



North Coast Regional Water Quality Control Board

July 28, 2022

Mr. Sean White
300 Seminary Ave.
Ukiah, CA 95482
swhite@cityofukiah.com

Dear Mr. Sean White:

Subject: Notice of Violation of NPDES Order No. R1-2018-0035, Monitoring and Reporting Program Order No. R1-2018-0058, and State Water Resources Control Board Order No. WQ-2016-0068-DDW for Unauthorized Discharges

File: City of Ukiah, Recycled Water Program, WDID No. 1B84029OMEN, NPDES Permit No. CA0022888, Place ID 268960

THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS

The City of Ukiah (Permittee) operates the City of Ukiah Wastewater Treatment Plant and associated Recycled Water Program. The Permittee is hereby given notice that the unauthorized discharge of tertiary treated recycled water to a drainage ditch which reached surface waters from the facility on January 2, 2022, and the Permittee's failure to provide immediate notification thereof to the North Coast Regional Water Quality Control Board (Regional Water Board), were in violation of National Pollutant Discharge Elimination System (NPDES) Order No. R1-2018-0035, WQ-2016-0068-DDW, and Monitoring and Reporting Program Order No. R1-2018-0058.

Based on information included in the Notification of Recycled Water Spill Letter, dated January 6, 2022, and received by the Regional Water Board Staff on January 11, 2022, the recycled water spill occurred on January 2, 2022, between 4:02 am and 12:14 pm, and resulted in the unauthorized discharge of approximately 150,000 gallons of tertiary treated recycled water from the City of Ukiah Recycled Water System (RWS). The unauthorized discharge entered a drainage ditch adjacent to the Facility and subsequently discharged to the Russian River. RWS Operators identified the unauthorized release along the Recycled Water System fence line at 11:40 a.m. and later determined that the release resulted from a cracked air relief valve. This equipment

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

failure was caused by an unexpected freeze event and the Permittee's failure to operate the installed freeze protection equipment.

The Regional Water Board is in the process of considering whether the violations of the orders referenced above from unauthorized discharge of recycled water to the Russian River warrant further enforcement. However, this does not preclude additional enforcement, including assessment of civil liability, for violations associated with the failure to notify Regional Water Board Staff of the recycled water spill, nor any future violations. We encourage you to take steps to correct the violations and prevent future violations of this type as soon as possible. Your timeliness in meeting future reporting deadlines will be a consideration in our recommendations regarding further formal enforcement.

Alleged Violations:

The January 2, 2022, unauthorized discharge of recycled water into the Russian River violates the following requirements:

Discharge Prohibitions in the City of Ukiah's Waste Discharge Requirements (WDRs)/ NPDES Order No. R1-2018-0035:

1. Section III.G.: The discharge of waste at any point not described by a permit issued by the State Water Resources Control Board (State Water Board) or another Regional Water Board is prohibited.

Clean Water Act Section 301 (33 U.S.C. 1311):

1. Under Clean Water Act section 301, it is unlawful for any person to discharge any pollutant into waters of the United States without authorization under specific provisions under the Clean Water Act. This Discharger was not authorized by a permit issued under the Clean Water Act and is thus a violation of Section 301

Discharge Prohibitions in the State Water Resource Control Board Water Reclamation Requirements (WRRs) for Recycled Water Use Order No. WQ-2016-0068-DDW

1. Section A.5.: Recycled water shall not be discharged from treatment facilities, irrigation holding tanks, storage ponds, or other containment, other than for permitted use in accordance with this General Order; Regional Water Board issued WDRs, WRRs, or Master Reclamation Permits; NPDES Permits; or a contingency plan in an approved Water Recycling Use Permit.

Reporting Requirements in the Recycled Water Monitoring and Reporting Program (MRP) Order No. R1-2018-0058:

1. Section V.D.1.: Notification and reporting of spills and unauthorized discharges of recycled water discharged in or on any waters of the state, as defined in Water Code section 13050, shall be conducted in accordance with the following:
 - a. For unauthorized discharges of 50,000 gallons or more of tertiary recycled water, the Administrator shall immediately notify the Regional Water Board as soon as (a) the Administrator has knowledge of the discharge or probable discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures.

Potential Liabilities:

This Notice of Violation is not a waiver of enforcement authority. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as issuing a cleanup and abatement order, cease and desist order, or time schedule order, assessing administrative civil liabilities, and/or referral to the California Attorney General's office. For unlawful discharges to waters of the state, administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 per violation for each day the violation occurs and up to \$10 per gallon for amounts discharged over 1,000 gallons and not cleaned up pursuant to Water Code section 13385, or \$5,000 per day for each violation, or \$10 per gallon of waste discharged pursuant to Water Code section 13350.

Plans to Address Violations:

Within 30 days from the date of this Notice of Violation, please submit a written response to the Regional Water Board describing all corrective actions taken or planned, and a proposed time schedule for implementation of these corrective actions. Corrective actions may include, but should not be limited to, staff training to avoid the reoccurrence of those violations identified in the "Alleged Violations" section of this letter. Please advise our Staff Zane Stromberg of your intentions, plan, and schedule. If you have any questions regarding this matter, please contact Zane Stromberg, at Zane.Stromberg@waterboards.ca.gov, or by phone at (707) 576-2674

You may also contact me at 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 your regulatory requirements in further detail.

Sincerely,

Jeremiah Puget

Senior Environmental Scientist

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Attachments: Attachment A – January 6, 2022 Notification of Recycled Water Spill
Letter

North Coast Regional Water Quality Control Board:

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