

North Coast Regional Water Quality Control Board

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING Order No. R1-2022-0038

CITY OF RIO DELL
NPDES ORDER NO. R1-2017-0007
NPDES NO. CA0022748
WDID No. 1B83134OHUM

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the North Coast Regional Water Quality Control Board (Regional Water Board), The City of Rio Dell (Discharger) hereby accepts the Regional Water Board's "Offer to Participate in Expedited Payment Program" and waives its right to a hearing before the Board to dispute the allegations of violations set forth in the attached Exhibit "A" and incorporated herein by reference.

The Discharger agrees that the 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 through its Assistant Executive Officer (AEO). The Discharger agrees to pay the penalties authorized by Water Code section 13385, as indicated in the attached Exhibit "A" under "Total Penalty." This shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations set forth in the Exhibit "A".

The Discharger understands that once this Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, the full payment required by the deadline indicated in the invoice to follow is a material condition of this Acceptance and Waiver. The Discharger shall pay the Expedited Payment Amount of **\$21,000.00** by check payable to the State Water Resources Control Board (SWRCB) Cleanup and Abatement Account, referencing "Order No. R1-2022-0038".

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

Upon execution by the Discharger, the Acceptance and Waiver shall be returned to:

Zane Stromberg, Environmental Scientist
Zane.Stromberg@waterboards.ca.gov, or

GREGORY A. GIUSTI, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

R1-2022-0038
Expedited Payment Program - Acceptance and Waiver
City of Rio Dell Wastewater Treatment Plant

North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, 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, this Acceptance and Waiver, prior to execution by the Executive Officer, will be published as required by law, for public comment.

If no comments are received within the 30-day notice period that cause the Executive Officer to reconsider the Acceptance and Waiver, the Executive Officer will execute the Acceptance and Waiver and it will become a final order.

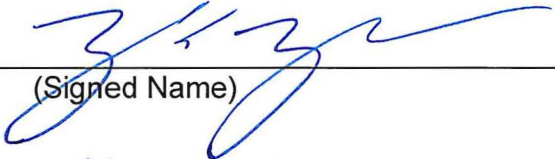
The Discharger understands that if significant comments are received in opposition, the offer to resolve the violations set forth in the Exhibit "A" may be withdrawn. In that circumstance, the Discharger will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board. If such hearing takes place, the Discharger understands this Acceptance and Waiver (as executed by the Discharger) will be treated as a settlement communication and will not be used as evidence at that hearing.

The Discharger understands that once the Acceptance and Waiver is executed by the Executive Officer, it must submit the full payment to the Regional Water Board no later than the date indicated in the transmittal letter (which will accompany the Acceptance and Waiver after execution by the Executive Officer). The payment period is thirty (30) days.

R1-2022-0038
Expedited Payment Program - Acceptance and Waiver
City of Rio Dell Wastewater Treatment Plant

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 Rio Dell Wastewater Treatment Plant
(Name of Discharger)

By:  9/22/22
(Signed Name) (Date)


Kyle Knapp
(Printed or typed name)

City Manager
(Title)

R1-2022-0038
Expedited Payment Program - Acceptance and Waiver
City of Rio Dell Wastewater Treatment Plant

IT IS HEREBY ORDERED pursuant to Water Code section 13385, on behalf of the California Regional Water Quality Control Board, North Coast Region.

 Digitally signed by
Matthias St John
Date: 2022.10.28

By:  07:56:29 -07'00'

Matthias St. John
Executive Officer

City of Rio Dell EPL Acceptance and Waiver – Order No. R1-2022-0038

Attachment:

Exhibit “A” – Effluent Limitations Violations Requiring Mandatory Minimum Penalties

Mandatory Penalty Administrative Civil Liability

Rio Dell City

Rio Dell City WWTF

WDID No. 1B83134OHUM

NPDES No. CA0022748

EXHIBIT "A"

Effluent Limitations Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1045324	11/18/2017	Dichlorobromomethane	Group 2	Maximum Daily	13	8	ug/L	Y	TSO 17-0045	-38%	05/22/2017	E	Ct. 1	N		\$ 0
2	1037004	11/18/2017	Dichlorobromomethane	Group 2	Monthly Average	13	8	ug/L	Y	TSO 17-0045	-38%	05/22/2017	E	Ct. 2	N		\$ 0
3	1037005	11/18/2017	Total Trihalomethanes	Group 2	Monthly Average	110	95	ug/L	Y	TSO 17-0045	-14%	05/22/2017	E	Ct. 3	N		\$ 0
4	1045323	12/12/2017	Dichlorobromomethane	Group 2	Maximum Daily	13	9.9	ug/L	Y	TSO 17-0045	-24%	06/15/2017	E	> Ct. 3	N		\$ 0
5	1037006	12/12/2017	Haloacetic Acids	Other	Monthly Maximum	150	72	ug/L	Y	TSO 17-0045	-52%	06/15/2017	E	> Ct. 3	N		\$ 0
6	1045325	12/12/2017	Dichlorobromomethane	Group 2	Monthly Average	13	9.9	ug/L	Y	TSO 17-0045	-24%	06/15/2017	E	> Ct. 3	N		\$ 0
7	1042257	01/19/2018	Dichlorobromomethane	Group 2	Monthly Average	13	8.9	ug/L	Y	TSO 17-0045	-32%	07/23/2017	E	> Ct. 3	N		\$ 0
8	1042258	01/19/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	8.9	ug/L	Y	TSO 17-0045	-32%	07/23/2017	E	> Ct. 3	N		\$ 0
9	1045331	1/23/2018	pH	Other	Daily Maximum	6.5	6.4	SU	N		-2%	7/27/2017	C	> Ct. 3	Y	13385(i)	\$ 3,000
10	1042252	02/13/2018	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	08/17/2017	E	> Ct. 3	N		\$ 0
11	1042251	02/13/2018	Dichlorobromomethane	Group 2	Monthly Average	13	12	ug/L	Y	TSO 17-0045	-8%	08/17/2017	E	> Ct. 3	N		\$ 0
12	1042253	02/13/2018	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	08/17/2017	E	> Ct. 3	N		\$ 0
13	1042254	02/13/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	12	ug/L	Y	TSO 17-0045	-8%	08/17/2017	E	> Ct. 3	N		\$ 0
14	1042250	03/14/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	8.4	ug/L	Y	TSO 17-0045	-35%	09/15/2017	E	> Ct. 3	N		\$ 0
15	1042255	03/14/2018	Dichlorobromomethane	Group 2	Monthly Average	13	8.4	ug/L	Y	TSO 17-0045	-35%	09/15/2017	E	> Ct. 3	N		\$ 0
16	1046222	04/04/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	8.9	ug/L	Y	TSO 17-0045	-32%	10/06/2017	E	> Ct. 3	N		\$ 0
17	1046216	04/04/2018	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	10/06/2017	E	> Ct. 3	N		\$ 0
18	1046218	04/04/2018	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	10/06/2017	E	> Ct. 3	N		\$ 0
19	1046225	04/04/2018	Dichlorobromomethane	Group 2	Monthly Average	13	8.9	ug/L	Y	TSO 17-0045	-32%	10/06/2017	E	> Ct. 3	N		\$ 0
20	1046217	05/09/2018	Dichlorobromomethane	Group 2	Monthly Average	13	13	ug/L	Y	TSO 17-0045	0%	11/10/2017	E	> Ct. 3	N		\$ 0
21	1046227	05/09/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	13	ug/L	Y	TSO 17-0045	0%	11/10/2017	E	> Ct. 3	N		\$ 0
22	1046226	05/09/2018	Total Trihalomethanes	Group 2	Monthly Average	110	98	ug/L	Y	TSO 17-0045	-11%	11/10/2017	E	> Ct. 3	N		\$ 0
23	1046219	05/09/2018	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	11/10/2017	E	> Ct. 3	N		\$ 0
24	1046221	05/09/2018	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	11/10/2017	E	> Ct. 3	N		\$ 0
25	1091700	12/10/2018	Dichlorobromomethane	Group 2	Monthly Average	13	4.6	ug/L	Y	TSO 17-0045	-65%	6/13/2018	E	Ct. 1	N		\$ 0
26	1091701	12/18/2018	Dichlorobromomethane	Group 2	Daily Maximum	13	4.6	ug/L	Y	TSO 17-0045	-65%	6/21/2018	E	Ct. 2	N		\$ 0
27	1080539	1/2/2019	Total Coliform	Other	Daily Maximum	240	350	MPN/100	Y	TSO 17-0045	46%	7/6/2018	E	> Ct. 3	N		\$ 0
28	1066928	01/15/2019	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1	ug/L	Y	TSO 17-0045	-38%	07/19/2018	E	Ct. 3	N		\$ 0
29	1066933	01/15/2019	Dichlorobromomethane	Group 2	Monthly Average	13	11	ug/L	Y	TSO 17-0045	-15%	07/19/2018	E	> Ct. 3	N		\$ 0
30	1066939	01/15/2019	Haloacetic Acids	Other	Monthly Average	150	92	ug/L	Y	TSO 17-0045	-39%	07/19/2018	E	> Ct. 3	N		\$ 0
31	1066932	01/15/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	11	ug/L	Y	TSO 17-0045	-15%	07/19/2018	E	> Ct. 3	N		\$ 0
32	1066929	01/15/2019	Chlorodibromomethane	Group 2	Monthly Average	1.6	1	ug/L	Y	TSO 17-0045	-38%	07/19/2018	E	> Ct. 3	N		\$ 0
33	1066934	02/04/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	4.7	ug/L	Y	TSO 17-0045	-64%	08/08/2018	E	> Ct. 3	N		\$ 0
34	1066935	02/04/2019	Dichlorobromomethane	Group 2	Monthly Average	13	4.7	ug/L	Y	TSO 17-0045	-64%	08/08/2018	E	> Ct. 3	N		\$ 0
35	1066936	03/04/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	9.1	ug/L	Y	TSO 17-0045	-30%	09/05/2018	E	> Ct. 3	N		\$ 0
36	1066931	03/04/2019	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	09/05/2018	E	> Ct. 3	N		\$ 0
37	1066930	03/04/2019	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	09/05/2018	E	> Ct. 3	N		\$ 0
38	1066937	03/04/2019	Dichlorobromomethane	Group 2	Monthly Average	13	9.1	ug/L	Y	TSO 17-0045	-30%	09/05/2018	E	> Ct. 3	N		\$ 0
39	1061583	04/02/2019	Chlorodibromomethane	Group 2	Daily Maximum	1.6	2	ug/L	Y	TSO 17-0045	25%	10/04/2018	E	> Ct. 3	N		\$ 0
40	1061584	04/02/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	15	ug/L	Y	TSO 17-0045	15%	10/04/2018	E	> Ct. 3	N		\$ 0
41	1066943	04/02/2019	Dichlorobromomethane	Group 2	Monthly Average	13	15	ug/L	N		15%	10/04/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
42	1066942	04/02/2019	Dichlorobromomethane	Group 2	Monthly Average	1.6	2	ug/L	N		25%	10/04/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
43	1091702	5/7/2019	Dichlorobromomethane	Group 2	Monthly Average	13	16	ug/L	N		23%	11/8/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
44	1091703	5/7/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	16	ug/L	Y	TSO 17-0045	23%	11/8/2018	E	> Ct. 3	N		\$ 0
45	1091714	5/7/2019	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	11/8/2018	E	> Ct. 3	N		\$ 0
46	1091715	5/7/2019	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.1	ug/L	Y	TSO 17-0045	-31%	11/8/2018	E	> Ct. 3	N		\$ 0
47	1069950	12/23/2019	Dichlorobromomethane	Group 2	Monthly Average	13	9.01	ug/L	Y	TSO 17-0045	-31%	06/26/2019	E	Ct. 2	N		\$ 0
48	1069951	12/23/2019	Dichlorobromomethane	Group 2	Daily Maximum	13	9.01	ug/L	Y	TSO 17-0045	-31%	06/26/2019	E	Ct. 3	N		\$ 0
49	1091704	1/7/2020	Dichlorobromomethane	Group 2	Monthly Average	13	12.7	ug/L	Y	TSO 17-0045	-2%	7/11/2019	E	> Ct. 3	N		\$ 0
50	1091706	1/7/2020	Dichlorobromomethane	Group 2	Daily Maximum	13	12.7	ug/L	Y	TSO 17-0045	-2%	7/11/2019	E	> Ct. 3	N		\$ 0
51	1091707	1/7/2020	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.22	ug/L	Y	TSO 17-0045	-24%	7/11/2019	E	> Ct. 3	N		\$ 0
52	1091708	1/7/2020	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.22	ug/L	Y	TSO 17-0045	-24%	7/11/2019	E	> Ct. 3	N		\$ 0
53	1091709	2/11/2020	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.48	ug/L	Y	TSO 17-0045	-8%	8/15/2019	E	> Ct. 3	N		\$ 0
54	1091710	2/11/2020	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.48	ug/L	Y	TSO 17-0045	-8%	8/15/2019	E	> Ct. 3	N		\$ 0
55	1073197	02/11/2020	Dichlorobromomethane	Group 2	Monthly Average	13	14.5	ug/L	N		12%	08/15/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
56	1073200	02/11/2020	Dichlorobromomethane	Group 2	Maximum Daily	13	14.5	ug/L	Y	TSO 17-0045	12%	08/15/2019	E	> Ct. 3	N		\$ 0
57	1091712	3/17/2020	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.29	ug/L	Y	TSO 17-0045	-19%		E	> Ct. 3	N		\$ 0
58	1091713	3/17/2020	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.29	ug/L	Y	TSO 17-0045	-19%		E	> Ct. 3	N		\$ 0
59	1073196	03/17/2020	Dichlorobromomethane	Group 2	Maximum Daily	13	14.5	ug/L	Y	TSO 17-0045	12%	09/19/2019	E	> Ct. 3	N		\$ 0
60	1073201	03/17/2020	Dichlorobromomethane	Group 2	Monthly Average	13	14.5	ug/L	N		12%	09/19/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
61	1077075	04/02/2020	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.02	ug/L	Y	TSO 17-0045	-36%	10/05/2019	E	> Ct. 3	N		\$ 0
62	1077077	04/02/2020	Dichlorobromomethane	Group 2	Monthly Average	13	10.7	ug/L	Y	TSO 17-0045	-18%	10/05/2019	E	> Ct. 3	N		\$ 0
63	1077071	04/02/2020	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.02	ug/L	Y	TSO 17-0045	-36%	10/05/2019	E	> Ct. 3	N		\$ 0
64	1077074	04/02/2020	Dichlorobromomethane	Group 2	Daily Maximum	13	10.7	ug/L	Y	TSO 17-0045	-18%	10/05/2019	E	> Ct. 3	N		\$ 0
65	1077072	05/14/2020	Total Trihalomethanes	Group 2	Monthly Average	110	88.2	ug/L	Y	TSO 17-0045	-20%	11/16/2019	E	> Ct. 3	N		\$ 0
66	1077076	05/14/2020	Dichlorobromomethane	Group 2	Monthly Average	13	12.5	ug/L	Y	TSO 17-0045	-4%	11/16/2019	E	> Ct. 3	N		\$ 0
67	1077078	05/14/2020	Dichlorobromomethane	Group 2	Daily Maximum	13	12.5	ug/L	Y	TSO 17-0045	-4%	11/16/2019	E	> Ct. 3	N		\$ 0
68	1084597	12/22/2020	Haloacetic Acids	Other	Monthly Average	150	78.6	ug/L	Y	TSO 17-0045	-48%	06/25/2020	E	> Ct. 3	N		\$ 0
69	1084598	12/22/2020	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.05	ug/L	Y	TSO 17-0045	-34%	06/25/2020	E	Ct. 3	N		\$ 0
70	1084599	12/22/2020	Dichlorobromomethane	Group 2	Daily Maximum	13	11.2	ug/L	Y	TSO 17-0045	-14%	06/25/2020	E	> Ct. 3	N		\$ 0
71	1084600	12/22/2020	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.05	ug/L	Y	TSO 17-0045	-34%	06/25/2020	E	> Ct. 3	N		\$ 0
72	1084601	12/22/2020	Dichlorobromomethane	Group 2	Monthly Average	13	11.2	ug/L	Y	TSO 17-0045	-14%	06/25/2020	E	> Ct. 3	N		\$ 0
73	1089282	01/07/2021	Dichlorobromomethane	Group 2	Maximum Daily	13	10.3	ug/L	Y	TSO 17-0045	-21%	07/11/2020	E	> Ct. 3	N		\$ 0

74	1089276	01/07/2021	Chlorodibromomethane	Group 2	Monthly Average	1.6	1.07	ug/L	Y	TSO 17-0045	-33%	07/11/2020	E	> Ct. 3	N		\$ 0
75	1089280	01/07/2021	Chlorodibromomethane	Group 2	Maximum Daily	1.6	1.07	ug/L	Y	TSO 17-0045	-33%	07/11/2020	E	> Ct. 3	N		\$ 0
76	1089281	01/07/2021	Dichlorobromomethane	Group 2	Monthly Average	13	10.3	ug/L	Y	TSO 17-0045	-21%	07/11/2020	E	> Ct. 3	N		\$ 0
77	1089278	02/23/2021	Dichlorobromomethane	Group 2	Monthly Average	13	7.14	ug/L	Y	TSO 17-0045	-45%	08/27/2020	E	> Ct. 3	N		\$ 0
78	1089279	02/23/2021	Dichlorobromomethane	Group 2	Daily Maximum	13	7.14	ug/L	Y	TSO 17-0045	-45%	08/27/2020	E	> Ct. 3	N		\$ 0
79	1089277	03/23/2021	Haloacetic Acids	Other	Monthly Average	150	80.7	ug/L	Y	TSO 17-0045	-46%	09/24/2020	E	> Ct. 3	N		\$ 0
80	1092043	4/20/2021	Dichlorobromomethane	Group 2	Monthly Average	13	13.5	ug/L	N		4%	10/22/2020	S	> Ct. 3	Y	13385 (h)	\$ 3,000
81	1092044	4/20/2021	Total Trihalomethanes	Group 2	Monthly Average	110	89.4	ug/L	Y	TSO 17-0045	-19%	10/22/2020	E	> Ct. 3	N		\$ 0
82	1092042	4/20/2021	Chlorodibromomethane	Group 2	Daily Maximum	1.6	1.27	ug/L	Y	TSO 17-0045	-21%	10/22/2020	E	> Ct. 3	N		\$ 0

Total Penalty: \$ 21,000

Legend of Table

a. The first three violations in a 180-day period shall not receive MMP assessment unless serious.

E. Exempt – the violation is neither chronic or serious, it is exempt from mandatory minimum penalties. Refer to "Exempt Reason" column for explanation.

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

TSO R1-2017-0045 - This Time Schedule Order established Interim Effluent Limits for Dichlorobromomethane, Chlorodibromomethane, Total Trihalomethanes, and Haloacetic Acids between July 1, 2017 and October 31, 2022 (during this period, only violations of Average Monthly limitation periods are subject to Mandatory Minimum Penalties).

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation Period Between November 18, 2017 and May 31, 2021

Group I Violations Assessed MMP:	0
Group II Violations Assessed MMP:	6
Other Effluent Violations Assessed MMP:	1
Violations Exempt from MMP:	75
Total Violations Assessed MMP:	7

Mandatory Minimum Penalty = (6 Serious Violations + 1 Non-Serious Violations) x \$3,000 = \$21,000