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## North Coast Regional Water Quality Control Board

October 30, 2020

Mr. Tim Rundal  
City Manager, City of Weed  
P.O. Box 470  
Weed, CA 96094  
[tim.rundel@ci.weed.ca.us](mailto:tim.rundel@ci.weed.ca.us)

Dear Mr. Rundal:

**Subject:** Notice of Violation of General Waste Discharge Requirements (WDRs) State Water Resources Control Board Order No. 2006-0003-DWQ, WDRs Order No. 96-070, and the Federal Clean Water Act Section 301

**File:** City of Weed – Shastina Wastewater Treatment Facility, Alameda Avenue, Weed, Siskiyou County, WDID No. 1A80192OSIS

The City of Weed operates the Shastina Wastewater Treatment Facility (Facility). You are hereby given notice that the unauthorized discharge to Boles Creek from the Facility on September 27, 2020 violated waste discharge prohibitions and provisions in Waste Discharge Requirements (WDRs) Order No. 96-070, and the federal Clean Water Act (33 USCA § 1251 et al.). Additionally, on October 18, 2016 an unauthorized discharge to Boles Creek from the sanitary sewer system violated waste discharge prohibitions in State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ (Sanitary Sewer Systems WDRs, hereafter SSS WDRs) and the federal Clean Water Act section 301.

### A. Background

The Shastina Wastewater Treatment Facility is located off Alameda Avenue, northwest of the City and adjacent to Boles Creek. The latitude and longitude of the Facility are 41.435538° N and 122.409943° W. The receiving water body impacted from the unauthorized discharge is Boles Creek, a tributary to the Shasta River. The Shasta River and its tributaries are identified as impaired on the Clean Water Act Section 303(d) list for elevated temperature and organic enrichment/low dissolved oxygen.

The City's sanitary sewer collection system is regulated by the SSS WDRs. The SSS WDRs require enrollees proactively manage sewer operations, maintenance, and management to reduce and prevent Sanitary Sewer Overflows (SSOs).

WDRs Order No. 96-070 for the City were adopted by the Regional Water Board on September 26, 1996. The Order regulates the discharge of waste from the Facility and requires monitoring and reporting of discharges of waste from the Facility. The Facility consists of a manual influent bar screen and four waste stabilization ponds in series for waste stabilization and treatment. Final disposal of treated effluent consists of wintertime discharge to percolation beds and/or summer irrigation of recycled water on forage/fodder crops by spray and flood irrigation. The Facility has a design average dry weather flow of 295,000 gallons per day

On December 7, 2016, State Water Resource Control Board Office of Enforcement and the North Coast Regional Water Board (collectively, Water Board) staff inspected the City's sewer system to initiate an audit to evaluate the City's compliance with the SSS WDRs. The inspection also included discussing details regarding an SSO that occurred on October 18, 2016 which was discharged to waters of the United States. This SSO involved a discharge of approximately 48,000 gallons of raw sewage to Boles Creek, a tributary to the Shasta River. It appears the State Water Board neglected to forward the inspection report following the inspection. Attached is a copy of the final Compliance Evaluation Inspection Report for your review (see Attachment A). Subsequent to the inspection, on February 1, 2017 Water Board staff also held a conference call with you and discussed preliminary inspection findings including violations of the SSS WDRs for inadequate sewer system maintenance and records.

On Sunday September 27, 2020, at approximately 1900 hours, a pump failure at the Facility resulted in a spill from the final waste stabilization pond (Pond #4) onto land adjacent to the pond and into Boles Creek. An alarm also failed to activate to notify City staff of the pump failure. City staff responded within 30 minutes of the spill, and restarted the pump, which stopped the spill. There was no recovery of spilled effluent. City staff has estimated a spill duration of approximately two hours and approximately 25,834 gallons of treated wastewater effluent overflowed from Pond #4, via an outlet weir, to Boles Creek.

On September 30, 2020, the discharger submitted a written report of the spill. The report included summary details of the spill, and included a Facility Maintenance Schedule, an Effluent Pump Maintenance Schedule and an Aerator Maintenance Schedule. The report indicated that both the pump and alarm have been repaired. The City has modified standard operating procedures with weekly testing of the alarm system and pumping systems.

## **B. Relevant Requirements**

The unauthorized discharge from the spill of treated wastewater effluent into a water of the state and United States violates requirements in WDRs orders and the federal Clean Water Act. Attachment B – Regulatory Citations, provides references to these requirements and regulations.

### **C. Alleged Violations**

The October 18, 2016 release of partially treated or untreated wastewater into Boles Creek violated SSS WDRs:

1. Order No. 2006-0003-DWQ, Section C.1: Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Clean Water Act Section 301 (33 U.S.C. 1311): This discharge was not authorized by a permit issued under the Clean Water Act and is thus a violation of Section 301.

The September 27, 2020 release of partially treated wastewater effluent into Boles Creek violated the following provisions of the WDRs Order No. 96-070, and the federal Clean Water Act:

3. WDRs Order No. 96-070, Section A.2: the discharge of waste from the wastewater treatment facility to the Shasta River or its tributaries is prohibited.
4. WDRs Order No. 96-070, Section E.3: the Discharger must maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the waste discharge requirements.
5. Clean Water Act Section 301 (33 U.S.C. 1311): Prohibits the discharge of any pollutant into waters of the United States without a permit.

### **D. Follow Up Actions**

Regional Water Board staff are planning a follow up inspection this winter to further investigate the City's collection system, treatment plant, and associated operations and maintenance procedures, recordkeeping and corrective actions related to the unauthorized discharges of waste.

### **E. Future Enforcement Action**

Please note that correcting the conditions of non-compliance at the Facility and collection system, and correcting deficiencies in Facility plans and reports does not preclude enforcement for the violations alleged in this notice. The Regional Water Board reserves its right to fully enforce the law by taking enforcement actions such as issuing a cleanup and abatement order or time schedule order, seeking administrative civil liabilities, and/or making a referral to the California Attorney General's office for civil enforcement. Administrative civil liabilities may be assessed by the Regional Water Board in the amount up to \$10,000 for each day the violation occurs, and up to \$10 per gallon of waste discharged beyond the first 1,000 gallons not cleaned up, pursuant to Water Code section 13385.

If you have questions about this Notice of Violation letter, please contact Regional Water Board Staff Roy O'Connor at [Roy.O'Connor@Waterboards.ca.gov](mailto:Roy.O'Connor@Waterboards.ca.gov) or by phone at (707) 576-2670.

You may also contact me at [Jeremiah.Puget@Waterboards.ca.gov](mailto:Jeremiah.Puget@Waterboards.ca.gov) or by phone at (707) 576-2835. Additionally, we are available to meet with you if you wish to discuss this letter or the Facility permit requirements in further detail.

Sincerely,

Jeremiah Puget  
Senior Environmental Scientist  
Groundwater Permitting Unit

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**Attachments**      Attachment A – December 7, 2016 - SSS Inspection Report  
Attachment B – Regulatory Citations

**cc:**    **North Coast Regional Water Quality Control Board**  
Roy O'Connor, [Roy.O'Connor@Waterboards.ca.gov](mailto:Roy.O'Connor@Waterboards.ca.gov)  
Charles Reed, [Charles.Reed@Waterboards.ca.gov](mailto:Charles.Reed@Waterboards.ca.gov)  
Diana Henriouille, [Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov)

## ATTACHMENT A - SEWER SYSTEM COMPLIANCE EVALUATION INSPECTION (CEI)

<b>Inspected and Prepared By:</b>		<b>Agency:</b>		<b>Date of Inspection</b>	
Claudia Villacorta, Sup. WRCE Charles Reed, Sr. WRCE Roy O'Connor, WRCE Leo Sarmiento, WRCE Jim Fischer, WRCE		RWQCB Region 1 RWQCB Region 1 RWQCB Region 1 SWRCB Office of Enforcement SWRCB Office of Enforcement		December 7, 2016	
<b>Name and Location of Facility Inspected</b>			<b>Entry Date/Time</b>		<b>Exit Date/Time</b>
City of Weed Weed Wastewater Treatment Facility Shastina Wastewater Treatment Facility Weed, CA 96094			12/07/2016 (0800)		12/07/2016 (1630)
<b>Waste Discharge ID (WDID)</b>	<b>Order No.</b>	<b>Design Capacity</b>	<b>Permit Effective Date</b>		<b>Permit Expiration Date</b>
1SSO10079	2006-003-DWQ	(see description below)	2006		(continues until renewed)
<b>Representative(s) Name(s) &amp; Title(s):</b>			<b>Contact Information:</b>		
Ron Stock – City Manager Craig Sharp – Public Works Director Keith Krantz– PACE Engineering Paul Reuter – PACE Engineering			Craig Sharp Phone No: (530) 938-5028  Email: <a href="mailto:sharp@ci.weed.ca.us">sharp@ci.weed.ca.us</a>		
<b>Inspection Consent Approved By:</b>					
Ron Stock and Craig Sharp Date: 12/07/16 - Time 0830 am					
<b>Collection System Description<sup>1</sup></b>					
General	<ul style="list-style-type: none"> <li>• Two separate gravity flow municipal sanitary sewer collection systems (no pump stations) which are both operated and maintained by the City of Weed</li> <li>• Both systems are enrolled for coverage under the SSS WDRs (Waste Discharge ID #1SSO10079)</li> <li>• Both “Weed” and Shastina” systems each discharge separately into wastewater treatment plants owned and operated by the City of Weed</li> </ul>				
Capacity	<ul style="list-style-type: none"> <li>• “Weed” sewer system average design dry/wet weather flows = 0.378 MGD/ 1.12 MGD</li> <li>• “Shastina” sewer system average design dry/wet weather flows = 0.227 MGD/0.990 MGD</li> </ul>				
Other attributes	<ul style="list-style-type: none"> <li>• Service area population = 2,972</li> <li>• Service connections = 1,970</li> <li>• Percentage of pipe diameters of 6 inches and less= 70%</li> <li>• Gravity sewers = 22 miles and force main (pressurized) sewers (2 miles)</li> <li>• Certified collection system operator(s) = 1 (Grade 2)</li> <li>• Percentage of collection system 1980 and older = 63%</li> <li>• Upper and/or lower sewer service lateral responsibility = none</li> <li>• Pipe crossings of water bodies = 8</li> </ul>				

<sup>1</sup> Data obtained from Order No. 96-70 and from the City of Weed CIWQS online questionnaire last updated 10-19-2016.

# **ATTACHMENT A - SEWER SYSTEM COMPLIANCE EVALUATION INSPECTION (CEI)**

## **A. PRE-INSPECTION CONFERENCE**

On December 7, 2016, the above State Water Board and Regional Water Board (RB1) staff (hereafter, inspection team or “we”) performed a Compliance Evaluation Inspection (CEI) of the City of Weed sanitary sewer collection system. The purpose of the inspection was to determine compliance with requirements of Order No. 2006-003-DWQ, the Sanitary System Waste Discharge Requirements (SSS WDRs) and its Amended Monitoring and Reporting Program (Amended MRP), Order No. 2013-0058-EXEC. This inspection was limited to covering discussions about ongoing sewer issues, funding, spill response operations, and its operations and maintenance program. No major field assets were inspected or evaluated during the inspection. The weather during the entire inspection was cold and cloudy with scattered rain showers and air temperatures were in the high 20s and low 30s F.

After introductions, Mr. O’Connor began the conference with reviewing the purpose of inspection and roles and responsibilities of the inspection team members. Mr. Sarmiento requested verbal consent from Weed City management to inspect both the collection systems and wastewater treatment plants including permission to take photos. No objection was received from the City staff at 0830 hrs. Ms. Villacorta discussed more details about the inspection agenda and informed the City that they could expect the inspection to last approximately ½ day. She also informed the City that the Regional Water Board may return at a later date to continue the inspection.

The following is a summary of the main topics and information discussed during the Pre-Inspection Conference including references to the SSS WDRs requirements where applicable:

### **1. Introductions and Sewer System Overview:**

- Mr. Stock provided a detailed discussion describing the history of the development and major historical milestones including their former and current challenges with economic growth and maintenance of the sewer system. During this discussion, Mr. Stock stated that the City has historically experienced many maintenance issues with its sewers which he said were originally constructed in the early 1900s by a local lumber company. He said the City purchased the sewers from this local lumber company which he said is well beyond its original design life of approximately 50 years.
- Mr. Stock said the City historically has experienced major sewer basement backup issues with its collection system. He said the City has already paid over \$500,000 in liability claims due to basement backups and indicated they pose many significant ongoing challenges for the City.
- Mr. Stock said the City recently applied for Proposition 1 grant funds for environmental design and for more sewer system inspection work including Closed-Circuit Television (CCTV inspections) for pinpointing their future sewer improvement projects to reduce backups and SSOs.

### **2. Sewer Issue Areas and Grants/Loans:**

- Mr. Reuter discussed the City’s most challenging sewer issue areas which he said includes a location near Oregon and Walnut streets along Interstate 5 where sewer backups have been problematic. He also talked about specific problem locations including a main sewer running underneath the Baxter Lumber Company “Superfund” site where sewers are failing.
- Mr. Reuter said that PACE Engineering was hired by the City for developing grant proposals and helped them apply for state grants and also a USDA rural development loan. He also said that sewer rates, right of way surveys, and mapping are some of the core “soft costs” being developed for these proposals.
- We asked the City more questions about its intentions to fund sewer improvements. Mr. Reuter said that

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after approval for planning funding from the Water Boards, he said the City will then plan to submit a detailed engineering report and a construction funding application. Mr. Sarmiento asked if the City has developed an Intended Use Plan for sewer improvements including the identification of funding sources for these projects. Mr. Reuter said that the Intended Use Plan has not been done yet since they will need to develop a detailed scope of work for projects. He also said that the City has no funding sources identified for sewer improvements and said the City is waiting for the current CCTV work to be completed before the Intended Use Plan can be completed.

### **3. Inspections/Rehabilitation/Replacement (Provision D.13(iv)(c):**

- Mr. Reuter informed us about the main areas in the City's sewers and discussed a wealth of information covering City operations and maintenance practices along with ongoing sewer rate projects and funding efforts.
- Mr. Reuter said the City is currently pursuing the approval for a \$500K Planning Grant from the State Water Board to be used to fund efforts to address the most pressing sewer system deficits. He said the funding will support work such as CCTV inspections to augment video taken in 2015. He said the 2015 CCTV inspections have been viewed and rated using NASSCO pipeline assessment and certification program (PCACP)<sup>2</sup> and told us that most of the CCTV results from 2015 show major issues with 75 to 80 percent of the locations inspected having "Grade 5" defects (the highest of the defects using NASSCO).
- Mr. Reuter said some of the inspection results from 2015 have already been incorporated in a draft Preliminary Engineering report assembled for a USDA funding project. He said we might want to review this information to learn more about the findings following the inspection.
- We confirmed the City does not have any of its own CCTV equipment for sewer system inspections and (including portable cameras) and contracts all this work out.

### **4. Boles Creek SSO (Prohibition 1, Provision D.7 and Amended MRP):**

- We asked several questions about the Boles Creek SSO that occurred on October 18, 2016 including how this SSO occurred, its root cause, and how the spill volume estimation was calculated<sup>3</sup>. We also requested the City to allow us to inspect this former spill location during the inspection.
- Mr. Sharp said the spill occurred on 10/18/2016 at approximately 0930 hrs and ended approximately 5 hours later. He said the SSO was initially reported by a local citizen and said the City discovered the SSO was coming from a manhole located adjacent to Boles Creek. He said due to its location, no recovery or cleanup was performed. He said the SSO volume was estimated based on the start and end times of the event, using the average flow into the Shastina wastewater treatment plant recorded in the plant Parshall Flume flow meter. Mr. Sharp confirmed that the City does not have any type of calibration for flow meters at the wastewater treatment plants. Mr. Sharp also said that the detailed spill calculations were performed by their Chief Plant Operator (Scott Brigham) who can provide more detailed information.
- Regarding the spill root cause, Mr. Sharp and Mr. Reuter provided feedback about what caused the SSO. Mr. Reuter said they think the cause of this SSO was "an accumulation of sand, grit, and gravel in the sewer main". He also told us the City is aware of many substantial structural defects within this sewer line and

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<sup>2</sup> National Association of Sewer Service Companies (NASSCO) which is an assessment, maintenance, and rehabilitation standard rating system used by many underground sewer utilities throughout the country. It includes a Pipeline Assessment and Certification Program (PACP) standard for determining pipeline defects. More information is available at : <https://www.nassco.org/>

<sup>3</sup> The City provided the regional board with a verbal estimation for this spill of 48,000 gallons. Further, [California Integrated Water Quality System \(CIWQS\)](#) records at time of the inspection indicate that the City did not certify this spill report as required by the [Amended MRP](#). The spill certification for this spill is overdue by several months.

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said portions of the pipe on this mainline are missing in places. He said he suspects there are more areas with problems like this throughout the sewer system.

- Ms. Villacorta informed the City that the regional board may be issuing a Water Code 13267 Order to request more detailed information about this SSO, separate from the final sewer system audit report.
- Mr. Sharp said that he took pictures the SSO surging at this location and said he would be willing to provide the photos to us if needed.
- Mr. Sharp confirmed that no water quality monitoring was done during or after the SSO. He also confirmed that the City does not have a large SSO water quality monitoring program which is a required element of the Amended MRP.

### **5. Operations and Maintenance (Provision D.13(iv), Amended MRP)**

- We asked questions about the City sewer system Operations and Maintenance program. Mr. Sharp said that the City does not perform regular sewer system flushing since he said the City has no equipment of its own to do this work. He said the City only performs routine root cutting with a trailer-mounted rodding machine for mainlines. He said he estimates that approximately 20-25% of the entire sewer system is “rodded” annually with this equipment. We asked if the City maintains records for any of its “rodding” maintenance on the sewer system. Mr. Sharp said the City does not keep any maintenance records to document these operations.
- Ms. Villacorta asked questions about other maintenance records and how this information is tracked. Mr. Sharp stated that the City does not keep track of any historic repairs of any type made to the sewer system.
- Ms. Villacorta informed the City that some language contained in their 2013 Sewer System Management Plan (SSMP) is not consistent with the current (2013) Amended MRP. She also requested that the City correct these deficiencies.
- We confirmed that the City has no existing fats, oils, and grease (FOG) control program in place.
- Mr. Reuter informed us that the City has an ongoing contract with SVM for emergency sewer response operations. He also said the City has no outside funding sources available for sewer system flushing.
- Mr. Sharp indicated the City is looking into new industrial pretreatment requirements as part of their sewer rate study currently underway.

### **6. SSO Records Review (Amended MRP):**

- Regarding sewer call-outs, Mr. Sharp confirmed the City keeps track of these records. He also said the local City Police Department also has records pertaining to sewer call-outs which they record during after-hours periods.
- Ms. Villacorta and Mr. Fischer went with Mr. Sharp and asked his administration staff to review hard copy records for all sewer-related calls to the City including sewer backups. A large file cabinet contained many of these records and a few files were pulled to allow us to review them. Ms. Villacorta and Mr. Grace conducted a brief review of these files during the inspection and concluded that some of files were indicative of SSOs which may not have been reported in CIWQS. We informed the City about these reporting issues. Mr. Sharp stated that he thought that only spills greater than 1,000 gallons needed to be reported into CIWQS. We informed Mr. Sharp that this was incorrect. We also reviewed the basic Amended MRP requirements with Mr. Sharp which require all SSOs to be reported in CIWQS, regardless of spill volume.

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### **B. FIELD INSPECTION:**

At approximately 1200 hrs, we left the City offices at 550 Main Street and drove in our vehicles to the Boles SSO location near the intersection of Grove St. and W Inez St. (see photos 1-8 below).



**Photo 1:** View looking west in residential area on Grove St. near the intersection of W Inez St. This is the location where the large SSO occurred on 10/18/2016. The SSO discharged into Boles Creek which is located on the left side of the photo.



**Photo 2:** View looking east in residential area on Grove St. near the intersection of W Inez St.



**Photo 3:** Inspection of the manhole located where the SSO occurred which is immediately adjacent to Boles Creek. The City was unable to lift the manhole cover at time of the inspection.



**Photo 4:** Additional view of the SSO location site.

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**Photo 5:** View looking southwest of the manhole adjacent to Boles Creek.



**Photo 6:** Inspection of manhole barrel revealed solid materials present.



**Photo 7:** Close-up of the solid materials. Note the manhole cover was a slightly lifted from its base ring.



**Photo 8:** A white-capped cleanout was observed approximately 50 feet east of the manhole adjacent to Boles Creek. The City staff said they were unaware of this asset and unsure of its purpose.

At approximately 1245 hrs, we left the Boles Creek site to conduct inspections of the City wastewater treatment plants. We told City staff that that we would be conducting a Post-Inspection Conference with them regarding the sewer system audit a future date.

Attachment B – Regulatory Citations

Regulatory Section	Citation
General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-003-DWQ Section C.1.	Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
Waste Discharge Requirements Order No. 96-070 Section A.2	The discharge of waste from the wastewater treatment facility to the Shasta River or its tributaries is prohibited.
Waste Discharge Requirements Order No. 96-070 Section E.3	The Discharger must maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the waste discharge requirements.
Federal Clean Water Act Section 301 (33 U.S.C. 1311)	Prohibits the discharge of any pollutant into waters of the United States without a permit.