
North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report December 12, 2023

ITEM: 2

SUBJECT: Public Hearing on Order No. R1-2023-0057 (CDO Rescission Order) to consider Rescission of Cease and Desist Order No. R1-2021-0027 (CDO) for Bo Dean Co. Inc., (Permittee). (Valerie Quinto)

BOARD ACTION: The Board will consider adoption of the CDO Rescission Order.

BACKGROUND: The Regional Water Board adopted the CDO for the facility located at 1060 Maxwell Drive, Santa Rosa, in August 2021. The facility is an industrial facility regulated by the Statewide Industrial General NPDES Permit (Industrial General Permit or Permit).¹ The facility discharges from a single discharge point which captures all storm water from the facility. The discharge outfalls to College Creek, which then discharges to Santa Rosa Creek, and then to the Laguna de Santa Rosa, tributary to the Russian River. The CDO was issued for violations of the Permit noted during staff inspections from 2019-2021. The violations included discharging water without adequate Best Management Practices (BMPs), improper covering of materials and waste at the facility, failing to collect and report required samples, and failing to complete required reporting and pollutant assessment. The Permittee submitted requests on September 23, 2022, and July 7, 2023, for the CDO to be rescinded based on the facility's BMP improvements and sampling results.

The Executive Officer has reviewed the requests and supporting information provided, as well as information provided by Regional Water Board and Office of Enforcement staff and recommends that the Board rescind the CDO.

DISCUSSION: The CDO is proposed to be rescinded because the tasks required by the CDO have been completed and BMPs are properly functioning at the facility. Sampling results show that total suspended solids (TSS) and all metals, except magnesium, are below the numeric action level (NAL) specified in the Industrial General

¹ State Water Resources Control Board Order No. 2014-0057-DWQ.

Permit. The only remaining compliance issue is an exceedance of the NAL for magnesium as specified in the Permit.

Data submitted by Permittee show magnesium levels from discharge runoff ranges from 5.7 to 13 mg/L. Based on a 2020 report developed by the California Stormwater Quality Association (CASQA) and referenced by the Permittee, 99.9% of reported magnesium samples in the state exceed the NAL of .064 mg/L, and natural background magnesium levels often exceed the NAL. Based on the lack of any known acute toxicity associated with magnesium, USEPA suspended the magnesium benchmark from its 2021 Industrial General Permit. No adverse effects to water quality are anticipated due to rescission of the CDO.

The CDO rescission does not affect Permittee's obligation to continue to comply with the Industrial General Permit provisions. If the Permittee violates the conditions of the Permit those violations may be addressed through subsequent enforcement actions.

The CDO Rescission Order is not anticipated to be contested during the public hearing.

RECOMMENDATION: Staff recommend adoption of the CDO Rescission Order as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2023-0057
2. Cease and Desist Order No. R1-2021-0027
3. Bo Dean Requests for Rescission (available electronically)
4. Staff concurrence with rescission request (available electronically)
5. Notice of Public Hearing and Procedure