

Law Office of Jack Silver

708 Gravenstein Hwy North, Suite 407 Sebastopol, CA 95472-2808
Phone 707-528-8175 Email JSilverEnvironmental@gmail.com



*Via Certified Mail –
Return Receipt Requested*

RECEIVED
Office of the City Clerk

JUN 16 2025

CITY OF FORTUNA

June 6, 2025

Ms. Amy Nilsen – City Manager
Members of the City Council
City of Fortuna
621 11th St.
P.O. Box 545
Fortuna, CA 95540-0545

Mr. Bob Natt – Interim Director of Public Works
Head of Agency
City of Fortuna
180 Dinsmore Dr.
P.O. Box 545
Fortuna, CA 95540-0545

Re: Notice of Violations and Intent to File Suit Under the Clean Water Act

Dear Ms. Nilsen, Mr. Natt, Members of the City Council and Head of Agency:

STATUTORY NOTICE

This Notice Letter (“Notice”) is provided on behalf of California River Watch (“River Watch”) with regard to violations of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and operation of the City of Fortuna Municipal Wastewater Treatment Plant (“Facility”) and associated wastewater collection system.

River Watch hereby places the City of Fortuna (“City”), as owner and operator of the Facility and associated wastewater collection system, on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the City for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the North Coast Regional Water Quality Control Board (“RWQCB”) Water Quality Control Plan (“Basin Plan”), as the result of violations of the City’s National Pollution Discharge Elimination System (“NPDES”) Permit.¹

¹ River Watch notes the violations identified in this Notice are not addressed in either the March 15, 2022 “Digitally signed” Settlement Agreement and Stipulation for Entry of Administrative Liability Order, or the October 30, 2024 “Digitally signed” Amended Administrative Civil Liability Complaint No. R1-2023-0033A in the Matter of Tom Cooke Memorial Wastewater Treatment Plant, Fortuna Municipal Wastewater Treatment Facility, Humboldt County.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes the City, which has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition such that violation of a permit limit places a discharger in violation of the CWA. River Watch alleges the City is in violation of the CWA by violating the terms of its NPDES Permit.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency (“EPA”) to a state or to a regional regulatory agency provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board (“SWRCB”) and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the City’s operations in the region at issue in this Notice is the RWQCB.

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute’s permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce the City’s compliance with the CWA.

NOTICE REQUIREMENTS

The City’s NPDES Permit requires that it comply with the RWQCB Basin Plan which provides that collection, treatment, storage, and disposal systems shall be operated in a manner that precludes endangerment to the public or the environment from contact with wastewater.

In accordance with 40 C.F.R. § 122.41(e), the City’s NPDES Permit contains the following standard condition:

“The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this [Permit]. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this [Permit] (40 C.F.R. § 122.41(e)).” NPDES Permit Attachment D (Standard Provisions), Section I (Standard Provisions – Permit Compliance), Subsection D (Proper Operation and Maintenance).

All dischargers are required to operate and maintain wastewater collection, treatment, and disposal facilities in a manner to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate

and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the discharger's service responsibilities.

Based on a review of the City's information and reports, the City has failed to properly operate and maintain the Facility and associated collection system to achieve compliance with the terms of its NPDES Permit. Specifically, the City has failed to adequately assess the condition of, and undertake timely repair or replacement of, certain force mains, gravity sewer pipes, pump stations, outfalls, and transport and storage structures, despite awareness that the infrastructure is leaking, past its useful life, or otherwise requires replacement or repairs.

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. Standard, Limitation, or Order Alleged to Have Been Violated

The order which is the subject of this Notice is NPDES No. CA0022730, "*Waste Discharge Requirements for the City of Fortuna, Municipal Wastewater Treatment Plant, Humboldt County*" ("NPDES Permit"). River Watch has identified specific violations of the NPDES Permit including violations of receiving water limitations, effluent limitations, and raw sewage discharges, in addition to failure by the City to either comply with or provide evidence that it has complied with all the terms of the NPDES Permit.

2. Activity Alleged to Constitute a Violation

River Watch contends the City has violated the Act as described in this Notice, and contends these violations are continuing or have a likelihood of occurring in the future.

A. Violations of Effluent Limitations and Discharge Prohibitions

The City's NPDES Permit prohibits it from causing a violation of any applicable water quality standard for waters of the United States adopted by the RWQCB or the EPA as required by the CWA and applicable regulations. A water quality standard consists of a beneficial use designation for a water body and an associated water quality objective to protect that use designation. 33 U.S.C. § 1313(c); 40 C.F.R. § 131. Water quality objectives can be numeric, such as a limit or level of constituents or pollutants, or narrative, such as a condition that a water body must meet.

At all times relevant to this Notice, the RWQCB and EPA have adopted water quality standards for the waters of the United States into which sanitary sewer overflows ("SSOs") or effluent are discharged. The RWQCB sets forth its standards in its Basin Plan, and the EPA sets forth its standards in the California Toxics Rule ("CTR") 40 C.F.R. § 131.38. River Watch has identified both SSOs and effluent violations of the City's NPDES Permit and the Basin Plan. Each exceedance of a water quality objective is a separate violation of the CWA.

River Watch's review of the City's Self-Monitoring Reports identifies violations of effluent limitations imposed under NPDES Permit Section 4 (Table 4. Final Effluent Limitations):

pH Daily Minimum, Nitrate, Total (as N), Settleable Solids, Dichlorobromomethane, Annual SMR, (MONNPDES), Total Coliform, Ammonia Total (as N), and Chlorine. River Watch further observes that the City fails to include its effluent compliance in its reporting to the California Integrated Water Quality System (“CIWQS”). A full listing of the violations is provided with this Notice (**Attachment A**).

In addition to the above, River Watch notes that from May 15 to September 30, treated effluent is discharged from the Facility through Discharge Point 003 into two (2) parallel percolation ponds adjacent to the Eel River. Historically, Discharge Point 003 was considered a discharge to land. RWQCB staff has found that the percolation ponds are below the mean highwater mark of the Eel River and that water has been seen surfacing from groundwater into the percolation ponds. For these reasons, the percolation ponds are considered hydrologically connected to the Eel River and are subject to Final Effluent Limitations in the NPDES Permit (*see* Section IV.A.1.) and violate Section III.I which provides that “The discharge of waste to the Eel River and its tributaries is prohibited during the period from May 15 through September 30 of each year.”

B. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

Compliance with the Receiving Water Limitations specified in NPDES Permit Section V is essential to ensuring no prohibited pollution unreasonably affects the beneficial uses of the Eel River and its tributaries. In order to protect these beneficial uses, the City is required by its NPDES Permit to ensure that discharges shall not cause the listed limitations to be exceeded. River Watch finds insufficient information in the public record demonstrating the City has monitored for and complied with these receiving water standards.

C. SSOs, Inadequate Reporting of Discharges, Failure to Warn, Failure to Mitigate Impacts, Wastewater Collection System Subsurface Discharges, Failure to Maintain Adequate Contingency Plan and Spill Prevention Plan

River Watch is understandably concerned as to the effects of both surface and underground SSOs on critical habitat in and around the diverse and sensitive ecosystem of the Facility. The NPDES Permit lists the “Basin Plan Beneficial Uses” (Attachment F – Fact Sheet, Table F-4), of the Lower Eel River within the Ferndale Hydrologic Subarea of the Lower Eel River Hydrologic Area) - a water of the United States. The NPDES Permit allows the direct discharge of fully treated effluent to Strongs Creek a tributary of the Eel River from October 1 through May 14 of each year. The discharge of waste to the Eel River and its tributaries is prohibited during the period May 15 through September 30 of each year.

1. SSOs

SSOs, in which untreated sewage is discharged above ground from the wastewater collection system prior to reaching the Facility, are alleged to have occurred both on the dates identified in the CIWQS Interactive Public SSO Reports and on the dates when no reports were submitted to CIWQS by the City, all in violation of the CWA.

Numerous causes for SSOs include storm water inflow and/or groundwater infiltration (I/I), defects in sewer lines, root intrusion, and blockages due to grease and rags. Currently, the City's wastewater collection system has insufficient capacity to handle peak wet weather flows. During heavy storms, the system becomes surcharged and untreated sewage overflows at various locations eventually draining to the Eel River. These SSOs impact the water quality and beneficial uses of these waters of the United States. Possible adverse effects on water quality and beneficial uses as a result of SSOs include:

- Adverse impacts to fish and aquatic biota caused by bio-solids deposition, oil and grease, and toxic pollutants common in sewage (such as heavy metals, pesticides, personal care products, and pharmaceuticals).
- Creation of a localized toxic environment in the water column as the result of the discharge of oxygen-demanding pollutants that lower dissolved oxygen, and elevated ammonia concentration which is a fish toxicant.
- Impairment of water contact recreation and non-contact water recreation and harm to fish and wildlife as a result of elevated bacteria levels including pathogens.

A review of the City's CIWQS Spill Public Report – Summary Page (Attachment B) identifies **46 SSOs**, resulting in **759,595** gallons of raw sewage discharged into the environment. Of this total volume, the City acknowledges at least **277,778** gallons, or **36%** of the total, reached a surface water. River Watch observes that the City's CIWQS reporting may be inaccurate in that the City reports that 367,460 gallons were recovered with 277,778 gallons having discharged to surface waters – 84% of the total volume spilled. That appears to leave 114,337 gallons of raw sewage unaccounted for which can be assumed to have discharged to surface waters. As such, a review of the City's records would indicate an even greater percentage of SSOs reached a drainage to a surface water or a surface water itself, posing both a nuisance pursuant to Calif. Water Code § 13050(m), and an imminent and substantial endangerment to public health and the environment.

The City's CIWQS SSO Spill Public Report – Spill Event ID(s) Page (Attachment C) specifically details the Category 1 SSOs reported in the past five (5) years having reached a surface water of the United States.

2. Inadequate Reporting of Discharges

The City's NPDES Permit requires full and complete reporting of SSOs as essential to gauging their impact on public health and the environment. The City's SSO Reports, which should reveal critical details about each of these SSOs, lack responses to specific questions that would identify the causes and the potential repairs ensuring these violations would not recur. In addition, River Watch's expert believes many of the SSOs reported by the City as partially reaching a surface water did so in greater volume than stated. River Watch's expert also believes that a careful reading of the time when the City received notification of an SSO, the time of its response, and the time at which the SSO ended, too often appear as unlikely estimations.

River Watch members have witnessed several sections of the City's wastewater collection system inundated by flooding in which diffusion causing SSOs occurred. The City, however, has not reported these SSOs in its CIWQS reports.

3. Failure to Warn

The City is required by its NPDES Permit to inform and notify the public of all relevant times when and where SSOs or effluent exceedances occur, particularly when the public could come into contact with sewage or poorly treated effluent. Compliance with public notification requirements is essential to alerting the public as to the risks present in water contact areas while people are recreating, and to prevent individuals from coming into contact with untreated sewage which poses a risk of gastrointestinal illness, respiratory illness, and eye, ear, skin, and wound infections.

Specifically, the City is required, and has been required at all times relevant to this Notice, to post warning signs at public locations where water contact recreation occurs whenever an SSO takes place that could affect recreational users at those locations. Based on the analysis of the City's reporting, River Watch contends the City is understating the significance of the impacts of its SSOs by failing to uniformly post visible health warning signs for discharges reaching a surface water.

4. Failure to Mitigate Impacts

NPDES Permit Attachment D (Standard Provisions), Section 1 (Standard Provisions – Permit Compliance), Subsection 1.C (Duty to Mitigate) states: “*The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)*”

River Watch contends the City is failing to adequately mitigate the impacts of its SSOs. In addition to compliance with the requirements of its NPDES Permit, the City is subject to the requirements of the *General Requirements for Sanitary Sewer Systems, Statewide Waste Discharge Requirements*, Order WQ 2022-0103-DWQ (“Statewide WDR”), governing the operation of sanitary sewer systems. The Statewide WDR requires the City to take all feasible steps, and perform necessary remedial actions, following the occurrence of an SSO including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

In addition to the requirements of the Statewide WDR, River Watch contends a critical remedial measure of compliance with the CWA is the performance of adequate sampling to determine the nature and impacts of SSOs on the environment. Underestimating SSOs which reach surface waters as identified in this Notice must be addressed by the City. The EPA's *Report to Congress on the Impacts and Control of CSOs and SSOs* (EPA 833-R-04-001) identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. River Watch finds no record indicating the City has performed any analysis of the impact of its SSOs on aquatic or

wildlife habitat, nor any evaluation of the measures needed to restore water bodies designated as habitat from the impacts of SSOs.

5. Wastewater Collection System Subsurface Discharges

It is a well-established fact that exfiltration caused by pipeline cracks, and other structural defects in a collection system result in discharges to adjacent surface waters via underground hydrological connections. River Watch is concerned by the absence in the public record of reports by the City confirming that no untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in the City's wastewater collection system into groundwater hydrologically connected to surface waters including, but not limited to, the Eel River. Surface waters become contaminated with pollutants including human pathogens. Chronic failures in a collection system pose a substantial threat to public health.

Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage. Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as tests of waterways adjacent to sewer lines for nutrients, human pathogens, and other human markers such as caffeine. Any exfiltration found is a violation of the City's NPDES Permit and therefore a violation of the CWA.

6. Failure to Maintain Adequate Contingency Plan and Spill Prevention Plan

The City's NPDES Permit requires the City to maintain a Contingency Plan for its wastewater collection system in order to ensure that existing facilities and appurtenances remain in, or are rapidly returned to, operation in the event of a process failure or emergency incident. The NPDES Permit requires the City to include provisions in its Contingency Plan related to: emergency standby power; expeditious action to repair failures of, or damage to, equipment and sewer lines; and, programs for maintenance, replacement and surveillance of physical condition of equipment, facilities and sewer lines.

The City's NPDES Permit requires the City to maintain a Spill Prevention Plan in order to prevent accidental discharges from the collection system and minimize the effects of such discharges. This provision requires the City to identify possible sources of accidental discharges, untreated or partially treated waste bypass, and polluted drainage; evaluate the effectiveness of present facilities and procedures; predict the effectiveness of any proposed facilities and procedures; and provide an implementation schedule containing interim and final dates when the proposed facilities and procedures will be constructed, implemented, or operational.

The City's NPDES Permit requires that the City's collection, treatment, storage, and disposal systems shall be operated in a manner that precludes public contact with wastewater.

At all times relevant to this Notice, the City's Contingency Plan failed to satisfy these requirements by omitting provisions related to emergency standby power; expeditious action to repair failures of, or damage to, equipment and sewer lines; or programs for maintenance of integral assets such as pump stations, gravity sewer mains, and force mains. For example, the City's Contingency Plan does not describe any specific procedures to ensure that assets such as

pump stations, gravity mains, or force mains are expeditiously repaired and returned to service. In addition, the Contingency Plan includes no specific procedures, whether through stockpiling of necessary physical resources to permit quick repairs or through specific training, to prepare for different reasonably foreseeable failure scenarios, such as earthquakes, electrical outages and the like.

At all times relevant to this Notice, the City's Contingency Plan failed to satisfy the requirements of the City's NPDES Permit as a result of its failure to contain adequate spill response measures to preclude public contact with wastewater.

At all times relevant to this Notice, the City's Spill Prevention Plan failed to satisfy the requirements of the City's NPDES Permit because it failed to identify possible sources of accidental discharge, untreated or partially treated waste bypass, and polluted drainage; failed to evaluate the effectiveness of present facilities and procedures and state when they became operational; failed to predict the effectiveness of the proposed facilities and procedures; and failed to provide an implementation schedule containing interim and final dates when the proposed facilities and procedures will be constructed, implemented, or operational.

3. The Person or Persons Responsible for the Alleged Violation

The entity responsible for the alleged violations identified in this Notice is the City of Fortuna and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

4. The Location of the Alleged Violation

The locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the City which relate to the Facility and associated wastewater collection system, as further described in this Notice.

5. Range of Dates During Which the Alleged Activity Occurred

The range of dates covered by this Notice is June 6, 2020, to the present. This Notice also includes all violations of the CWA by the City which occur after the range of dates covered by this Notice up to and including the time of trial. Some violations are continuous, and therefore each day constitutes a violation.

6. Name, Address, and Telephone Number of the Person Giving Notice

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. Its headquarters and main office are located in Sebastopol. Its mailing address is 290 South Main Street, #817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and ground waters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email at US@criverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed to the following counsel:

Jack Silver, Esq.
Law Office of Jack Silver
708 Gravenstein Hwy. North, #407
Sebastopol, CA 95472
Tel. (707) 528-8175
Email: jsilverenvironmental@gmail.com

David Weinssoff, Esq.
Law Office of David J. Weinssoff
138 Ridgeway Avenue
Fairfax, CA 94930
Tel. (415) 460-9760
Email: david@weinssofflaw.com

RECOMMENDED REMEDIAL MEASURES

River Watch looks forward to meeting with the City's staff to tailor remedial measures to the specific operation of the Facility and associated wastewater collection system. In advance of that conversation, River Watch identifies the following general remedial categories that will advance compliance with the CWA and the Basin Plan, and help economize the time and effort the parties need to resolve their concerns:

1. A full condition assessment of the wastewater collection system including setting timelines for repairing or replacing significantly defective assets such as sewer lines, maintenance holes and pump/lift stations.
2. Mitigation of the effects of SSOs.
3. Adequate public and worker safety, including protocols to minimize exposure to infectious vectors.
4. An agreement to continue to not use chemical root control.
5. Repairs to the treatment system to eliminate ongoing effluent violations.
6. Consideration of a Supplemental Environmental Project in lieu of penalties.
7. In the event the City intends to provide municipal sewage as fertilizer, the advance initiation of monitoring for PFAS (per- and polyfluoroalkyl substances) commonly referred to as "Forever Chemicals," consistent with EPA, SWRCB, and RWQCB requirements.
8. Investigate and report on use of Bio-Organic Catalyst (see <https://bio-organic.com/wastewater-treatment-collection-systems/>) for wastewater treatment, anaerobic digestion, nontoxic cleaning, and management of organic wastes.
9. Consistent with Article X, Section 2 of the California Constitution and California Water Code Section 100 which prevents the waste or unreasonable use of water, implementation of programs and projects providing for the recycling and/or reuse of treated wastewater.

CONCLUSION

The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, fishing, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by the alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$68,445.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** notice period to promote resolution of disputes. River Watch strongly encourages the City to contact counsel for River Watch within **20 days** after receipt of this Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen’s suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,



Jack Silver

:JS

Attachments

Service List – *Via U.S. Mail*

Lee M. Zeldin - Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Mail Code 1101A
Washington, D.C. 20460-0002

Josh F.W. Cook - Regional Administrator
U.S. Environmental Protection Agency
Pacific Southwest, Region 9
75 Hawthorne St.
Mail Code ORA-1
San Francisco, CA 94105-3941

Eric Oppenheimer - Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

ATTACHMENT A

[California Home](#)



California Integrated Water Quality System Project (CIWQS)

Facility At-A-Glance Report

[[VIEW PRINTER FRIENDLY VERSION](#)] [[EXPORT THIS REPORT TO EXCEL](#)]

SEARCH CRITERIA: [[REFINE SEARCH](#)] [[NEW SEARCH](#)] [[GLOSSARY](#)]
Place ID **225089**

General Information						
Region	Place ID	Place Name	Place Type	Place Address	Place County	
1	225089	Fortuna City WWTP	Wastewater Treatment Facility	180 Dinsmore Fortuna, CA, 95540-9556	Humboldt	

Related Parties						
Party	Party Type	Party Name	Role	Classification	Relationship Start Date	Relationship End Date
646373	Person	Matthew Kevin Rogers	Is A Data Submitter For		07/23/2024	
603407	Organization	Christopher Christianson	Interested Party	Private-Individual	10/10/2019	
498376	Person	Christopher Christianson	Is Onsite Manager For		08/15/2019	
537780	Person	Andrew Bowles	Is Onsite Manager For		06/23/2017	
541386	Person	Merritt Perry	Contact		06/29/2015	
550103	Person	Charles E. Roberts	Is Onsite Manager For		02/17/2015	
538111	Person	Douglas Culbert	Is Onsite Manager For		01/07/2013	06/05/2019
537780	Person	Andrew Bowles	Is A Data Submitter For		04/30/2012	06/23/2017
525498	Person	George H. Brenard	Is Onsite Manager For		12/30/2010	11/29/2012
520180	Person	Dennis Ryan	Contact		02/01/2010	
141217	Person	Bruce Gehrke	Contact		06/17/2005	
16475	Organization	Fortuna City	Owner	City Agency	06/27/2000	
Total Related Parties: 12						

Regulatory Measures									
Reg Measure ID	Reg Measure Type	Region	Program	Order No.	WDID	Effective Date	Expiration Date	Status	Amended?
440254	Co-Permittee	SB	SLIC	2020-0015-DWQ	1B83135OHUM	07/09/2020		Active	N
401784	NPDES Permit	1	NPDMUNILRG	R1-2017-0005	1B83135OHUM	11/01/2017	10/30/2022	Active	N
372927	NPDES Permit	1	NPDMUNILRG	R1-2011-0004	1B83135OHUM	01/27/2011	01/26/2016	Historical	N
333098	NPDES Permit	1	NPDMUNILRG	R1-2007-0007	1B83135OHUM	09/13/2007	09/12/2012	Historical	N
148165	NPDES Permit	1	NPDMUNILRG	R1-2001-0041	1B83135OHUM	04/26/2001	04/26/2006	Historical	N
139883	WDR	1	WDRMUNILRG	98-08801	1B83135OHUM	08/26/1998	08/26/2013	Historical	N
138326	NPDES Permit	1	NPDMUNILRG	94-024	1B83135OHUM	09/22/1994	09/22/1999	Historical	N
137834	NPDES Permit	1	NPDMUNILRG	88-128	1B83135OHUM	09/28/1988	09/28/1993	Historical	N
137444	NPDES Permit	1	NPDMUNILRG	83-135	1B83135OHUM	11/29/1983	11/29/1988	Historical	N
Total Reg Measures: 9									

Violations							
Violation ID	Occurred Date	Violation Type	(-) Violation Description	Corrective Action	Status	Classification	Source
1141837	02/03/2025	OEV	pH Daily Minimum limit is 06.5 SU and reported value was 06.2 SU at M-001.	made repairs to faulty pump	Violation	U	eSMR
1141838	01/22/2025	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 38 mg/L at M-001.	Fortunately, the City continues working with consultant engineers on a treatment plant upgrade, which will add denitrification. Until then, nitrate exceedances will remain a constant threat.	Violation	U	eSMR

1139094	12/10/2024	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 38 mg/L at M-001.	The city continues to work with consulting engineers on a treatment plant upgrade to include denitrification.	Violation	U	eSMR
1139095	10/08/2024	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 35 mg/L at M-003.	The city continues working with consulting Engineers on a treatment plant upgrade to include denitrification.	Violation	U	eSMR
1134337	09/30/2024	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 39 mg/L at M-003.	Staff continue to struggle with exceedances of nitrate in the effluent. The plant is well designed and operated at nitrifying, but has no means to denitrify. This often results in excessive nitrate levels in the effluent, as shown during each month of this quarter. Fortunately, the City continues working with consultant engineers on a treatment plant upgrade, which will add denitrification. Until then, nitrate exceedances will remain a constant threat.	Violation	U	eSMR
1134340	09/30/2024	CAT1	Settleable Solids Monthly Average limit is 0.1 ml/L and reported value was 0.125 ml/L at M-003.	After the 0.2 result staff cleaned contact basins and secondary weirs	Violation	U	eSMR
1134335	09/30/2024	CAT2	Dichlorobromomethane Monthly Average limit is 0.56 ug/L and reported value was 0.84 ug/L at M-003.	upon investigation staff discovered the ratio of cl2 to nh3 was out of range for Chloramination staff adjusted chemicals to bring the plant back into Chloramination.	Violation	U	eSMR
1134338	08/31/2024	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 37 mg/L at M-003.	Staff continue to struggle with exceedances of nitrate in the effluent. The plant is well designed and operated at nitrifying, but has no means to denitrify. This often results in excessive nitrate levels in the effluent, as shown during each month of this quarter. Fortunately, the City continues working with consultant engineers on a treatment plant upgrade, which will add denitrification. Until then, nitrate exceedances will remain a constant threat.	Violation	U	eSMR
1134336	08/13/2024	CAT2	Dichlorobromomethane Monthly Average limit is 0.56 ug/L and reported value was 0.87 ug/L at M-003.	staff adjusted nh3 to cl2 ratio	Violation	U	eSMR
1134339	07/31/2024	CAT1	Settleable Solids Monthly Average (Mean) limit is 0.1 ml/L and reported value was 0.13 ml/L at M-003.	after the 0.2 staff cleaned contact basins and secondary clarifier wier	Violation	U	eSMR
1129538	06/30/2024	CAT1	Settleable Solids Monthly Average (Mean) limit is 0.1 mg/L and reported value was 0.15 mg/L at M-003.	as stated for the 06/24/24 violation staff adjusted operations to bring plant into compliance	Violation	B	eSMR
1129539	06/24/2024	CAT1	Settleable Solids Maximum Daily (MDEL) limit is 0.2 mg/L and reported value was 0.3 mg/L at M-003.	staff adjusted mixed liquor to improve settling and cleaned contact basins and clarifier	Violation	B	eSMR
1125041	03/02/2024	LREP	Annual SMR (MONNPDES) report for 2023 (2673454) was due on 01-MAR-24		Violation	B	Report
1123391	11/14/2023	OEV	Total Coliform Maximum Daily (MDEL) limit is 230 MPN/100 mL and reported value was 350 MPN/100 mL at M-003.	staff adjusted disinfection	Violation	B	eSMR
1123390	10/10/2023	CAT1	Nitrate, Total (as N) Monthly Average limit is 032 mg/L and reported value was 033 mg/L at M-003.	the city continues working with consultant engineers on a treatment plant upgrade, which will include denitrification.	Violation	B	eSMR
1120974	09/12/2023	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 38 mg/L at M-003.	The City of Fortuna is working on upgrading its WWTP to better remove nitrate in the effluent.	Violation	B	eSMR
1120975	08/31/2023	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 44 mg/L at M-003.	The City of Fortuna is working on upgrading its WWTP to better remove nitrate in the effluent.	Violation	B	eSMR
1120977	07/31/2023	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 43 mg/L at M-003.	The City of Fortuna is working on upgrading its WWTP to better remove nitrate in the effluent.	Violation	B	eSMR
1120973	07/31/2023	CAT1	Settleable Solids Monthly Average limit is 0.1 ml/L and reported value was 0.2 ml/L at M-003.	Adjusted aeration rates in the MLSS to fine-tune biological nitrification-denitrification.	Violation	B	eSMR
1120976	07/10/2023	CAT1	Settleable Solids Daily Maximum limit is 0.2 ml/L and reported value was 0.4 ml/L at M-003.	Adjusted aeration rates in the MLSS to fine-tune biological nitrification-denitrification.	Violation	B	eSMR

1118688	06/30/2023	CAT1	Settleable Solids Monthly Average limit is 0.1 ml/L and reported value was 0.225 ml/L at M-003.	Staff altered solids-wasting schedules and fine-tuned the plant solids-balance to enhance proper settling in the secondary clarifiers. Staff also manipulated the number of secondary clarifiers in operation.	Violation	B	eSMR
1118687	06/06/2023	CAT1	Settleable Solids Maximum Daily (MDEL) limit is 0.2 ml/L and reported value was 0.5 ml/L at M-003.	Staff continued operations to correct the plant solids balance and enhance treatment conditions to enable better settling in the secondary clarifiers.	Violation	B	eSMR
1118686	05/30/2023	CAT1	Settleable Solids Daily Maximum limit is 0.2 ml/L and reported value was 0.5 ml/L at M-003.	Plant staff added a second secondary clarifier online and decreased sludge-wasting. This allowed for increased settling prior to the chlorine contact chambers. The reduction of sludge-wasting allowed for solids build-up and recuperation in the MLSS.	Violation	B	eSMR
1112480	11/29/2022	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 37 mg/L at M-003.	Excessive nitrate levels will remain a constant threat in the effluent until the City upgrades the treatment plant to add denitrification infrastructure.	Violation	B	eSMR
1109356	07/11/2022	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 33 mg/L at M-003.	Excessive nitrate levels will remain a constant threat until the City upgrades the treatment plant to add denitrification.	Violation	B	eSMR
1106085	06/16/2022	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 35 mg/L at M-003.	The plant is in the design phase of upgrading its treatment process for denitrification. This will result in the future removal of nitrate in the effluent.	Violation	B	eSMR
1106086	05/31/2022	OEV	Total Coliform 30-Day Median limit is 23 MPN/100 mL and reported value was 49 MPN/100 mL at M-003.	Staff increased the chlorine dosage feed-rate to improve disinfection.	Violation	B	eSMR
1106084	05/19/2022	CAT2	Dichlorobromomethane Monthly Average limit is 0.56 ug/L and reported value was 0.92 ug/L at M-003.	Staff will continue to closely monitor chemical feed-rates and treatment efficiency to inhibit the formation of disinfection byproducts in the effluent.	Violation	B	eSMR
1102927	03/03/2022	DMON	Due to an over-depletion of DO in the lab dilution water, City lab staff invalidated the effluent BOD result for the first week of March.	City lab staff corrected the issue with the lab dilution water.	Violation	B	eSMR
1102926	03/03/2022	DMON	Due to an over-depletion of DO in the lab dilution water, City lab staff invalidated the influent BOD result for the first week of March.	City lab staff corrected the issue with the lab dilution water.	Violation	B	eSMR
1095607	07/13/2021	CAT1	Ammonia, Total (as N) Monthly Average limit is 9.4 mg/L and reported value was 9.7 mg/L at M-003.	The City of Fortuna is upgrading its WWTP to better control treatment for nutrient removal, such as ammonia. This will occur in the next few years.	Violation	B	eSMR
1092053	04/30/2021	OEV	Total Coliform Monthly Median limit is 23 MPN/100 mL and reported value was 214.5 MPN/100 mL at M-001.	Staff will adjust chemical feed to meet any possible effects of future plant process changes.	Violation	B	eSMR
1092052	04/26/2021	OEV	Total Coliform Single Sample Maximum limit is 240 MPN/100 mL and reported value was 350 MPN/100 mL at M-001.	Staff will adjust chemical feed to meet any possible effects of future plant process changes.	Violation	B	eSMR
1092051	04/20/2021	OEV	Total Coliform Single Sample Maximum limit is 240 MPN/100 mL and reported value was 350 MPN/100 mL at M-001.	Staff will adjust chemical feed to meet any possible effects of future plant process changes.	Violation	B	eSMR
1092054	04/13/2021	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 37 mg/L at M-001.	The plant is under a Time Schedule Order to upgrade its ability to remove ammonia and nitrate. This will occur before the end of 2024.	Violation	B	eSMR
1088517	02/19/2021	CAT2	Chlorine, Total Residual Maximum Daily (MDEL) limit is 0.02 mg/L and reported value was 0.03 mg/L at M-001.	Staff changed out the SO2 ton tank as soon as their shift began. In the future, a preemptive SO2 ton tank changeout will occur before it can empty after hours and switch over to the 150# cylinders under such high flow conditions.	Violation	B	eSMR
1083797	12/08/2020	OEV	Total Coliform Maximum Daily (MDEL) limit is 240 MPN/100 mL and reported value was 350 MPN/100 mL at M-003.	Staff increased chlorine feed until they resolved the turbid effluent situation that caused the high coliform count.	Violation	B	eSMR
1083796	10/13/2020	CAT1	Ammonia, Total (as N) Monthly Average limit is 9.4 mg/L and reported value was 19 mg/L at M-003.	Staff took better control of the biological nitrification process to prevent any further ammonia violations this quarter.	Violation	B	eSMR
1080183	09/09/2020	CAT1	Ammonia, Total (as N) Monthly Average limit is 9.4 mg/L and reported value was 15 mg/L at M-003.	Probable causes include lack of adequate nitrification in the treatment process or excessive chloramination. More attention to the nitrification process and ammonia feed will occur in the future.	Violation	U	eSMR

1080184	08/20/2020	DMON	The required weekly influent BOD test was disqualified due to a potential lab error. There was no depletion of oxygen in the BOD bottles.	Staff will pay closer attention to lab activities to ensure no possible errors in the future.	Violation	U	eSMR
1076855	06/09/2020	CAT1	Nitrate, Total (as N) Monthly Average limit is 32 mg/L and reported value was 36 mg/L at M-003.	The plant will be upgraded in the near future to include de-nitrification infrastructure to remove nitrate.	Violation	U	eSMR

Report displays most recent five years of violations. Refer to the [Interactive Violation Report](#) for more data.

Total Violations: 41

Priority Violations: 0

*Click the "(+/-) Violation Description" link to expand and contract the violation description.

*As of 5/20/2010, the Water Board's Enforcement Policy requires that all violations be classified as 1, 2 or 3, with class 1 being the highest. Prior to this, violations were simply classified as Yes or No. If a 123 classification has been assigned to a violation that occurred before this date, that classification data will be displayed instead of the Yes/No data.

Violation Types

CAT1 = Category 1 Pollutant (Effluent Violation for Group 1 Pollutant)

CAT2 = Category 2 Pollutant (Effluent Violation for Group 2 Pollutant)

DMON = Deficient Monitoring

LREP = Late Report

OEV = Other Effluent Violation



Enforcement Actions

<u>Enf Id</u>	<u>Enf Type</u>	<u>Enf Order No.</u>	<u>Effective Date</u>	<u>Status</u>
459001	Admin Civil Liability	R1-2023-0033A	10/30/2024	Active
452553	Admin Civil Liability	R1-2023-0033	05/08/2023	Active
447009	Admin Civil Liability	R1-2021-0044	03/15/2022	Active
422368	Admin Civil Liability	R1-2018-0010	05/23/2018	Historical
416827	Time Schedule Order	R1-2017-0026	11/01/2017	Active
415924	Admin Civil Liability	R1-2017-0016	04/04/2017	Historical
390007	Notice of Violation		04/24/2013	Historical
378764	Admin Civil Liability	R1-2011-0050	08/13/2012	Historical
377659	13267 Letter	R1-2011-0034	02/17/2011	Historical
348233	Notice of Violation	R1-2008-0082	06/27/2008	Historical
345113	Admin Civil Liability	R1-2009-0041	04/10/2008	Historical
333836	Oral Communication		10/17/2007	Historical
309295	Admin Civil Liability	R1-2006-0005	01/04/2006	Historical
248239	Staff Enforcement Letter		08/19/2002	Historical
249253	Oral Communication		07/01/2002	Historical
239757	Staff Enforcement Letter		12/19/2001	Historical
235443	Oral Communication		02/20/2001	Historical
226632	Oral Communication		08/02/2000	Historical
226629	Oral Communication		08/02/2000	Historical
224048	Staff Enforcement Letter		05/29/1998	Historical
220192	Cease and Desist Order	LT980529	05/22/1997	Active
223005	Cease and Desist Order	94-114	09/22/1994	Historical
219226	Admin Civil Liability	85-005	12/05/1985	Historical
219225	Formal Refer to Attorney Gen	85-013	12/05/1985	Historical

Total Enf Actions: 24



Inspections

<u>Inspection ID</u>	<u>Inspection Type</u>	<u>Lead Inspector</u>	<u>Actual End Date</u>	<u>Planned</u>	<u>Violations</u>	<u>Attachment</u>
58608048	B Type compliance inspection	Erin Mustain	08/27/2024	N	0	Download
52246654	B Type compliance inspection	Justin C. McSmith	06/30/2023	N	0	N/A
45244290	B Type compliance inspection	Jake Albright	06/08/2021	N	0	[Attachments]
41508127	B Type compliance inspection	Justin C. McSmith	08/21/2019	N	0	N/A
36455064	A Type compliance inspection	Justin C. McSmith	01/18/2019	N	0	N/A
15632713	B Type compliance inspection	Lisa Bernard	11/06/2013	N	0	N/A
11930962	A Type compliance inspection	Cathleen A. Goodwin (Multiple)	03/13/2013	N	1	[Attachments]
8597869	B Type compliance inspection	Lisa Bernard	06/06/2012	N	0	[Attachments]
4787961	B Type compliance inspection	Lisa Bernard	06/15/2011	N	0	N/A
4498372	Field Oversight	Lisa Bernard	01/13/2011	N	0	N/A
2475220	A Type compliance inspection	Lisa Bernard	05/26/2010	N	0	N/A
1674572	A Type compliance inspection	Lisa Bernard	03/12/2009	N	0	[Attachments]
1350360	A Type compliance inspection	Lisa Bernard	03/26/2008	N	0	[Attachments]
1008181	A Type compliance inspection	Lisa Bernard	02/22/2007	N	0	N/A
1008540	B Type compliance inspection	Lisa Bernard	06/01/2006	N	0	N/A
338042	B Type compliance inspection	Lisa Bernard	03/03/2005	Y	0	N/A
335632	B Type compliance inspection	Lisa Bernard	08/24/2004	Y	0	N/A

ATTACHMENT B

California Home

Tuesday, May 27, 2025



California Integrated Water Quality System Project (CIWQS)

Spill Public Report – Summary Page

The information on this summary page is the result of your search. These results correspond to the following search criteria:

SEARCH CRITERIA: [\[REFINE SEARCH\]](#)

- Agency (Fortuna City)
- Spill Type (Category 1; Category 2; Category 3)

The information in this table does not include Category 4 spills, as defined in the Statewide Sanitary Sewer Systems General Order 2022-0103-DWQ (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf).

More information about the Spill Public Report is found at the bottom of this page.

[\[VIEW PRINTER FRIENDLY VERSION\]](#)

[\[EXPORT THIS REPORT TO EXCEL\]](#)

[\[EXPORT ALL SPILL DETAILS TO EXCEL\]](#)

Region	Responsible Agency	Sanitary Sewer System	WDID	Total Number of Spills	Total Volume of Spills (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered (%)	Percent Reached Surface Water (%)	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Number of Pump Stations	Operational Performance
1	Fortuna City	Fortuna City CS	1SSO10031	46	759,595	367,460	277,778	48	36	2.0	42.0	3.0	7	
				46	759,595	367,460	277,778			2.0	42.0	3.0	7.0	

When assessing the performance of sanitary sewer systems regulated under the Statewide Sanitary Sewer Systems General Order, it is important to review spill reports in detail. There may be multiple individual spill event IDs that share the same location.

The search results on this summary page present summary data from individual spill reports submitted in the online CIWQS Sanitary Sewer System Database, meeting the search criteria selected. To determine if spill reports relate to a common failure point within the sanitary sewer system, the spill reports should be reviewed in detail by selecting a number under the "Total Number of Spills" column, corresponding to a specific sanitary sewer system.

The "Responsible Agency", or Enrollee, listed on a spill report is responsible for the spill described and should be contacted directly for questions related to that incident.

The current report was generated with data entered by Enrollees on the previous day.

[Back to Main Page](#) | [Back to Top of Page](#)

© 2024 State of California.

ATTACHMENT C



California Integrated Water Quality System Project (CIWQS)

Spill Public Report – Spill Event ID(s) Page

Here is the detail page of your Sanitary Sewer System Spill Report search for selected Regional Board, county, responsible agency, or sanitary sewer system. These results correspond to the following search criteria:

SEARCH CRITERIA: [\[REFINE SEARCH\]](#)

- Region (1)
- Spill Type (Category 1; Category 2)
- Agency (Fortuna City)
- Agency (Fortuna City)

The table below presents important details from Enrollee-submitted certified spill events, as submitted through individual spill reports, which meet the search criteria selected on the Sanitary Sewer System (SSS) Spill Report Form. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire spill report, select the corresponding "Spill Event ID".

DRILLDOWN HISTORY: [\[GO BACK TO SUMMARY PAGE\]](#)
REGION: 1

[\[VIEW PRINTER FRIENDLY VERSION\]](#) [\[EXPORT THIS REPORT TO EXCEL\]](#)

Event ID	Region	Responsible Agency	Sewer System	WDID	Spill Category	Spill Start Date	Spill Vol (gal)	Spill Vol Recovered (gal)	Spill Vol Reached Surface Water (gal)	System Failure Location	Spill Appearance Point
854397	1	Fortuna City	Fortuna City CS	1SSO10031	Category 2	2018-12-16 10:03	6,060	100	0	Gravity Mainline	Lateral Clean Out (Private)
856442	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1	2019-02-25 13:00	13,875	0	13,875	Gravity Mainline	Gravity Mainline
856443	1	Fortuna City	Fortuna City CS	1SSO10031	Category 2	2019-02-25 07:50	5,020	100	0	spill came out of cleanout at 543 main	Lateral Clean Out (Private)
887096	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1	2023-03-14 10:50	17,150	12,000	5,150	Manhole	Manhole
892017	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1 Spill	2024-01-13 10:26	115,200	12,500	3,410	Manhole	Manhole
893221	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1 Spill	2024-01-31 12:20	23,500	13,000	10,000	Gravity Mainline, Manhole	Gravity Mainline, Manhole
898155	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1 Spill	2024-12-23 22:21	3,800	0	3,800	Pump station vault.	Pump Station
899448	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1 Spill	2025-02-03 12:00	18,000	0	18,000	Manhole	Manhole
899449	1	Fortuna City	Fortuna City CS	1SSO10031	Category 1 Spill	2025-02-03 11:00	42,750	29,000	13,750	Gravity Mainline, Manhole	Manhole

The current report was generated with data entered by Enrollees on the previous day.

[Back to Main Page](#) | [Back to Top of Page](#)