

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

2025-0064-EXEC

In the Matter of the Office of Enforcement's Final Decision to Revoke Grade III Operator
Certificate of

**Raymond S. Bach
Grade III Operator Certificate No. 28623.**

ORDER DENYING PETITION FOR REVIEW

By the Executive Director:

I. Introduction

This matter came to the Executive Director of the State Water Resources Control Board (State Water Board or Board) on the Petition of Raymond S. Bach for review of the Final Decision issued December 10, 2024, by the Board's Office of Enforcement (Office of Enforcement or OE). Pursuant to California Code of Regulations, title 23, section 3714, the Executive Director denies the Petition upon a finding that the Final Office of Enforcement Decision was appropriate and proper.

II. Legal Background

The State Water Board regulates aspects of wastewater treatment plant operations, including the certification of wastewater treatment plant operators. (Wat. Code, §§ 13265-13633.) The Board has promulgated regulations governing the examination, certification, and renewal of certification of wastewater treatment operators in California Code of Regulations, title 23, sections 3670 to 3719.19 (Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations, hereinafter, operator certification regulations). The Board is authorized by the operator certification regulations to impose administrative civil liability or to take other disciplinary

action against persons holding wastewater treatment plant operator certificates to enforce regulatory requirements and to protect public health and the environment. (Cal. Code Regs., tit. 23, §§ 3709-3716.)

The operator certification regulations grant the State Water Board discretion to revoke an operator certificate “upon any reasonable ground.” (*Id.* at § 3710, subd. (a).) The regulations provide examples of actions constituting reasonable grounds, including “failing to use reasonable care or good judgment in the course of employment as an operator . . . or failing to apply knowledge or ability in the performance of duties.” (*Id.* at subd. (a)(6).)

Upon receipt of a proposed disciplinary action, an operator may request reconsideration of the proposed disciplinary action. (*Id.* at § 3712.) The Director of the Office of Enforcement then reviews the record and makes a Final Office of Enforcement Decision. (*Id.* at § 3712.1.) The operator may petition the Board to review the Final Office of Enforcement Decision. (*Id.* at § 3712.2.) The petition must include a full and complete statement of reasons why the decision is “erroneous, inappropriate, or improper.” (*Ibid.*) When filing the petition, the petitioner may request the Water Board consider evidence not previously provided to the Director of the Office of Enforcement. (*Id.* at § 3712.2, subd. (d).) At that time, the petitioner may also request that the Board conduct a hearing to consider testimony, other evidence, and argument. (*Id.* at § 3712.2, subd. (e).)

Once a completed petition is submitted, the State Water Board, or the Executive Director¹ on behalf of the State Water Board, may refuse to take action if the petition fails to raise substantial issues that are appropriate for review; or may deny the petition upon a finding that the Final Office of Enforcement Decision was appropriate and proper; or may set aside or modify the Final Office of Enforcement Decision; or may take any other appropriate actions. (*Id.* at § 3714.)

¹ Authority delegated to the Executive Director pursuant to State Water Resources Control Board, Resolution No. 2023-0036.

III. Factual and Procedural Background

In May 2024, staff from the City of Stockton (Stockton) notified the Office of Enforcement that Stockton employee Raymond Bach was recommended for termination following an April 19, 2024, “operational incident” and previous “similar operational incidents” arising out of his employment as a wastewater treatment plant operator at the City of Stockton Regional Wastewater Control Facility (Stockton wastewater treatment plant). (2024-07-29 Raymond Bach Revocation Folio, p. 1.)² Mr. Bach is certified as a Grade III wastewater treatment plant operator and holds Certificate No. 28623. (2024-12-10 Final OE Decision.) Water Board staff investigated the April incident and held interviews with Mr. Bach and Stockton wastewater treatment plant staff. (2024-07-29 Raymond Bach Revocation Folio at Att. 10-14.)

This was not the first encounter between Mr. Bach and Office of Enforcement staff, as staff had previously taken two disciplinary actions against Mr. Bach. On October 13, 2022, Office of Enforcement staff issued a letter of reprimand to Mr. Bach for violating provisions of the operator certification regulations. (*Id.* at Att. 7.) Further, on November 14, 2023, Office of Enforcement staff proposed a 90-day suspension of Mr. Bach’s Wastewater Grade III Operator Certificate for failure to follow the operator certification regulations.³ (*Id.* at Att. 9.) The October 2022 letter states that “OE demands that you comply with all operator certification regulations” and that failure to do so “may result in

² Electronic copies of the documents that make up the administrative record in this matter are posted on the AHO-FTP site. Unless otherwise noted, references to page numbers in documents refer to the page numbers at the top of the screen-reading software used to view the PDF files of these documents. The Folio cited here is in the “Hearing Documents” folder, in the “Correspondence” subfolder, in the subfolder titled “2025-05-30 OE Administrative Record Documents.” The Folio contains the July 29, 2024 letter of proposed revocation and 14 attachments.

³ The letter issued November 14, 2023, states that the 90-day suspension would begin once the Office of Operator Certification received Mr. Bach’s Wastewater Grade III Operator Certificate. Mr. Bach was to surrender his operator certificate within 45 days of the receipt of the November 14, 2023 proposed disciplinary action. The administrative record provided by the Office of Enforcement contains no evidence as to when the suspension began and ended, or if it was enforced, although the July 29, 2024 letter of proposed revocation states that Mr. Bach’s certificate “is the subject of a proposed suspension that occurred on May 5, 2023.” (2024-07-29 Raymond Bach Revocation Folio, p. 1.)

additional enforcement actions taken by OE.” (*Id.* at Att. 7, p. 4.) The November 2023 letter concluded, “as this is your second disciplinary action taken by the State Water Board, future noncompliance with the [relevant regulations] may result in the revocation of your wastewater operator certificate.” (*Id.* at Att. 9, p. 6.) Both the October 13, 2022, letter of reprimand and the November 14, 2023, letter of proposed suspension stated that Mr. Bach would have 45 days from receipt of the letter to request reconsideration. There is no evidence in the record that Mr. Bach requested reconsideration of either disciplinary action.⁴

After completing its investigation, on July 29, 2024, Office of Enforcement staff notified Mr. Bach of the decision to issue a proposed disciplinary action to revoke Mr. Bach’s Grade III Wastewater Operator Certificate No. 28623 pursuant to California Code of Regulations, title 23, section 3710 *et seq.* On October 7, 2024, the Office of Enforcement received a letter from Mr. Bach dated September 25, 2024, requesting reconsideration of the proposed disciplinary action letter. Although the request may not have been timely submitted, the Office of Enforcement accepted Mr. Bach’s request for reconsideration.

On December 10, 2024, after reviewing the evidence in the record, the Director of the Office of Enforcement issued a Final Office of Enforcement Decision to revoke Mr. Bach’s Grade III Operator Certificate No. 28623 (Final Decision). (2024-12-10 Final OE Decision.) By letter dated January 7, 2025, and pursuant to California Code of Regulations, title 23, section 3712.2, Mr. Bach petitioned for the Board’s review of the Final Decision (Petition). (2025-01-07 Petition for Review.) Mr. Bach’s written Petition satisfied the requirements of California Code of Regulations section 3712.2 subdivision (b).

⁴ Although the administrative record contains no clear evidence that Mr. Bach requested reconsideration of either disciplinary action, an e-mail dated June 11, 2024, from Mr. Bach to Water Board staff, refers to “my previous case that is now 1 year old” that “had not been resolved,” which he believed was an error. (2024-07-29 Raymond Bach Folio, Attach. 13, p. 1.) If this e-mail was a request for reconsideration of the Board’s action, it was not timely and also did not comply with the requirements governing requests for reconsideration of a proposed disciplinary action in California Code of Regulations, title 23, section 3712.

In his Petition, Mr. Bach expresses remorse for his “major mistake” and did not deny “the facts of incidents that have occurred that I (and others) were involved in.”⁵ Mr. Bach argues that the Final Decision was improper because City of Stockton staff exaggerated the severity of his actions. (*Id.* at p. 1.) Additionally, Mr. Bach provided three mitigating factors for the Board’s consideration: (1) no discharge permit violations or fines resulted from the most recent, April 19, 2024 incident, (2) there was not appropriate oversight by a senior plant operator who may have mitigated the extent of harm, and (3) his supervisors at the Stockton wastewater treatment plant provided inadequate training. (*Id.* at pp. 1-2; 2024-09-25 Pet for Review, p. 1 (providing additional details on the alleged lack of training).) Accordingly, Mr. Bach petitioned the Board to downgrade his certificate to Grade I or put him on probation rather than revoke his certificate. (2025-01-07 Bach Petition for Review, p. 2.) Mr. Bach did not request a hearing before the Board.

On May 1, 2025, the Board’s Executive Director assigned Mr. Bach’s Petition to the Administrative Hearings Office pursuant to Water Code section 1112(c), for preparation of a proposed order. (2025-05-01 Memorandum of Assignment to the AHO.)

IV. Final Office of Enforcement Decision and Administrative Record

The Director of the Office of Enforcement concluded in the Final Decision that Mr. Bach violated California Code of Regulations, title 23, section 3710, subdivision (a)(6) by “failing to use reasonable care or good judgement in the course of [his] employment as an operator and by failing to apply [his] knowledge or ability” while performing employment duties at the Stockton wastewater treatment plant. (2024-12-10 Final OE Decision, p. 1.)⁶

The Director of the Office of Enforcement concluded that evidence in the record supported the following findings in the July 29, 2024, Proposed Disciplinary Action. On

⁵ The Petition refers to Mr. Bach’s “major mistake” on May 20, 2023. The record does not include evidence of a disciplinary outcome arising from events on May 20, 2023. I presume Mr. Bach refers to the April 19, 2024, incident, which staff from the City of Stockton notified the Board of on May 20, 2024.

⁶ The December 10, 2024, letter erroneously stated that Mr. Bach’s actions were in violation of “California Water Code section 3710, subdivision (a)(6)”; the correct citation is to California Code of Regulations, title 23, section 3710, subdivision (a)(6).

April 19, 2024, Mr. Bach “failed to follow orders to turn off the secondary clarifier scum skimming system.” (*Id.* at 2.) Mr. Bach instead “turned off the secondary clarifier sweeps, which automatically shuts off the return activated sludge (RAS) system since the two systems are connected.” (*Ibid.*) Because of Mr. Bach’s actions, the secondary clarifier sweeps and RAS systems “remained off for several hours, causing a deficit of the nitrifying microorganisms necessary to remove ammonia and resulting in elevated ammonia concentrations in the secondary effluent.” (*Ibid.*) The Final Decision also references the “multiple past incidents of unreasonable operator misconduct [by Mr. Bach] over the last eight years,” including the Office of Enforcement’s citations in 2022 and 2023. (*Ibid.*)

The administrative record includes the following documents relevant to the past disciplinary proceedings against Mr. Bach and the most recent incident that occurred on April 19, 2024:

1. June 9, 2016, Memorandum of Discussion to Mr. Bach from the chief plant operator of the Stockton wastewater treatment plant for improper log entries (2024-07-29 Raymond Bach Revocation Folio, Att. 2);
2. October 2, 2017, Letter of Reprimand to Mr. Bach from the City’s Municipal Utilities Department for failing to properly document or inform other plant personnel that he had shut off the ferric feed to the digesters, resulting in a violation of the City of Stockton Air Board Permit (*id.* at Att. 3);
3. May 10, 2018, Notice of Intent to Recommend Employment Action to Mr. Bach from the City’s Municipal Utilities Department for failing to take readings of the ferric chloride storage tank level on multiple occasions (*Id.* at Att. 4);
4. May 13, 2022, Memorandum of Correction issued to Mr. Bach from the chief plant operator of the Stockton wastewater treatment plant for unsafe driving at the Stockton wastewater treatment plant (*Id.* at Att. 5);
5. May 26, 2022, Notice of Intent to Recommend Employment Action issued to Mr. Bach from the City’s Municipal Utilities Department for failing to monitor the Biotower Pump Station and adjust pumps on January 27, 2022, and April 14,

2022, which resulted in the area being flooded with wastewater on both occasions (*Id.* at Att. 6);

6. October 13, 2022, Letter of Reprimand issued to Mr. Bach from the State Water Board for the flooding events on January 27, 2022, and April 14, 2022 (*Id.* at Att. 7);
7. July 27, 2023, Notice of Intent to Recommend Employment Action issued to Mr. Bach from the City's Municipal Utilities Department for failing to follow standard operating procedures for chemical delivery on May 5, 2023, which resulted in polymer erroneously entering a ferrous chloride tank (*Id.* at Att. 8);⁷
8. November 14, 2023, Proposed Disciplinary Action issued to Mr. Bach from the State Water Board to suspend his Wastewater Grade III Operator Certificate No. 28623 for 90 days based on the chemical delivery incident on May 5, 2023 (*Id.* at Att. 9);
9. May 24, 2024, Interview between State Water Board staff German Myers and Deedee Antypas, Deputy Director of Wastewater Operations for the Stockton wastewater treatment plant about the April 19, 2024, incident (*Id.* at Att. 10);
10. Secondary Effluent Composite Sample data for NH₃ (ammonia) and other constituents during April 2024, related to the April 19, 2024, incident (*Id.* at Att. 11);
11. May 30, 2024, Interview between State Water Board Staff German Myers and Phil McKinney, chief plant operator for the Stockton wastewater treatment plant about the April 19, 2024, incident (*Id.* at Att. 12);
12. June 11, 2024, Email Correspondence between Mr. Bach and Mr. Myers discussing the April 19, 2024, incident where Mr. Bach admits he shut off the secondary sweepers ("In all my infractions, if you will, I did them. Not as flashy and/or intentional as the city says I did. Therefore I have no legal or moral leg to stand on. I did them.") (*Id.* at Att. 13, p.1);
13. June 21, 2024, Interview between Mr. Myers and Mr. Bach (*Id.* at Att. 14);

⁷ The notice states that mixing of these chemicals is a potential safety risk that could permanently damage the tank, which was estimated to cost \$30,000 to replace. (*Ibid.*)

14. September 25, 2024, Request for Reconsideration from Mr. Bach seeking “a reduction in punishment what ever [sic] that might be.” (2024-09-25_ReqforRecon_Bach.)

V. Decision on Petition for Review

The evidence in the record supports the conclusion that Mr. Bach failed to use reasonable care and good judgment in the course of his employment as a wastewater treatment plant operator and failed to apply his knowledge and ability while performing employment duties at Stockton’s wastewater treatment plant, in violation of California Code of Regulations, title 23, section 3710, subdivision (a)(6). Therefore, I find that the Final Office of Enforcement Decision revoking Mr. Bach’s Grade III Operator Certificate No. 28623 was appropriate and proper.

The administrative record overwhelmingly shows that Mr. Bach consistently failed to use reasonable care and good judgement during the course of his employment as a wastewater treatment plant operator. He was repeatedly warned and counseled to follow standard operating procedures related to recording data (2024-07-29 Raymond Bach Revocation Folio, Att. 2), monitoring equipment (*id.* at Att. 4, 6), and documenting or informing plant personnel when making operational changes. (*id.* at Att. 3.) Moreover, Mr. Bach has not denied responsibility for his actions. The Final Decision was appropriate and proper based on the evidence in the record.

In his Petition, Mr. Bach argues that the evidence was biased against him and the results of his actions “were presented in such a way that one might imagine that [his] actions were so unique and so catastrophic that our planet, as we know it, would never be the same.” (2025-01-07 Petition for Review.) Mr. Bach asserts, for example, that although he allowed the wrong chemical to enter a tank on May 5, 2023, and the “event could have been very cataclysmic . . . [I]luckily it wasn’t.” (*Ibid.*)

Specific to the most recent April 2024 incident, Mr. Bach provided three reasons the Board should reduce the level of disciplinary action. None, however, are compelling. First, while the most recent April incident did not result in water quality permit violations, the Board may revoke a wastewater treatment plant operator’s certificate on any

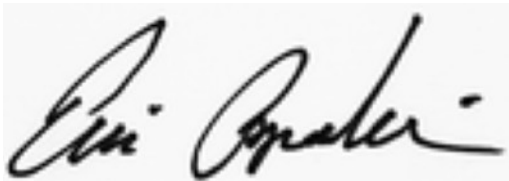
reasonable grounds, not just incidents that violate water quality requirements. (Cal. Code Regs., tit. 23, § 3710, subd. (a).) It is not reasonable for an employee to repeatedly fail to follow operational orders. Moreover, Mr. Bach's actions caused ammonia levels to substantially rise in secondary effluent by orders of magnitude, taking nearly six days to return to standard levels. (2024-07-29 Raymond Bach Folio, Attach. 10-11.) Second, while Mr. Bach expected a senior operator to notice and correct his errors, Mr. Bach failed to notify anyone of his actions and failed to log his actions as required. (*Id.* at Att. 1, p. 1.) Finally, Mr. Bach asserts that he received insufficient training on the procedures for turning off the secondary clarifier scum skimming system. (2024-09-25 Pet for Review, p. 1.) Supervising staff at the wastewater treatment plant, however, had met with all operators to discuss the plant's interlocking systems and the circumstances for shutting off the clarifier sweeps, mere months before the incident. (2024-07-29 Raymond Bach Folio, Att. 1, p. 2; Att. 10, p. 2.)

Accordingly, I conclude that the Final Office of Enforcement Decision was appropriate and proper, and I deny Mr. Bach's Petition for Review.

ORDER

IT IS HEREBY ORDERED THAT:

1. As of the date of this order, I uphold the revocation of Grade III Operator Certificate No. 28623 that occurred on December 10, 2024. (2024-12-10 Final OE Decision, p. 1.) If he has not already done so, Mr. Bach must remit Certificate No. 28623 to the State Water Board's Office of Operator Certification no later than 15 days after the date of this order.



Eric Oppenheimer, Executive Director
State Water Resources Control Board

November 13, 2025

Date