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## North Coast Regional Water Quality Control Board

April 14, 2021

Mr. Kevin Booker  
Sonoma County Water Agency  
404 Aviation Blvd.  
Santa Rosa, CA 95403  
[Kevin.Booker@scwa.ca.gov](mailto:Kevin.Booker@scwa.ca.gov)

Certified Mail 7016 2710 0000 2653 3913

Dear Mr. Booker:

**Subject: Notice of Violation of Statewide General Waste Discharge Requirements for Sanitary Sewer Systems**

**File:** Russian River County Sanitation District Collection System, December 6, 2019 Inspection, CIWQS Place ID 630480

This letter is to notify you of observed violations of the requirements listed below, and specifically cited in Attachment A, during an inspection of the Russian River County Sanitation District (Russian River CSD) collection system, made by State Water Resources Control Board (State Water Board) and California Water Quality Control Board (Regional Water Board) (together, Water Boards) staff on December 6, 2019. The attached Inspection Report (Attachment B) documents violations of State Water Board Order 2006-0003-DWQ, as amended by Order 2013-0058-EXEC, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems including its Amended Monitoring and Reporting Program (SSS WDRs or General Order).

### **Background**

On December 6, 2019, Water Boards staff conducted a compliance evaluation inspection of the Russian River Wastewater Treatment Facility. The Russian River Wastewater Treatment Facility, a publicly owned treatment works, is owned by Russian River CSD and operated by Sonoma Water. The inspection report (Attachment B) describes the scope of the inspection, summarized as follows:

1. A pre-inspection desktop review of information uploaded to the California Integrated Water Quality System (CIWQS), information available on the Sonoma Water website, and information obtained during a previous inspection on May 30, 2017;
2. A pre-inspection conference with Sonoma Water Staff on December 6, 2019;
3. Field inspection at six separate site locations within the Russian River CSD collection system on December 6, 2019;
4. A post-inspection conference on December 6, 2019; and
5. A post-inspection telephone conference on December 23, 2019 to discuss documents requested by Water Boards staff via email to Sonoma Water staff on December 18, 2019 and to answer questions from Sonoma Water staff.

On May 1, 2020, State Water Board staff prepared a spreadsheet titled *Summary of Violations and Areas of Concern Identified in Relation to December 6, 2019 Russian River CSD Collection System Evaluation Inspection* (Attachment C). The Regional Water Board transmitted a copy of Attachment C to Sonoma Water staff on February 25, 2021. Attachment C was revised by Regional Water Board staff on April 13, 2021 to correct a factual error regarding the number of days the “No Spill” Certification reports were submitted late, to remove reference to violation of Provisions D.6 and D.13(iv) of the SSS WDRs, and to add reference to violation of Provisions D.13(vii) and D.13(viii) of the SSS WDRs.

### **Relevant Requirements**

The Water Boards conducted the inspection in response to several large sanitary sewer overflows (SSOs) and a history of flooding which resulted in noncompliance with the SSS WDRs. The purpose of the inspection was to evaluate compliance with the SSS WDRs, including the Amended Monitoring and Reporting Program (MRP), and to gain an understanding of the details and circumstances related to SSOs that occurred in 2017 and 2019. The inspection also included an evaluation of compliance with the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R1-2016-0022 (ACL Order), specifically with regard to Russian River CSD and Sonoma Water’s commitment to implement an Enhanced Compliance Action and Compliance Project as a material condition of settlement.

### **Alleged Violations**

Attachment A to this letter provides citations to the applicable provisions of the SSS WDRs and the federal Clean Water Act.

Specifically, the Regional Water Board alleges that you are in violation of the federal Clean Water Act and the SSS WDRs as follows and as further described in Attachment C to this letter:

1. Russian River CSD and Sonoma Water discharged approximately 2.3 million gallons of partially or untreated wastewater to Waters of the United States on multiple dates including January 9 and 11, 2017, February 7, 2017, and February 14 and 26, 2019 in violation of Prohibitions C.1 and C.2 of the SSS WDRs and section 301 of the Clean Water Act.
2. Russian River CSD and Sonoma Water failed to appropriately respond to these SSOs by failing to recover as much of the wastewater discharged as possible for proper disposal in violation of Provision D.7 of the SSS WDRs.
3. Russian River CSD and Sonoma Water failed to allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system in violation of Provisions D.9 and D.13(viii) of the SSS WDRs.
4. Russian River CSD and Sonoma Water failed to properly manage, operate and maintain parts of the collection system resulting in the surcharge of manholes and a lift station, pump stations nearing the end of their useful lives, lift stations being out of service for an extended period of time, and the presence of fats, oils, and grease in at least one wet well in violation of Provisions D.8 and D.11 of the SSS WDRs.
5. Russian River CSD and Sonoma Water failed to provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events in violation of Provisions D.8 and D.10 of the SSS WDRs.
6. Russian River CSD and Sonoma Water failed to implement an adequate Operation and Maintenance (O&M) Program and Fats, Oils, and Grease (FOG) Control Program in violation of Provisions D.8, D.11, and D.13(vii) of the SSS WDRs.
7. Russian River CSD and Sonoma Water did not properly report SSOs in violation of sections B.1, C.4.i (a), C.4.i (b), and C.4.iii of the SSS WDRs Amended MRP.
8. Russian River CSD and Sonoma Water did not conduct SSMP program audits in violation of Provision D.13(x) of the SSS WDRs.
9. Russian River CSD and Sonoma Water did not update its Collection System Questionnaire in violation of Section C.8(iii) of the SSS WDRs Amended MRP.

10. Russian River CSD and Sonoma Water did not include in its Overflow Emergency Response Plan (OERP) an adequate program to ensure an appropriate response to all overflows, such as procedures for recovering SSOs, nor a program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from SSOs, in violation of Provisions D.13(vi)(b) and D.13(vi)(f) of the SSS WDRs.

Note that Attachment C includes reference to “ongoing concerns by the Regional Board related to the completion of an Enhanced Compliance Action, as part of ACL No. R1-2016-0022.” This matter has since been resolved, as detailed in our November 23, 2020 letter of satisfaction.

### **Potential Liabilities**

This Notice of Violation is not a waiver of enforcement authority. The Regional Water Board reserves the right to take any enforcement action the law allows including the issuance of an administrative civil liability complaint and/or referring this matter to the Attorney General. The Regional Water Board may also consider other enforcement options including the issuance of cleanup and abatement orders or a time schedule order.

Note that existing conditions, as observed and documented in the Inspection Report (Attachment B), may represent continuing violations of the SSS WDRs. In order to limit your potential liability, you should take action to correct any violations as soon as possible.

For discharges of waste to waters of the United States, California Water Code section 13385 authorizes the imposition of administrative civil liability in an amount not to exceed \$10,000 per each day of violation and \$10.00 per gallon of waste over 1,000 gallons discharged and not cleaned up.

### **Plans to Address Violations**

**Within 30 days of the date of this letter**, please submit a written response to this Notice of Violation to Cathleen Goodwin describing your intentions, plan, and schedule to correct violations and address areas of concern identified in the “Alleged Violations” section of this letter and Attachment C.

Mr. Kevin Booker  
Russian River CSD NOV  
CIWQS Place ID. 630480

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April 14, 2021

If you have any questions regarding this matter, please contact Cathleen Goodwin at [Cathleen.Goodwin@waterboards.ca.gov](mailto:Cathleen.Goodwin@waterboards.ca.gov). You may also contact me at [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov) or by phone at (707) 576-2350.

Additionally, we are available to meet with you if you wish to discuss this letter, the Inspection Reports, or requirements of the SSS WDRs in further detail.

Sincerely,

Heaven Moore, P.E.  
Senior Water Resource Control Engineer

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Attachments: Attachment A – Regulatory Citations  
Attachment B – December 6, 2019 Compliance Evaluation  
Inspection Report  
Attachment C – Spreadsheet summarizing violations and areas of  
concern based on the December 6, 2019 CEI (as  
revised on April 13, 2021)

**cc:** George Lincoln, Sonoma Water, [George.Lincoln@scwa.ca.gov](mailto:George.Lincoln@scwa.ca.gov)  
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**North Coast Regional Water Quality Control Board**

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## Attachment A – Regulatory Citations

Regulatory Section	Citation
Federal Clean Water Act Section 301	Section 301(a) provides that except as in compliance with this section [301] and section 1342 and 1344 of the Clean Water Act, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). The relevant exceptions allowed for under the Clean Water Act are the discharge of dredged and fill material into navigable waters pursuant to section 404 or the discharge of any pollutant to navigable waters from any point source pursuant to section 402 of the Clean Water Act. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 402 permit and/or prohibits the discharge of dredge and fill material without a section 404 permit and a section 401 state water quality certification.
Sanitary Sewer System (SSS) General Order Prohibition C.1	“Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.”
Sanitary Sewer System (SSS) General Order Prohibition C.2	“Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.”
Sanitary Sewer System (SSS) General Order Provision D.7	<p>“When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water. The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:</p> <ul style="list-style-type: none"> <li>(i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;</li> <li>(ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;</li> <li>(iii) Cleanup of debris at the overflow site;</li> <li>(iv) System modifications to prevent another SSO at the same location;</li> <li>(v) Adequate sampling to determine the nature and impact of the release; and</li> <li>(vi) Adequate public notification to protect the public from exposure to the SSO.”</li> </ul>

Regulatory Section	Citation
Sanitary Sewer System (SSS) General Order Provision D.8	"The Enrollee shall properly manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities."
Sanitary Sewer System (SSS) General Order Provision D.9	"The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices."
Sanitary Sewer System (SSS) General Order Provision D.10	"The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee."
Sanitary Sewer System (SSS) General Order Provision D.11	"The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document must be publicly available at the Enrollee's office and/or available on the Internet. This SSMP must be approved by the Enrollee's governing board at a public meeting."
Sanitary Sewer System (SSS) General Order Provision D.13 (vi)	<p>"Overflow Emergency Response Plan - Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following: ...</p> <p>(b) A program to ensure an appropriate response to all overflows;</p> <p>(f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge."</p>

Regulatory Section	Citation
Sanitary Sewer System (SSS) General Order Provision D.13 (vii)	<p>“FOG Control Program: ... If FOG is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate: ...</p> <p>(f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; ...</p> <p>(g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.”</p>
Sanitary Sewer system (SSS) General Order Provision D.13 (viii)	<p>“System Evaluation and Capacity Assurance Plan: The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:</p> <p>(a) Evaluation: Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;</p> <p>(b) Design Criteria: Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and</p> <p>(c) Capacity Enhancement Measures: The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.</p> <p>(d) Schedule: The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D.14.”</p>



Regulatory Section	Citation
Sanitary Sewer System (SSS) General Order Provision D.13 (x)	"SSMP Program Audits - As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them."
SSS General Order Amended MRP Order No. 2013-0058-EXEC, Table 2, Notification, Reporting, Monitoring, and Record Keeping and section C.8	<p>"Reporting (see section C of MRP): .....</p> <ul style="list-style-type: none"> <li>• Collection System Questionnaire: Update and certify every 12 months"</li> </ul> <p><b><u>"Mandatory Information to be Included in CIWQS Online SSO Reporting</u></b> ....  Additionally, within thirty (30) days of initial enrollment and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated at least once every 12 months."</p>
SSS General Order Amended MRP Order No. 2013-0058-EXEC, section B.1	"For any Category 1 SSO <u>greater than or equal to 1,000 gallons</u> that results in a discharge to a surface water or spilled in a location where it probably will be discharged to surface water, either directly or by way of a drainage channel or MS4, the enrollee shall, as soon as possible, <u>but not later than two (2) hours</u> after (A) the enrollee has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the Cal OES and obtain a notification control number."
SSS General Order Amended MRP Order Nos. 2008-0002-EXEC and 2013-0058-EXEC, section C.4.i.a	"Draft reports for Category 1 and Category 2 SSOs shall be submitted to the CIWQS Online SSO Database <u>within three (3) business days</u> of the enrollee becoming aware of the SSO. Minimum information that shall be reported in a draft Category 1 SSO report shall include all information identified in section 8.i.a. below. Minimum information that shall be reported in a Category 2 SSO draft report shall include all information identified in section 8.i.c below."
SSS General Order Amended MRP Order No. 2013-0058-EXEC, section C.4.i.b	"A final Category 1 or Category 2 SSO report shall be certified through the CIWQS Online SSO Database <u>within 15 calendar days</u> of the end date of the SSO. Minimum information that shall be certified in the final Category 1 SSO report shall include all information identified in section 8.i.b below. Minimum information that shall be certified in a final Category 2 SSO report shall include all information identified in section 8.i.d below."

Regulatory Section	Citation
SSS General Order Amended MRP Order No. 2013-0058-EXEC, section C.4.iii	<b>“No Spill” Certification</b> – If there are <u>no SSOs</u> during the calendar month, the enrollee shall either 1) certify, within 30 calendar days after the end of each calendar month, a “No Spill” certification statement in the CIWQS Online SSO Database certifying that there were no SSOs for the designated month ...”