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## North Coast Regional Water Quality Control Board

### ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING Order No. R1-2022-0051

CITY OF ARCATA  
NPDES ORDERS NO. R1-2012-0031, R1-2014-0050, AND R1-2019-0006  
NPDES NO. CA0022713  
WDID No. 1B82114OHUM

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 Arcata (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 alleged violations set forth in the attached Exhibit A, which is incorporated herein by reference.

The Discharger agrees that 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, subdivisions (h) and (i), as indicated in Exhibit A under "Total Penalty." Payment of the Total Penalty shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations set forth in 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 **\$48,000.00** by check payable to the State Water Resources Control Board (SWRCB) Cleanup and Abatement Account, referencing "Order No. R1-2022-0051".

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

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

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

R1-2022-0051

Expedited Payment Program - Acceptance and Waiver  
City of Arcata Wastewater Treatment Plant

The Discharger understands that federal regulations set forth at Code of Federal Regulations, title 40, 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 addressing NPDES permit violations. Accordingly, this Acceptance and Waiver will be posted for public comment prior to execution by the Executive Officer.

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 Exhibit A may be withdrawn. In that circumstance, the Discharger will be advised of the withdrawal, 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.

R1-2022-0051  
Expedited Payment Program - Acceptance and Waiver  
City of Arcata 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 Arcata Wastewater Treatment Facility  
(Name of Discharger)


By: Karen Diemer 12.15.22  
(Signed Name) (Date)

Karen Diemer  
(Printed or typed name)

City Manager  
(Title)

R1-2022-0051  
Expedited Payment Program - Acceptance and Waiver  
City of Arcata Wastewater Treatment Plant

**IT IS HEREBY ORDERED** pursuant to Water Code sections 13323 and 13385, on behalf of the California Regional Water Quality Control Board, North Coast Region.

Digitally signed by Valerie  
Quinto  
Date: 2023.01.23 16:59:56  
08'00'  
By:  \_\_\_\_\_  
Valerie Quinto,  
Executive Officer

City of Arcata EPL Acceptance and Waiver – Order No. R1-2022-0051

Attachment:

Exhibit A – Effluent Limitations Violations Requiring Mandatory Minimum Penalties

Mandatory Penalty Administrative Civil Liability

Arcata City

Arcata City WWTF

WDID No. 1B82114OHUM

NPDES No. CA0022713

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	1050542	09/19/2018	Dichlorobromomethane	Group 2	Daily Maximum	1.12	2.7	ug/L	Y	b	141%	03/23/2018	S	Ct. 1	N		\$ 0
2	1055228	11/30/2018	Dichlorobromomethane	Group 2	Monthly Average	0.56	0.94	ug/L	Y	b	68%	06/03/2018	S	Ct. 2	N		\$ 0
3	1057247	02/28/2019	BOD5 @ 20 Deg. C,	Group 1	Monthly Average	85	84	%	Y	b	-1%	09/01/2018	C	Ct. 3	N		\$ 0
4	1061039	05/29/2019	Dichlorobromomethane	Group 2	Daily Maximum	1.12	2.8	ug/L	N		150%	11/30/2018	S	Ct. 3	Y	13385(h)	\$ 3,000
5	1061038	05/31/2019	Dichlorobromomethane	Group 2	Monthly Average	0.56	2.8	ug/L	N		400%	12/02/2018	S	> Ct. 3	Y	13385(h)	\$ 3,000
6	1065814	08/28/2019	Dichlorobromomethane	Group 2	Monthly Average	0.56	5.6	ug/L	N		900%	03/01/2019	S	Ct. 3	Y	13385(h)	\$ 3,000
7	1065813	08/31/2019	Dichlorobromomethane	Group 2	Daily Maximum	1.12	5.6	ug/L	N		400%	03/04/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
8	1070127	11/05/2019	Dichlorobromomethane	Group 2	Monthly Average	0.56	4.4	ug/L	N		686%	05/09/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
9	1070128	11/05/2019	Dichlorobromomethane	Group 2	Daily Maximum	1.12	4.4	ug/L	N		293%	05/09/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
10	1070125	12/07/2019	Total Suspended Solids	Group 1	Weekly Average	45	46	mg/L	N		2%	06/10/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
11	1070124	12/31/2019	Total Suspended Solids	Group 1	Monthly Average	30	35	mg/L	N		17%	07/04/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
12	1070126	12/31/2019	Biochemical Oxygen	Group 1	Monthly Average	30	31	mg/L	N		3%	07/04/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
13	1089226	01/31/2021	BOD5 @ 20 Deg. C,	Group 1	Monthly Minimum	85	84	%	N	*	-1%	08/04/2020	C	> Ct. 3	Y	13385 (i)	\$ 3,000
14	1109942	10/02/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	2.99	mg/L	N		14850%	04/05/2022	S	Ct. 1	Y	13385(h)	\$ 3,000
15	1109941	10/02/2022	Chlorine, Total Residual	Group 2	Monthly Average	0.01	2.99	mg/L	N		29800%	04/05/2022	S	Ct. 2	Y	13385(h)	\$ 3,000
16	1109943	10/28/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	1.8	mg/L	N		8900%	05/01/2022	S	Ct. 3	Y	13385(h)	\$ 3,000
17	1109944	10/28/2022	Chlorine, Total Residual	Group 2	Monthly Average	0.01	1.8	mg/L	N		17900%	05/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
18	1110922	11/30/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	1.8	mg/L	N		8900%	06/03/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
19	1110921	11/30/2022	Chlorine, Total Residual	Group 2	Monthly Average	0.01	1.8	mg/L	N		17900%	06/03/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000

**Total Penalty: \$ 48,000**

**Legend of Table**

a. 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.

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.

\*Violation #13 is subject to MMP because there were 15 violations of effluent limitations (not included in this Exhibit A) at the facility within the 180-day period leading up to January 31, 2021. The 15 violations within the 180-day period at the Facility are not included in this list because they are part of a separate enforcement action.

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 March 1, 2019 to November 30, 2022**

Group I Violations Assessed MMP:	4
Group II Violations Assessed MMP:	12
Other Effluent Violations Assessed MMP:	0
Violations Exempt from MMP:	4
Total Violations Assessed MMP:	16

**Mandatory Minimum Penalty = (12 Serious Violations + 4 Non-Serious Violations) x \$3,000 = \$48,000**