

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2010-0008

For

Violations of Waste Discharge Requirements Order No. R1-2003-0047 and
State Water Resources Control Board Order No. 2006-0003-DWQ

In the Matter of
City of Yreka
Wastewater Treatment Facility
WDID No. 1A84073OSIS

Siskiyou County

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), having received from the City of Yreka (Discharger) a waiver of the right to a hearing in the matter of discretionary penalties pursuant to Water Code section 13350, subdivision (e) for violations of prohibitions contained in Waste Discharge Requirements Order No. R1-2003-0047, and State Water Resources Control Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, which occurred between June 16, 2008 and March 31, 2009, and having received the Discharger's request for the opportunity to implement a Project in lieu of the penalty prescribed, finds the following:

1. The Discharger owns and operates wastewater collection, treatment, and disposal facilities (WWTF) for municipal wastewater from the City of Yreka. The Discharger discharges treated effluent to a 31-acre subsurface drip disposal field (Disposal Facility) located 800 feet north of the WWTF in NW¼ Section 14, T45N, R7W. The Discharger uses percolation ponds for excess flows during high inflow periods. The Discharger's wastewater collection system consists of approximately 50 miles of gravity pipeline, pressure mains, four pump stations, interceptor lines, collection lines, cleanouts, and manholes.
2. On May 15, 2003, the Regional Water Board issued Waste Discharge Requirements (WDRs) Order No. R1-2003-0047, governing discharges associated with the Discharger's WWTF, sewer collection system, and Disposal Facility.
3. On May 2, 2006, the State Water Resources Control Board adopted Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Wastewater Collection Agencies (General WDRs). On October 26, 2006, the Discharger enrolled for coverage under the General WDRs.
4. Among the provisions in the Discharger's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit self-monitoring reports to the Regional Water Board pursuant to Water Code section 13383. According to monitoring reports submitted by the Discharger, ten sewage spills occurred between June 16, 2008 and March 31, 2009. These spills

are violations subject to discretionary penalties contained in Water Code section 13350, subdivision (e).

5. Water Code section 13350, subdivisions (a) and (e), provide for the imposition of civil liability by the Regional Water Board and establish penalties for violations of waste discharge requirements; Water Code section 13327 requires that the Regional Water Board consider specific factors when determining the amount of civil liability.
6. The Regional Water Board may approve a settlement with the Discharger, which includes suspending a portion of the monetary liability assessment for completion of a Project. The Project should enable the Discharger to make capital or operational improvements beyond those required by law, and are separate from projects designed to merely bring a discharger into compliance.
7. On August 17, 2009, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2009-0055 assessing a penalty of \$20,685 for sanitary sewer overflows as described in Finding No. 4 above. On September 21, 2009, the Discharger waived its right to a public hearing and paid the sum of \$5,000 to the State Water Pollution Cleanup and Abatement Account (CAA). The Discharger's proposed Project, described in Finding 8, covers the outstanding balance of \$15,685.
8. In response to a previous ACLO, No. R1-2008-0101, issued on October 23, 2008, the Discharger paid \$10,750 to the CAA and embarked on a Project (2008 Project) to repair deficient sewer line at ten locations within its collection system to cover the remaining balance of \$25,750. One of the ten sites involved in the 2008 Project is a 30-foot segment of mainline along Yama Street. With assistance from a Community Development Block Grant and the Discharger's sewer funds, the Discharger expanded its plan for the Yama Street repair from thirty feet to seven hundred forty feet of sewer main line replacement, including new manholes and laterals, costing \$133,624. On September 18, 2009, the Discharger paid \$5,000 to the CAA, and in both September and October correspondence, the Discharger proposed to also apply the outstanding balance of \$15,685 associated with this Order towards the expanded Yama Street sewer replacement. The Discharger issued the Notice to Proceed for this Project on September 18, 2009; the new sewer line has been installed and placed in operation, and the Discharger completed the Project on October 23, 2009. The Yama Street Project should reduce the potential for blockages in the sewer lines, infiltration and inflow, and spilled sewage that may enter State waters such as Yreka Creek, the Shasta River, and the Klamath River.
9. Government Code section 11415.60, subdivision (a), states that an agency may formulate and issue a settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's proposal described in Finding 8 is a fair settlement of the ACLC and is in the interest of the public. The Discharger has shown sufficient funding to complete the Project, and the amount of the penalty suspended by this ACLO (\$15,685) does not exceed the amount spent on the Project (total Project cost is

approximately \$200,000). Regional Water Board staff have reviewed the proposed Project and believe it meets all the criteria specified in the Enforcement Policy. . Furthermore, the amount of the penalty suspended by this ACLO (\$15,685) and ACLO R1-2008-0101 (\$25,750) does not exceed the Discharger's obligated amount for the Project (Discharger's portion for the Project is \$133,624). The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.

10. On March 25, 2010, the Regional Board held a duly noticed public hearing on this matter at the Eureka Public Marina in Eureka, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
11. At the hearing, the Regional Water Board considered whether to affirm, reject or modify the Administrative Civil Liability Order and any other action appropriate because of the hearing.
12. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
13. Any person affected by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED pursuant to Water Code section 13385 that:

1. The Discharger shall be assessed the penalty of \$20,685. The Discharger has paid the sum of \$5,000 to the CAA to cover a portion of staff costs. The Discharger shall apply the remaining sum of \$15,685 towards its Project to upgrade the wastewater collection system along Yama Street. On October 23, 2009, the Project was completed. The Project cost approximately \$133,624, which fulfills the outstanding balance contained in this Order (\$15,685) as well as the outstanding balance of Order No. R1-2008-0101 (\$25,750). If the Executive Officer determines that the Discharger has completed the Project satisfactorily, the remaining penalty amount of \$15,685 shall be suspended. The sum of the cost of the Project and the amount paid to the CAA shall at least equal the amount of the full penalty. All payments, including money not used for the Project, must be payable to the CAA.
2. Within 45 days of this Order, the Discharger shall submit a Final Report describing the construction of the Project including description of project tasks and completion dates, sewer line testing results, and documentation of expenditures. Completion of the Project or payment of the suspended liability amount does not relieve the

Discharger of its obligation to take necessary actions to achieve compliance with WDRs.

3. Failure to meet the deadline above will result in the Discharger being required to pay the suspended \$15,685 penalty.
4. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

Certification

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on March 25, 2010.

Catherine Kuhlman
Executive Officer