
North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report December 5, 2024

ITEM: 6

SUBJECT: Public Hearing on Order No. R1-2024-0030 to consider adoption of proposed Amendment Order to amend Waste Discharge Requirements and Water Recycling Permit for the Russian River County Sanitation District, Russian River Wastewater Treatment Facility, WDID No. 1B82045OSON, NPDES No. CA0024058 (Matthew Herman)

BOARD ACTION: The Board will consider the adoption of Amendment Order No. R1-2024-0030. The Amendment Order proposes to amend National Pollutant Discharge Elimination System (NPDES), Waste Discharge Requirements and Master Recycling Permit, Order No. R1-2021-0002 for the Russian River County Sanitation District and Sonoma Water, Russian River Wastewater Treatment Facility.

BACKGROUND: The Russian River County Sanitation District and Sonoma Water (Permittees) are the owner and operator, respectively, of the Russian River Wastewater Treatment Facility (Facility) and associated wastewater collection system that serves a population of approximately 6,500 residential, commercial, industrial, recreational, institutional, and governmental customers within the greater Guerneville area, including unincorporated areas of Rio Nido, Vacation Beach, Guerneville, and Guerneville Park.

The Facility is currently regulated under Waste Discharge Requirements and Master Recycling Permit, Order No. R1-2021-0002, which serves as a NPDES permit for waste discharges to surface waters. Additionally, the Facility's collection system is enrolled under the Statewide General WDRs for Sanitary Sewer Systems and is subject to the requirements of the federal Clean Water Act (33 U.S.C. § 1251 et seq.).

In 2019, the Permittees reported multiple unauthorized discharges of raw sewage from their collection system. It was alleged that 885,664 gallons of raw sewage diluted with rainwater was discharged into the Russian River during three sanitary sewer overflow events on February 14-15, February 26-March 1, and March 1-2, 2019, for a total of eight days. These alleged acts constitute violations of Water Code section 13385, subdivision (a), for which discretionary penalties were assessed pursuant to Water Code section 13385, subdivision (c).

On December 13, 2023, the Regional Water Board adopted Order No. R1-2023-0049, Settlement Agreement and Stipulation for Entry of Order for the Sonoma County Water Agency and Russian River County Sanitation District. This Order imposed an administrative civil liability of \$1,033,546 to resolve the alleged violations, of which a portion shall be suspended pending completion of an enhanced compliance action (ECA). During these proceedings, it was identified that the Permittee had already made short-term changes to their Facility operation. Additionally, the Permittee identified in their Flood Control and Flow Reduction Mitigation Summary Report, dated October 25, 2021, that the Permittee's Collection System Operations and Maintenance (O&M) Plan does not represent all their O&M practices and is in need of updates. Public concerns received during the adoption of Order R1-2023-0049 demonstrated a need for Regional Water Board staff to amend the NPDES permit to facilitate an update to their O&M Plan and the prompt implementation of identified corrective actions.

DISCUSSION: Amendment Order No. R1-2024-0030, amends Order No. R1-2021-0002 to require the timely implementation of corrective actions necessary to prevent additional sanitary sewer overflows from the Permittee's collection system. Specific changes proposed by this Order include the following:

1. **Engineering Evaluation Report.** The Order has been modified to clarify requirements for the Engineering Evaluation Final Report (Report), including the inclusion of a schedule of implementation for all corrective actions identified within this Report. Additionally, this Report will now be submitted to the Regional Water Board's Executive Officer for review and approval. (Order section 6.3.6.2.2.3)
2. **Collection System Operations and Maintenance Plan.** A new section requiring that the Permittees submit an updated Collection System Operations and Maintenance Plan by no later than August 1, 2025, to ensure the timely incorporation of short-term corrective actions identified by the Permittees has been added to the Permit. (Order section 6.3.6.2.3)

A single comment letter regarding the Draft Amendment Order was received from Sonoma Water, the Facility's operator. A full explanation of their comments, and the Regional Water Board Staff's (Staff) responses are provided in the attached Response to Comments document. The Proposed Amendment Order has been revised in response to comments received. Concerns expressed in the comment letter are summarized with Staff's response below:

The Permittee asserts that the proposed permit changes included within the Proposed Amendment Order are not in accordance with section 122.62 of the Code of Federal Regulations (C.F.R.), which enumerates the allowable causes for the Permitting Authority to modify a NPDES Permit during its five-year permit term. They request that the proposed edits to the Facility's NPDES Permit should be made in the normal course of the 5-year permit reissuance instead of re-opening the current NPDES Permit. Additionally, The Permittee requested that if the Regional Water Board moved forward

with the Amendment Order, that the proposed due date for the Collection System Operations and Management Plan be changed to August 1, 2025, to coincide with the Engineering Evaluation Report's due date.

Consistent with 40 C.F.R. section 122.62, the Permittee's NPDES Permit is being re-opened because new information has been received since the issuance of the Permit. Staff agree with the Permittee's proposal to delay the submittal of the Collection System Operations and Management Plan to allow all information obtained during development of the Engineering Evaluation Report to be utilized in the Collection System O&M Plan update.

A copy of the draft Amendment Order was posted on the Regional Water Board website and was available for public comment from September 6 through October 7, 2024 for a 30-day comment period. Staff discussed changes made to the Proposed Amendment Order with representatives of the Permittee on October 29, 2024. The Permittee indicated that Staff's response to the Permittee's comments and changes made to the Proposed Permit are acceptable to the Permittee. Staff anticipates that the Proposed Amendment Order will be uncontested.

RECOMMENDATION: Adopt Amendment Order No. R1-2024-0030, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Amendment Order No. R1-2024-0030
2. Revised Order No. R1-2021-0002
3. Notice of Public Hearing
4. Response to Comments Document
5. Copies of the comment letter received regarding this Amendment Order are available upon request by emailing Matthew.Herman@Waterboards.ca.gov