) are for Total Ammonia Nitrogen, a Group 1 pollutant; one (1) is for Total Nitrate Nitrogen, a Group 1 pollutant; two (2) are for Total Nitrogen, a Group 1 pollutant; and one (1) is for Total Coliform Organisms, which is identified as "Other Effluent Violations (OEVs)." These violations are subject to MMPs. The remaining three exceedances are exempt from MMPs, as they were the first three violations in a six-month period, and were considered chronic rather than serious, pursuant to Water Code section 13385(h) and (i), as discussed in Findings 10. and 11., below. Attachment A to this Order shows all twelve violations.

## **WATER CODE PROVISIONS UPON WHICH LIABILITY IS BEING ASSESSED DUE TO NONCOMPLIANCE WITH APPLICABLE REQUIREMENTS**

- 10.** Water Code section 13385, subdivision (h) requires the Regional Water Board to assess a MMP of three thousand dollars (\$3,000) for each serious violation. Pursuant to Water Code section 13385, subdivision (h)(2) a “serious violation” is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.
  
- 11.** Water Code section 13385, subdivision (i), requires the Regional Water Board to assess a MMP of three thousand dollars (\$3,000) for each violation whenever the Discharger does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the MMP 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.
  
- 12.** At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General to have a Superior Court consider civil enforcement. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the MMPs in full or by taking other actions as described in the waiver form. If this matter proceeds to hearing and the Regional Water Board decides to impose discretionary penalties, the Prosecution Team reserves the right to seek an increase in the civil liability amount, at the very least, to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing.

## **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

1. The Assistant Executive Officer of the Regional Water Board proposes that MMPs be assessed against the Discharger in the amount of \$27,000 for the violations specifically identified in Attachment A of this Complaint.
  
2. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the

Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

3. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

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Shin-Roei Lee, P.E.  
Assistant Executive Officer  
Regional Water Board Prosecution Team