



Order R1-2022-0042  
Stipulated Administrative Civil Liability Order  
Ukiah WWTP

Cease and Desist Order (CDO) No. R1-2012-0069 and Time Schedule Order (TSO) No. R1-2018-0051 established, among other things, interim effluent limitations for the Discharges to surface waters from Discharge Point 001.

3. On November 16, 2021, Regional Water Board staff invited the Discharger to enter settlement negotiations prior to the Regional Water Board issuing an administrative civil liability complaint (ACLC). The Parties have agreed to resolve 83 violations for exceeding effluent limits for Ammonia, Nitrate, Total Coliform, Total Residual Chlorine, Dichlorobromomethane, Biochemical Oxygen Demand, Copper, and Cyanide. These violations, which occurred between January 2017 and December 31, 2021, are subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A to this Stipulated Order, for an administrative civil liability amount of **\$75,000**.
4. Pursuant to Water Code section 13385(h), the Regional Water Board shall assess a \$3,000 MMP for each serious violation. A "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable WDRs for a Group II pollutant by 20 percent or more or for a Group I pollutant by 40 percent or more.
5. Pursuant to Water Code section 13385(i), the Regional Water Board shall assess a \$3,000 MMP for each violation whenever a discharger does any of the following four or more times in 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 WDRs effluent limitation.
  - b. Fails to file a report pursuant to Water Code section 13260.
  - c. Files an incomplete report pursuant to Water Code section 13260.
  - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
6. The Discharger's self-monitoring reports, from January 4, 2017 to December 31, 2021, document 72 violations of effluent limitations set forth in WDRs Order Nos. R1-2012-0068 and R1-2018-0035. Of the 72 effluent limitation violations, 58 violations were exempt due to interim effluent limitations set forth in CDO R1-2012-0069 and TSO R1-2018-0051, and 25 (twenty-five) violations are subject to MMPs pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A.
7. This Stipulated Order resolves 25 effluent limitation violations subject to MMPs pursuant to Water Code section 13385(h) and (i), as identified in Exhibit A, incorporated herein by reference. The total proposed administrative civil liability amount is **\$75,000** (25 violations x \$3,000 per violation).

8. Pursuant to Water Code section 13385(k)(1), in lieu of assessing all or a portion of MMPs, the Regional Water Board may require a POTW serving a small community to spend an equivalent amount towards completion of a compliance project proposed by the POTW if the Regional Water Board finds all of the following:
  - a. The compliance project is designed to correct the violations within five years;
  - b. The compliance project is in accordance with the State Water Resource Control Board's (State Water Board) 2017 Water Quality Enforcement Policy (Enforcement Policy); and
  - c. The POTW has prepared a financing plan to complete the compliance project.
9. For the reasons discussed in Exhibit B, Regional Water Board staff has determined that the Discharger meets the requirements under Water Code section 13385(k), and the Enforcement Policy to be recognized as a POTW serving a small community with a financial hardship. This determination makes the Discharger eligible for a compliance project (CP).
10. Pursuant to the Enforcement Policy, the Discharger must spend an amount of money on an approved CP that is equal to, or more than, the total administrative liability amount held in abeyance pending completion of the project. The Discharger has proposed a CP with an estimated cost of \$1.5 million. The balance in excess of the administrative civil liability amount (\$75,000) will be paid for through the City of Ukiah's Capital Improvement Program.
11. To resolve the alleged violations set forth in Exhibit A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability amount of **\$75,000** against the Discharger. The Discharger may offset up to \$75,000 of this penalty through costs incurred to implement the CP. Up to \$75,000 shall be permanently suspended upon timely completion of the project required herein.
12. The Parties have agreed to settle the matter without administrative or civil litigation and to present this Stipulated Order to the Regional Water Board, or its delegate, for adoption as an Order by settlement pursuant to Government Code section 11415.60.
13. The Prosecution Team has determined that resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the public's best interest.

### **Section III: Stipulations**

The Parties incorporate the foregoing Recitals and stipulate to the following:

14. **Administrative Civil Liability:** The Discharger, hereby, agrees to pay the administrative civil liability totaling **\$75,000** to resolve the alleged violations. The Parties agree that up to the full \$75,000 of this administrative civil liability shall be permanently suspended pending completion of the CP described in Section III, paragraph 15. If the suspended liability amount becomes due and payable pursuant to Section III, paragraph 23, the assessed amount shall be submitted by check made payable to the "State Water Pollution Cleanup and Abatement Account," no later than 30 days following notification from the Executive Officer. The check shall reference the Order number on page one of the Stipulated Order, and mailed to:

State Water Resources Control Board Accounting Office  
Attn: ACL Payment  
P.O. Box 1888  
Sacramento, CA 95812-1888

The Discharger shall provide a copy of the check via e-mail to Regional Water Board staff ([Zane.Stromberg@waterboards.ca.gov](mailto:Zane.Stromberg@waterboards.ca.gov))

15. **Compliance Project Description:** The Discharger has proposed a CP to replace its belt filter press with a screw press to enhance biosolids dewatering, reduce maintenance time, and improve effluent quality at the Ukiah City WWTP.

The primary reason for replacement of the existing belt filter press at the facility is to replace a piece of outdated equipment that is approaching the end of its useful life. The new screw press will provide the following benefits: improved daily operations and maintenance time, reduced annual operations and maintenance costs, increased job site safety, reduced ammonia, nitrate organics, and solids in flows returned to the headworks. Additionally, the new screw press requires less equipment and occupies a smaller footprint than the existing belt filter press. Finally, the reduced headworks ammonia loading and typical 80% ammonia removal achieved across the WWTP will result in an estimated 5.2% reduction in effluent ammonia concentrations. This project is designed to address the exceedances of effluent limitations for ammonia and bring the discharger back into compliance with WDRs Order No. R1-2018-0035 in a timely manner.

The total cost of the project is approximately \$1.5 million (see budget in Exhibit B for more information). The budget for equipment accounts for approximately \$432,000, while the budget for engineering and installation is approximately \$1.1 million. The Discharger has contracted with West Yost Engineering Services, for engineering services during construction. A construction firm will be hired in April 2023 for project installation. Procurement of equipment associated with the project began in April 2022, and all equipment should be delivered and ready for installation in September 2023. Implementation of the

project will begin in December 2023 will be completed over the following year. The new screw press is scheduled to be fully operational by February 2024.

16. **CP Milestone Requirements:** The Discharger agrees that this Stipulated Order includes the Milestone Requirements set forth below. The implementation schedule for completion of the CP, and current completion status for milestones, is set forth below:

**Table 1: Milestones and Deliverables Schedule**

Task	Description	Proposed Completion Date	Status
1	Order Project Equipment for Installation	April 30, 2022	Complete
2	Engineering Firm Under Contract	June 30, 2022	Complete
3	Complete Project Design	February 1, 2023	Incomplete
4	First Quarterly Progress Report	March 1, 2023	Incomplete
5	Construction Firm Under Contract	May 1, 2023	Incomplete
6	Second Quarterly Progress Report	June 1, 2023	Incomplete
7	Third Quarterly Progress Report	September 1, 2023	Incomplete
8	Equipment Delivery to Facility	September 1, 2023	Incomplete
9	Fourth Quarterly Progress Report	December 1, 2023	Incomplete
10	Begin Implementation/ Installation of Equipment	December 1, 2023	Incomplete
11	Complete Implementation/ Installation of Equipment	February 1, 2024	Incomplete
12	Completion of Compliance Project (fully installed and operational)	February 1, 2024	Incomplete
13	Final Quarterly Progress Report	March 1, 2024	Incomplete
14	Submission of Final Report/ Certification of Compliance Project completion	May 1, 2024	Incomplete

17. **Representations and Agreements Regarding the Compliance Project:**
- a. As a material condition for the Regional Water Board's acceptance of this Settlement Agreement, the Discharger represents that it will use the suspended liability amount of \$75,000 to implement the CP. The Discharger understands that its promise to implement the CP, in its entirety and in accordance with the schedule for implementation, is a material condition of this Settlement Agreement.
  - b. The Discharger agrees to: (1) spend the total administrative liability amount as described herein; (2) provide certified, written reports on CP implementation to the Regional Water Board consistent with the terms of this agreement; and (3) within 30 days of the CP Completion Date, provide a certification by a responsible official, signed under penalty of perjury, that the Discharger followed all applicable environmental laws and regulations in implementing the CP, including the California Environmental Quality Act (CEQA), Porter-Cologne Water Quality Control Act, and the federal Clean Water Act. The Discharger further agrees that the Regional Water Board has the right to require a third-party audit of the funds expended to implement the CP at the Discharger's cost, and that the Discharger bears ultimate responsibility for meeting all deadlines specified in this Stipulated Order.
18. **Publicity Associated with the Compliance Project:** Whenever the Discharger or its agents or subcontractors publicize one or more elements of the CP, they shall state in a **prominent manner** that the project is undertaken as part of a settlement of a Regional Water Board enforcement action against the Discharger.
19. **Progress Reports:** Because the CP is expected to be completed within approximately two years, this Order requires submission of quarterly progress reports while the project is underway. The Final Report is due by May 1, 2024, and shall include a description of work completed, authenticated photographs of the project and documentation of monies expended.
20. **Certification of Compliance Project Completion:** No later than 90 days after the CP Completion Date (on or before May 1, 2024 unless extended), a responsible official of the Discharger shall submit a final progress report and certified statement, signed under penalty of perjury, which documents the Discharger's expenditures during the CP completion period and documents that the Discharger completed the CP in accordance with the terms of this Stipulated Order. The expenditures may include external payments to outside vendors, but may not include the normal, routine work undertaken by the Discharger staff. In making such certification, the signatories may rely upon normal organizational project tracking systems that capture employee time expenditures and external payments

to outside vendors, such as environmental and information technology contractors or consultants. Documentation of CP completion may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate CP completion and the costs incurred. The Discharger shall provide Regional Water Board staff with any additional information reasonably necessary to verify the Discharger's CP expenditures and completion.

21. **Time Extension for CP:** The Executive Officer of the Regional Water Board (or their designee) may extend the deadlines contained in this Stipulated Order if the Discharger demonstrates delays from unforeseeable contingencies, provided the Discharger continues to undertake all appropriate measures to meet its deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the applicable deadline if practicable.

Under no circumstances may the completion of the CP extend past five (5) years from the effective date of this Stipulated Order. Any approval of extension by the Executive Officer (or their designee) must be in writing.

22. **Regional Water Board Acceptance of Completed CP:** Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of the CP, and any audits, the Executive Officer will issue a "Satisfaction of Order." The Satisfaction of Order shall terminate any further obligations of the Discharger under this Stipulated Order and permanently suspend the remaining penalty amount.
23. **Failure to Expend All Suspended Funds on the Approved CP:** If the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the entire civil administrative liability amount was spent on the completed CP, the Executive Officer shall issue a "Notice of Violation" that will inform the Discharger to pay the full amount of the suspended penalty to the State Water Pollution Cleanup and Abatement Account. The Discharger shall submit payment consistent with the payment method described in Paragraph 14 within 30 days of the date of the Notice of Violation. Timely payment of the full penalty amount shall negate the Discharger's obligations to continue work on the CP.
24. **Regional Water Board is not Liable:** Neither the Regional Water Board members nor the Regional Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from negligent or intentional acts or omissions by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Regional Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
25. **Party Contacts for Communications related to Stipulation/Order:**

**For the Regional Water Board:**

Zane Stromberg  
Environmental Scientist  
North Coast Regional Water Quality  
Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
[Zane.Stromberg@waterboards.ca.gov](mailto:Zane.Stromberg@waterboards.ca.gov)  
(707) 576-2674

**For the Discharger:**

Sean White  
Water and Sewer Director  
Ukiah Wastewater Treatment Plant  
City of Ukiah  
300 Plant Road  
Ukiah, CA 95482  
[swhite@cityofukiah.com](mailto:swhite@cityofukiah.com)  
(707) 467-5712

26. **Compliance with Applicable Laws:** The Discharger understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.
27. **Matters Addressed by Stipulation:** This Stipulated Order represents a final and binding resolution and settlement of the alleged violations as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on the completion of the Compliance Project as specified herein.
28. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Regional Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order.
- The failure of the Prosecution Team or Regional Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Regional Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Stipulated Order.
29. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

30. **Public Notice:** The Discharger understands that this Stipulated Order must be posted for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Regional Water Board, or its delegate, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Regional Water Board or its delegate. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this Stipulated Order.
31. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Regional Water Board's or its delegate's adoption of the Order, and public review of this Stipulated Order is lawful and adequate. The Parties understand that the Regional Water Board, or its delegate, have the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised or the Regional Water Board requires a public hearing prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.
32. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.
33. **If Order Does Not Take Effect:** In the event that the Order does not take effect because the Regional Water Board or its delegate does not approve it, or the State Water Board or a court vacates it in whole or in part, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liability for the underlying alleged violation(s), unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to the following:
  - a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged in this matter; or

- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
34. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323(b) provides, and hereby waives its right to a hearing before the Regional Water Board prior to the Order's adoption.
35. **Waiver of Right to Petition or Appeal:** The Discharger hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court. This explicit waiver of rights includes potential future decisions by the Regional Water Board, or its delegate directly related to this Stipulated Order, including, but not limited to time extensions, Compliance Project completion, and other terms contained in this Stipulated Order.
36. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any state agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by the Complaint, this Stipulated Order or the Compliance Project.
37. **Necessity for Written Modifications and Approvals:** All modifications to this Stipulated Order and approvals and decisions of the Regional Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing.
- No oral advice, guidance, suggestions, or comments from Regional Water Board employees or officials regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval this Stipulated Order requires.
38. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
39. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.
40. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulated Order

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may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

41. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Regional Water Board, or its delegate, enters the Order incorporating the terms of this Stipulated Order.

(Continued on next page)

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**IT IS SO STIPULATED.**

**California Regional Water Quality Control Board,  
North Coast Region Prosecution Team**

  
Digitally signed by  
Claudia E. Villacorta  
Date: 2022.11.01  
16:59:57 -07'00'

**Date:**


**By:**

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**Claudia Villacorta, P.E.  
Assistant Executive Officer**

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City of Ukiah,

Date: 11/14/2022 By:   
Sean White, Water and Sewer Director

**ORDER OF THE REGIONAL WATER BOARD**

- 42. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
- 43. Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321(a)(2). This Order includes a Compliance Project in the North Coast Region. This Order generally accepts the plans proposed for the compliance project prior to implementation. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment.
- 44. The Executive Officer is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under the Order.

**IT IS HEREBY ORDERED** pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, North Coast Region.

  
Digitally signed by Matthias St John  
Date: 2022.12.20 18:10:12  
-08'00'

**Date:**

**By:**

**Matthias St. John  
Executive Officer**

Exhibits:

- A. Exhibit A – List of Effluent Limitation Violations Requiring Mandatory Minimum Penalties
- B. Exhibit B – Compliance Project Description
- C. Exhibit C – Compliance Project Eligibility Memorandum

## Mandatory Penalty Administrative Civil Liability

Ukiah City

Ukiah City WWTP

WDID No. 1B84029OMEN

NPDES No. CA0022888

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	1022747	10/05/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	9.3	mg/L	Y	b	N/A	04/08/2016	E	N/A	N		\$ 0
2	1022748	10/11/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	11	mg/L	Y	b	N/A	04/14/2016	E	N/A	N		\$ 0
3	1022749	10/18/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7.6	mg/L	Y	b	N/A	04/21/2016	E	N/A	N		\$ 0
4	1022750	10/25/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	9.5	mg/L	Y	b	N/A	04/28/2016	E	N/A	N		\$ 0
5	1022754	10/31/2016	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	9.4	mg/L	Y	b	N/A	05/04/2016	E	N/A	N		\$ 0
6	1022757	11/08/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	8.5	mg/L	Y	b	N/A	05/12/2016	E	N/A	N		\$ 0
7	1022758	11/15/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7.7	mg/L	Y	b	N/A	05/19/2016	E	N/A	N		\$ 0
8	1022755	11/30/2016	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	6.3	mg/L	Y	b	N/A	06/03/2016	E	N/A	N		\$ 0
9	1023135	12/06/2016	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	10	mg/L	Y	b	N/A	06/09/2016	E	N/A	N		\$ 0
10	1022760	12/31/2016	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	6.1	mg/L	Y	b	N/A	07/04/2016	E	N/A	N		\$ 0
11	1022761	01/03/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7.2	mg/L	Y	b	N/A	07/07/2016	E	N/A	N		\$ 0
12	1023686	03/31/2017	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	5.5	mg/L	Y	CDO R1-2012-0069	57%	10/02/2016	E	> Ct. 3	N		\$ 0
13	1025457	04/04/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7	mg/L	Y	CDO R1-2012-0069	3%	10/06/2016	E	> Ct. 3	N		\$ 0
14	1025456	04/30/2017	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	4.6	mg/L	Y	CDO R1-2012-0069	31%	11/01/2016	E	> Ct. 3	N		\$ 0
15	1044875	10/31/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	8.1	mg/L	Y	CDO R1-2012-0069	19%	05/04/2017	E	> Ct. 3	N		\$ 0
16	1044873	10/31/2017	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	7.95	mg/L	Y	CDO R1-2012-0069	127%	05/04/2017	E	> Ct. 3	N		\$ 0
17	1044876	11/07/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	9.7	mg/L	Y	CDO R1-2012-0069	43%	05/11/2017	E	> Ct. 3	N		\$ 0
18	1044878	11/30/2017	Nitrate, Total (as N)	Group 1	Monthly Average	10	11	mg/L	Y	CDO R1-2012-0069	10%	06/03/2017	E	> Ct. 3	N		\$ 0
19	1036457	11/30/2017	Cyanide, Total (as CN)	Group 2	Monthly Average	4.3	5.8	ug/L	N		35%	06/03/2017	S	> Ct. 3	Y	13385(h)	\$ 3,000
20	1044877	11/30/2017	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	6.1	mg/L	Y	CDO R1-2012-0069	74%	06/03/2017	E	> Ct. 3	N		\$ 0
21	1044879	12/20/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7.2	mg/L	Y	CDO R1-2012-0069	6%	06/23/2017	E	> Ct. 3	N		\$ 0
22	1044882	12/27/2017	Ammonia, Total (as N)	Group 1	Daily Maximum	6.8	7.6	mg/L	Y	CDO R1-2012-0069	12%	06/30/2017	E	> Ct. 3	N		\$ 0
23	1056911	02/13/2018	Cyanide, Total (as CN)	Group 2	Monthly Average	4.3	5	ug/L	N		16%	08/17/2017	C	> Ct. 3	Y	13385(i)	\$ 3,000
24	1041079	02/16/2018	Chlorine, Total Residual	Group 2	Daily Discharge	0.1	0.72	mg/L	N		620%	08/20/2017	S	> Ct. 3	Y	13385(h)	\$ 3,000
25	1045196	05/31/2018	Ammonia, Total (as N)	Group 1	Monthly Average	3.5	4.9	mg/L	Y	CDO R1-2012-0069	40%	12/02/2017	E	> Ct. 3	N		\$ 0
26	1053096	10/16/2018	Copper, Total	Group 2	Monthly Average	35	62	ug/L	N		77%	04/19/2018	S	Ct. 3	Y	13385(h)	\$ 3,000
27	1053095	10/16/2018	Nitrate, Total (as N)	Group 1	Monthly Average	10	15.4	mg/L	Y	CDO R1-2012-0069	54%	04/19/2018	E	> Ct. 3	N		\$ 0
28	1055482	11/06/2018	Copper, Total	Group 2	Daily Maximum	40	53	ug/L	N		33%	05/10/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
29	1091435	11/06/2018	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6.4	mg/L	N	TSO R1-2018-0051	14%	5/10/2018	E	> Ct. 3	N		\$ 0
30	1055493	11/19/2018	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6.7	mg/L	Y	TSO R1-2018-0051	20%	05/23/2018	E	> Ct. 3	N		\$ 0
31	1091437	11/26/2018	Dichlorobromomethane	Group 2	Monthly Average	0.56	0.6	ug/L	Y	TSO R1-2018-0051	7%	5/29/2018	E	> Ct. 3	N		\$ 0
32	1091436	11/30/2018	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	5.7	mg/L	Y	TSO R1-2018-0051	128%	6/3/2018	E	> Ct. 3	N		\$ 0
33	1055486	11/30/2018	Copper, Total	Group 2	Monthly Average	21	53	ug/L	N		152%	06/03/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
34	1055491	11/30/2018	Nitrate, Total (as N)	Group 1	Monthly Average	10	15.5	mg/L	N		55%	06/03/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
35	1055481	12/03/2018	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6.8	mg/L	Y	TSO R1-2018-0051	21%	06/06/2018	E	> Ct. 3	N		\$ 0
36	1055488	12/10/2018	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6.6	mg/L	Y	TSO R1-2018-0051	18%	06/13/2018	E	> Ct. 3	N		\$ 0
37	1055490	12/31/2018	Copper, Total	Group 2	Monthly Average	21	29	ug/L	N		38%	07/04/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
38	1055495	12/31/2018	Nitrate, Total (as N)	Group 1	Monthly Average	10	11	mg/L	Y	TSO R1-2018-0051	10%	07/04/2018	E	> Ct. 3	N		\$ 0
39	1055484	12/31/2018	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	4.7	mg/L	Y	TSO R1-2018-0051	88%	07/04/2018	E	> Ct. 3	N		\$ 0
40	1061710	04/10/2019	Cyanide, Total (as CN)	Group 2	Monthly Average	4.3	4.5	ug/L	N		5%	10/12/2018	C	> Ct. 3	Y	13385(i)	\$ 3,000
41	1061711	05/09/2019	Total Coliform	Other	7-Day Median	2.2	49	MPN/100	N		2127%	11/10/2018	C	> Ct. 3	Y	13385(h)	\$ 3,000
42	1061707	05/31/2019	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	2.6	mg/L	Y	TSO R1-2018-0051	4%	12/02/2018	E	> Ct. 3	N		\$ 0
43	1070257	10/18/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	17	mg/L	Y	TSO R1-2018-0051	204%	04/21/2019	E	Ct. 3	N		\$ 0
44	1070251	10/24/2019	Copper, Total	Group 2	Monthly Average	21	25	ug/L	N		19%	04/27/2019	N/A	> Ct. 3	Y	13385(i)	\$ 3,000
45	1070258	10/24/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	13	mg/L	Y	TSO R1-2018-0051	132%	04/27/2019	E	> Ct. 3	N		\$ 0
46	1070250	10/31/2019	Biochemical Oxygen	Group 1	Monthly Average	10	10.3	mg/L	N		3%	05/04/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
47	1070260	10/31/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	14	mg/L	Y	TSO R1-2018-0051	150%	05/04/2019	E	> Ct. 3	N		\$ 0
48	1070252	10/31/2019	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	14.7	mg/L	N		488%	05/04/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
49	1070275	11/05/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	13	mg/L	Y	TSO R1-2018-0051	132%	05/09/2019	E	> Ct. 3	N		\$ 0
50	1070265	11/22/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	17	mg/L	Y	TSO R1-2018-0051	204%	05/26/2019	E	> Ct. 3	N		\$ 0
51	1070269	11/26/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	13	mg/L	Y	TSO R1-2018-0051	132%	05/30/2019	E	> Ct. 3	N		\$ 0
52	1070254	11/26/2019	Copper, Total	Group 2	Monthly Average	21	27	ug/L	N		29%	05/30/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
53	1070266	11/26/2019	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	14.3	mg/L	N		472%	05/30/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
54	1070270	12/04/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	13	mg/L	Y	TSO R1-2018-0051	132%	06/07/2019	E	> Ct. 3	N		\$ 0
55	1070274	12/11/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	12	mg/L	Y	TSO R1-2018-0051	114%	06/14/2019	E	> Ct. 3	N		\$ 0
56	1070273	12/18/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	10	mg/L	Y	TSO R1-2018-0051	79%	06/21/2019	E	> Ct. 3	N		\$ 0
57	1070277	12/18/2019	Copper, Total	Group 2	Monthly Average	21	26	ug/L	N		24%	06/21/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
58	1070272	12/26/2019	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	10.7	mg/L	N		328%	06/29/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
59	1070267	12/26/2019	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	7.7	mg/L	Y	TSO R1-2018-0051	38%	06/29/2019	E	> Ct. 3	N		\$ 0
60	1073398	01/02/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	11	mg/L	Y	TSO R1-2018-0051	96%	07/06/2019	E	> Ct. 3	N		\$ 0
61	1073387	01/10/2020	Total Coliform	Other	7-Day Median	2.2	13	MPN/100	N		491%	07/14/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
62	1073378	01/10/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6	mg/L	Y	TSO R1-2018-0051	7%	07/14/2019	E	> Ct. 3	N		\$ 0
63	1073380	01/15/2020	Chlorine, Total Residual	Group 2	Maximum Daily	0.02	0.28	mg/L	N		1300%	07/19/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
64	1073396	01/16/2020	Total Coliform	Other	7-Day Median	2.2	7.8	MPN/100	N		255%	07/20/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
65	1073381	01/17/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	5.8	mg/L	Y	TSO R1-2018-0051	4%	07/21/2019	E	> Ct. 3	N		\$ 0
66	1073394	01/24/2020	Total Coliform	Other	7-Day Median	2.2	7.8	MPN/100	N		255%	07/28/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
67	1073377	01/24/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	8.1	mg/L	Y	TSO R1-2018-0051	45%	07/28/2019	E	> Ct. 3	N		\$ 0
68	1073388	01/28/2020	Total Coliform	Other	7-Day Median	2.2	4.5	MPN/100	N		105%	08/01/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
69	1073379	01/31/2020	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	7.2	mg/L	Y	TSO R1-2018-0051	188%	08/04/2019	E	> Ct. 3	N		\$ 0
70	1073390	02/05/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6.8	mg/L	Y	TSO R1-2018-0051	21%	08/09/2019	E	> Ct. 3	N		\$ 0

71	1073395	02/06/2020	Total Coliform	Other	7-Day Median	2.2	7.8	MPN/100	N		255%	08/10/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
72	1073391	02/12/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	7.9	mg/L	Y	TSO R1-2018-0051	41%	08/16/2019	E	> Ct. 3	N		\$ 0
73	1073392	02/19/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	9.1	mg/L	Y	TSO R1-2018-0051	63%	08/23/2019	E	> Ct. 3	N		\$ 0
74	1073401	02/23/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	8.8	mg/L	Y	TSO R1-2018-0051	57%	08/27/2019	E	> Ct. 3	N		\$ 0
75	1073393	02/27/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	6	mg/L	Y	TSO R1-2018-0051	7%	08/31/2019	E	> Ct. 3	N		\$ 0
76	1073389	02/29/2020	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	7.5	mg/L	Y	TSO R1-2018-0051	200%	09/02/2019	E	> Ct. 3	N		\$ 0
77	1073397	03/05/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	9.7	mg/L	Y	TSO R1-2018-0051	73%	09/07/2019	E	> Ct. 3	N		\$ 0
78	1073400	03/18/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	11	mg/L	Y	TSO R1-2018-0051	96%	09/20/2019	E	> Ct. 3	N		\$ 0
79	1073382	03/27/2020	Chlorine, Total Residual	Group 2	Maximum Daily	0.02	3	mg/L	N		14900%	09/29/2019	S	> Ct. 3	Y	13385(i)	\$ 3,000
80	1073399	03/31/2020	Copper, Total	Group 2	Monthly Average	21	21.5	ug/L	N		2%	10/03/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
81	1073383	03/31/2020	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	9.8	mg/L	Y	TSO R1-2018-0051	292%	10/03/2019	E	> Ct. 3	N		\$ 0
82	1077646	04/02/2020	Ammonia, Total (as N)	Group 1	Monthly Average	2.5	6.8	mg/L	Y	TSO R1-2018-0051	172%	10/05/2019	E	> Ct. 3	N		\$ 0
83	1077647	04/02/2020	Ammonia, Total (as N)	Group 1	Daily Maximum	5.6	9.8	mg/L	Y	TSO R1-2018-0051	75%	10/05/2019	E	> Ct. 3	N		\$ 0

**Total Penalty: \$ 75,000**

**Legend of Table**

- a. The first three violations in a 180-day period shall not receive MMP assessment unless serious.
- b. Violation is not eligible for MMP because it was already included in a previous Enforcement Action. Included in this list to show rolling 180-day count.
- 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.
- CDO R1-2012-0069 - This Cease and Desist Order established Interim Effluent Limits for Nitrate, Ammonia, Dichlorobromomethane, and Chlorodibromomethane between October 1, 2012 and August 1, 2017 (during this period, Final Effluent Limitations listed in the "limit" column do not apply).
- TSO R1-2018-0051 - This Time Schedule Order established Interim Effluent Limits for Nitrate and Ammonia between November 1, 2018 and October 1, 2021 (during this period, Final Effluent Limitations listed in the "limit" column do not apply).

- 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 January 4, 2017 and December 31, 2021**

Group I Violations Assessed MMP:	5
Group II Violations Assessed MMP:	14
Other Effluent Violations Assessed MMP:	6
Violations Exempt from MMP:	58
Total Violations Assessed MMP:	25

**Mandatory Minimum Penalty = (14 Serious Violations + 11 Non-Serious Violations) x \$3,000 = \$75,000**

City of Ukiah Wastewater Treatment  
Plant  
300 Plant Road  
Ukiah, CA 95482  
Cell (707) 972-4622  
Phone (707) 467-2818  
Fax (707) 467-2844



Email: [ahodge@cityofukiah.com](mailto:ahodge@cityofukiah.com)

June 9, 2022

California Regional Water Quality Control Board - North Coast Region  
Attn: Matt Hennan  
5550 Skylane Blvd #A  
Santa Rosa, CA 95403-1012  
E-Mail: [matthew.herman@waterboards.ca.gov](mailto:matthew.herman@waterboards.ca.gov)

**Subject: Proposed Compliance Project to Address Mandatory Minimum Penalties Incurred from October 2016 to April 2020 (City of Ukiah Wastewater Treatment Plant, WDID No. 1B84029OMEN, NPDES No. CA0022888)**

Mr. Herman,

The City of Ukiah (City) is planning to install a screw press at the City of Ukiah Wastewater Treatment Plant (WWTP) to address \$75,000 in Mandatory Minimum Penalties (MMPs) that were assessed by the Regional Water Board for violations of Order No. RI-2018-0035. The violations were associated with effluent limit exceedances that occurred from October 2016 to April 2020. The WWTP serves a small community with a financial hardship as defined in the State Water Resources Control Board Water Quality Enforcement Policy (2017). As a result, the City is allowed to spend the entire penalty amount on a project that is designed to correct the violations incurred (Compliance Project). The screw press will enhance biosolids dewatering, reduce maintenance time, and improve effluent quality. The following project details are provided to support Regional Water Board approval.

**Project Description:**

The City is planning to replace its existing belt filter press equipment with a screw press dewatering system for solids disposal. The existing belt filter press is nearing the end of its useful life. The new screw press dewatering system will incorporate the City's existing sludge feed pump and solids belt conveyors into its process flow. The screw

press will be capable of processing up to 25 gallons per minute at 2.0% Total Solids yielding a minimum cake dryness of 20% Total Solids and at a maximum solids loading of 250 dry pounds per hour.

The City has selected a BHX 700 Screw Press Dewatering System from FKC Co., Ltd. The screw press has a design flowrate of 25 gallons per minute at 2% Total Solids which yields a minimum cake dryness of 20% Total Solids. The City is planning to add polymer to the treatment system to further increase cake dryness. Cleaning operations will occur for 5 minutes during each hour and the screw press will be operated 24 hours/day. As a result, return flows will be reduced by approximately 45% and the impacts of the return flows to the WWTP will be minimized.

### **Project Benefits:**

The project will provide the following benefits: improved daily operations and maintenance time, reduced annual operations and maintenance costs, increased job site safety, less ammonia, nitrate, organics, and solids in flows returned to the headworks. The reduced loadings from the dewatering return stream (pressate) will benefit the overall primary and secondary treatment systems. The pressate from the screw press dewatering system will also be fed back to the headworks on a consistent basis rather than the current shock loadings from the belt filter press, which will also help improve overall treatment. The FKC Screw Press requires less equipment and takes a smaller footprint than utilized by the existing WWTP equipment.

The existing belt press captures 75-80% of sludge solids. The three woven fabric belts in the press carry solids which must be scraped and washed from the equipment continuously during operation. The cleaning operation generates a significant volume of wash water (approx. 39,000 gal/day) that is combined with the belt filter pressate (approx. 25,000 gal/day) and returned to the headworks for treatment. The return flows occur only while the belt press is operated (typically 5 to 6 hours per day) which results in a shock loading of solids (and other associated constituents) to the WWTP.

Based on studies completed at similar facilities by FKC Co., Ltd., implementation of a screw press at the Ukiah WWTP will reduce ammonia concentrations in the return flows by 75%. The reduced headworks ammonia loading and the typical 80% ammonia removal achieved across the WWTP will result in an estimated 5.2% reduction in effluent ammonia concentrations. To identify controllable sources of ammonia, the City has been monitoring ammonia concentrations within the WWTP over the last 6 months. The belt filter pressate ammonia is 2-4 times greater than the influent ammonia, so when the belt filter press is operating, return flows can increase influent ammonia concentrations by as much as 30%.

### **Line Item Project Budget:**

The project budget is summarized below and the FKC Co., Ltd. equipment proposal is attached. Documentation of engineering and installation costs will be provided upon request.

- Budget for Equipment - \$432,739 (total contract amount to FKC Co., Ltd. including sales tax)
- Budget for Engineering - \$269,326 (contract amount to West Yost)
- Budget for Installation - \$825,000 (estimated by West Yost)

**Schedule for Project Installation:**

- Equipment Delivery - Equipment will be delivered to the WWTP site in December 2022 (estimated).
- Installation Timeline - Installation will occur from March to December 2023. A more detailed schedule will be developed based on the date of equipment arrival, selection of design parameters for equipment installation, identification of site modifications (if needed), and contractor bid award dates.

Please contact me at 707-467-2818 or [ahodge@cityofukiah.com](mailto:ahodge@cityofukiah.com) if you have any questions or need additional information.

Sincerely,



Alan Hodge  
Chief Plant Operator

Attachments: Pricing and Scope of Supply for FKC Dewatering System - Ukiah, CA WWTP (FKC Co., Ltd., January 24, 2022)

Cc: Sean White, City of Ukiah, Director of Water Resources  
Jason Benson, City of Ukiah, City Senior Engineer  
Tim Banyai, Principal Engineer, West Yost Associate

**Ukiah WWTP Screw Press Compliance Project Tables:**

**Table 1: Milestone Requirements/Deliverables**

Task	Description	Proposed Completion Date	Status
1	Order Project Equipment for Installation	April 30, 2022	Complete
2	Engineering Firm Under Contact	June 30, 2022	Complete
3	First Quarterly Progress Report	December 1, 2022	Incomplete
4	Complete Project Design	February 1, 2022	Incomplete
5	Second Quarterly Progress Report	March 1, 2023	Incomplete
6	Construction Firm Under Contract	May 1, 2023	Incomplete
7	Third Quarterly Progress Report	June 1, 2023	Incomplete
8	Fourth Quarterly Progress Report	September 1, 2023	Incomplete
9	Equipment Delivery to Facility	September 1, 2023	Incomplete
10	Fifth Quarterly Progress Report	December 1, 2023	Incomplete
11	Begin Implementation/ Installation of Equipment	December 1, 2023	Incomplete
12	Complete Implementation/ Installation of Equipment	February 1, 2024	Incomplete
13	Completion of Compliance Project (fully installed and operational)	February 1, 2024	Incomplete
14	Final Quarterly Progress Report	March 1, 2024	Incomplete
15	Submission of Final Report/ Certification of Compliance Project completion	May 1, 2024	Incomplete

## Ukiah WWTP Screw Press Compliance Project Budget & Funding Sources

**Table 2: Line-Item Budget for Compliance Project**

Description	Project Cost(s)	Notes
FKC Screw Press and Associated Equipment: <ul style="list-style-type: none"> <li>• Screw Press</li> <li>• Access Stairs and Landing</li> <li>• Flocculation Tank</li> <li>• PLC Based Control Panel</li> <li>• Full System Integration</li> <li>• Polymer Makedown System</li> <li>• Polymer Injection Ring</li> <li>• Solenoid Valves</li> <li>• Headbox Level Transmitter</li> </ul>	Equipment: \$397,455.00 Sales Tax: \$35,724.13	P.O. Issued April 26, 2022
West Yost Associates Engineering Services <ul style="list-style-type: none"> <li>• Detailed Design</li> <li>• Bid Period Assistance</li> <li>• Engineering Services during Construction</li> </ul>	\$269,326.00	City Council Approval May 18, 2022  Contact Signed on July 20, 2022
Installation Costs	\$825,000.00	Estimated Cost
Total Cost	\$1,527,055.13	Subject to change

**Table 3: Project Funding Source**

Description	Cost	Notes
2021/2022 Capital Improvement Program – Equipment and Engineering Services	\$702,055.00	City Council Approval in June 2021
2022/2023 Capital Improvement Program – Installation	\$825,000.00	City Council Approval in June 2022
Total Approved Funding	\$ 1,527,055.00	*Total Project Cost subject to change

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## North Coast Regional Water Quality Control Board

**TO:** Jeremiah Puget

**FROM:** Zane Stromberg

**DATE:** September 15, 2022

**SUBJECT: UKIAH WATER DISTRICT, WASTEWATER TREATMENT FACILITY (UKIAH WWTF), DETERMINATION OF ELIGIBILITY FOR COMPLIANCE PROJECT AS A SMALL COMMUNITY WITH A FINANCIAL HARDSHIP**

### Background and Summary

Ukiah WWTF has accrued \$75,000 in mandatory minimum penalties (MMPs) for the period of January 4, 2017, through December 31, 2021. The analysis (described below) suggests Ukiah WWTF is currently eligible to complete a Compliance Project.

### Analysis

Water Code section 13385, subdivision (k), provides that the State Water Resources Control Board (State Water Board) or Regional Water Board may, contingent upon certain findings, require a publicly owned treatment works (POTW) serving a small community to spend an amount of money equivalent to the MMP amount toward the completion of a compliance project proposed by the POTW, in lieu of paying the penalty amount to the State Water Board's Cleanup and Abatement Account. Water Code section 13385, subdivision (k)(2), defines a POTW "serving a small community" as:

"[A] publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works."

Determining whether a POTW is "serving a small community" entails two separate determinations, whether: (1) the POTW is either situated within a rural county or has a population of 20,000 or less; and (2) the POTW's service area has a "financial hardship."

### 1. Rural County/Population Cap

Consistent with Water Code section 13385, subdivision (k)(2), the State Water Resources Control Board's 2017 Enforcement Policy (Enforcement Policy)<sup>1</sup>, at page 26, identifies a "rural county" as a county classified by the Economic Research Service (ERS), United States Department of Agriculture (USDA), with a rural-urban continuum code of four through nine.

The Ukiah WWTF is a POTW located in Mendocino County. According to the 2013 Rural Urban Continuum Codes file updated on May 10, 2013<sup>2</sup>, Mendocino County has a rural-urban continuum code of four (Nonmetro - Urban population of 20,000 or more, adjacent to a metro area) and therefore, falls within the "rural county" classification. Moreover, based on Census data discussed in Table 1, the block groups approximating the services area for the Ukiah WWTF have a total population of 15,711. By either criterion, the community served by the Ukiah WWTF meets the definition of "small."

## 2. Financial Hardship

Consistent with Water Code section 13385, subdivision (k)(2), the Enforcement Policy, at page 26, defines "financial hardship" in terms of median household income (MHI), unemployment rate and poverty level.<sup>3</sup> Specifically, the Enforcement Policy defines "financial hardship" as meaning that the community served by the POTW meets one of the following criteria:

- *Median household income<sup>4</sup> for the community is less than 80 percent of the California median household income;*

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<sup>1</sup>A copy of the State Water Board's Water Quality Enforcement Policy is available at [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_fin\\_al111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_fin_al111709.pdf)

<sup>2</sup> Rural Urban Codes are available at <https://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx> accessed, March 05, 2020.

<sup>3</sup>Median household income, unemployment rate, and poverty level of the population served by the POTW are based on the most recent U.S. census block group data or a local survey approved by the Regional Water Board in consultation with the State Water Board.

<sup>4</sup> **Median household income**[.] The median income divides the income distribution into two equal groups, one having incomes above the median and the other having incomes below the median.

- *The community has an unemployment rate<sup>5</sup> of 10 percent or greater;*
- or*
- *Twenty percent of the population is below the poverty<sup>6</sup> level*

Figure 1, below, shows the area serviced by the Ukiah WWTF and identifies the United States Census Bureau census tracts and block groups<sup>7</sup> included within the service area, including Mendocino County Tract 114, Block groups 1 2 4-6; Tract 115, Block groups 1-5; and Tract 116, Blocks 1-4.

In order to conduct the analysis to determine financial hardship, Regional Water Board staff reviewed datasets available through the Census.Gov portal at <https://data.census.gov/cedsci/>. At the time of this review, the most recent available economic data are from the United States Census Bureau ongoing 5-year estimates for 2018. To determine the Financial Hardship these table numbers, B01003, B19013, B23025, and B17017 were identified as providing the necessary information (data) at the block group level. To gather the data, Regional Water Board staff accessed the link above by searching each table number and filtered the results by clicking the filter tab on the top left of the page and selected these options systematically: Geography, Block group, California, Mendocino County, Census Tracts, and Tracts Block Groups. Table 1, below, shows the results of the staff's analysis.

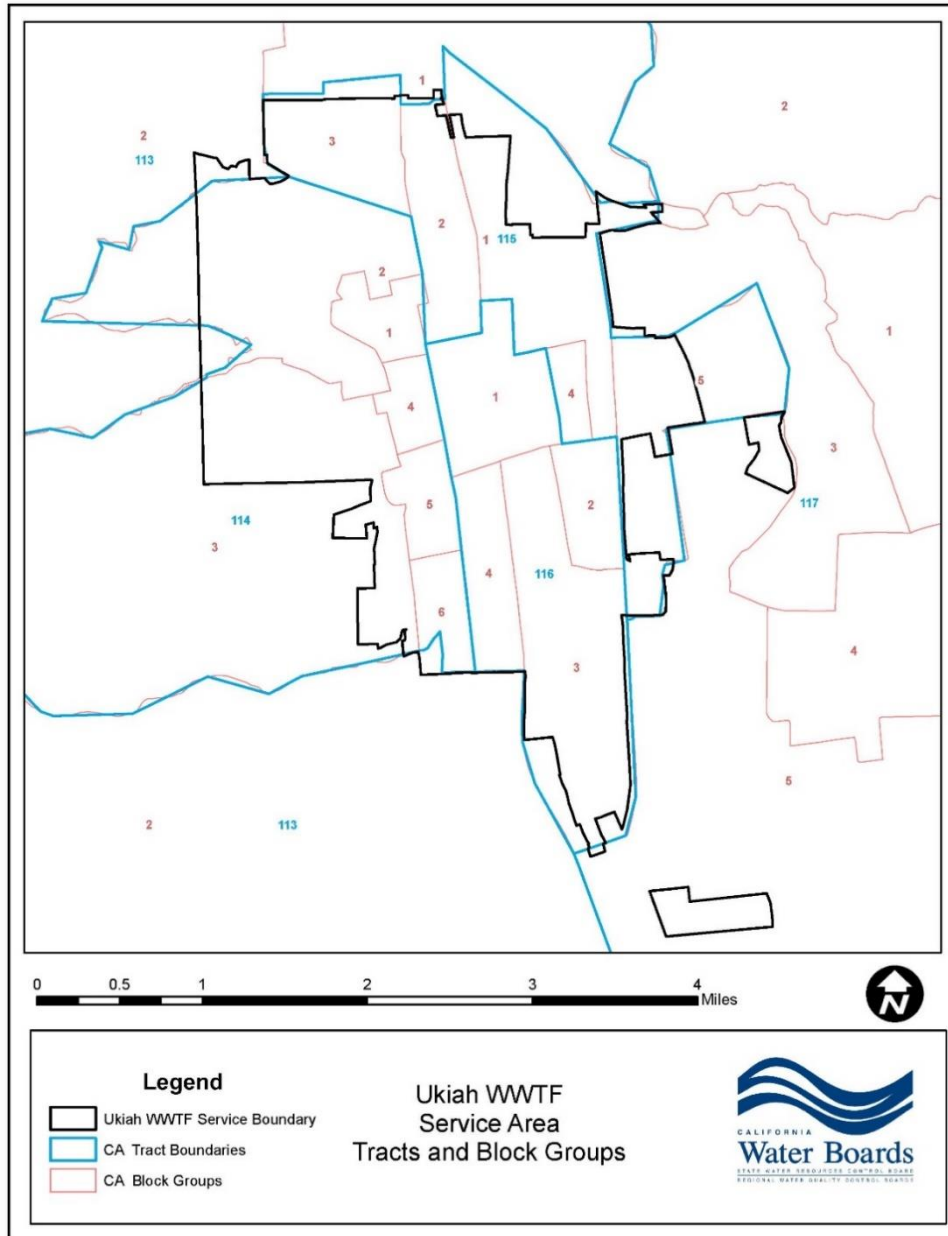
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<sup>5</sup> **Unemployed**[.] All civilians, 16 years and older, are classified as unemployed if they (1) were neither "at work" nor "with a job but not at work" during the reference week, (2) were actively looking for work during the last 4 weeks, and (3) were available to accept a job.

Also included as unemployed are civilians who (1) did not work at all during the reference week, (2) were waiting to be called back to a job from which they had been laid off, and (3) were available for work except for temporary illness

<sup>6</sup> **Poverty**[.] Following the Office of Management and Budget's Directive 14, the Census Bureau uses a set of income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual fall below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."

<sup>7</sup> **Block group**[.] A subdivision of a census tract (or, prior to 2000, a block numbering area). A block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract beginning with the same number. Example: block group 3 consists of all blocks within a 2000 census tract numbering from 3000 to 3999. In 1990, block group 3 consisted of all blocks numbered from 301 to 399Z."



Figure

*Table 1, Summary of 2018 ACS 5-year Census data estimates and Financial hardship analysis for the City of Ukiah WWTF*

Table #	Ukiah Table Description	Tract 114 Block Groups 1,2,4,5,6 2019, 5- year	Track 115 Block Groups 1-5 2019, 5-year	Tract 116 Block Groups 1-4 2019, 5- year	Tracts Total 2019, 5-year	Financial Hardship Criterion
B01003	Total population	3,584	6,639	5,488	<b>15,711</b>	<b>Criterion met</b>
C17002	Ratio of Income to Poverty Level in the Past 12 Months (2019)	308/3,259 <b>9.45%</b> Below Poverty Level	1,499/6,587 <b>22.76%</b> Below Poverty Level	1,111/5,414 <b>20.52%</b> Below Poverty Level	<b>19.12%</b> Below Poverty Level	20% Below Poverty Level <b>Criterion Not Met</b>
B19013	Median Household Income	(83,804+76,923+92,727+58,984+51,905) / 5 Block Groups <b>\$72,869</b>	(24,219+63,173+72,813+37,530+58,704) / 5 Block Groups <b>\$51,288</b>	(46,054+43,684+31,344+31,996) / 4 Block Groups <b>\$38,269.5</b>	(364,343+256,439+153,078) / 14 Block Groups <b>\$55,276</b>	MHI less than 80% of CA MHI (\$60,118) <b>Criterion Met</b>
B23025	Employment Status	Total Labor Force = 1,657 Unemployed = 28 1.7% Unemployed	Total Labor Force = 3,526 Unemployed = 679 19.26% Unemployed	Total Labor Force = 3,056 Unemployed = 225 7.36% Unemployed	Total Labor Force = 8,239 Unemployed = 932 <b>11.3% Unemployed</b>	Unemployment Rate 10% or Greater <b>Criterion Met</b>

Based on the Enforcement Policy's criteria and the 2019 U.S. Census block group data, Ukiah WWTF qualifies as a small community with a financial hardship. The median household income weighted in the last 12 months by the number of households is less than 80 percent of the California median household income. Additionally, the employment status for the population 16 years and over is greater than 10%. If the Discharger believes that the U.S. Census data used in this determination do not accurately represent the population served by the Ukiah WWTF, the Enforcement Policy provides for the possibility of a local survey approved by the Regional Water Board in consultation with the State Water Board and a procedure by which the Discharger may present an alternative justification to the Regional Water Board for designation as a "POTW serving a small community." Pursuant to the Enforcement Policy, the Regional Water Board must consult with the State Water Board when making such determinations.