

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

In the Matter of:)	
)	
City of Ferndale)	Order No. R1-2012-0025
Wastewater Treatment Plant)	for
834 Main Street)	Administrative Civil Liability
Ferndale, CA 95536)	
)	
Attn: Mr. Jay Parrish)	
City Manager)	

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds the following:

1. The City of Ferndale (Discharger) owns and operates a municipal wastewater treatment facility (WWTF) and associated wastewater collection, reclamation, and disposal facilities that serve a population of 1,457 residential and commercial users. The existing treatment system includes headworks with an influent lift station, an oxidation pond, a polishing pond, a chlorine contact basin, a dechlorination system, and effluent pumping. The existing facility is designed to treat an average dry-weather flow (ADWF) of 0.576 million gallons per day (mgd). The average annual flow at the existing WWTF between January 2007 and March 2009 was 0.43 mgd. During the winter, the WWTF discharges secondary treated domestic wastewater to Francis Creek, a water of the United States.
2. The Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R1-2008-0038 NPDES Permit No. CA 0022721 (Order No. R1-2008-0038) on June 12, 2008. This Order was replaced with Waste Discharge Requirements Order No. R1-2009-0036 (Order No. R1-2009-0036), effective on September 1, 2009.
3. On May 31, 2011, the Assistant Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R1-2011-0068 (Complaint) to the Discharger proposing to assess administrative civil liability in the amount of \$42,000 as the result of 19 violations of Order Nos. R1-2008-0038 and R1-2009-0036 incurred by exceeding effluent limitations. These violations are subject to mandatory minimum penalties pursuant to California Water Code (CWC) sections 13385 subdivision (h) and (i).
4. Subsequent to the issuance of the Complaint, and at the request of the Discharger, the Prosecution Team revisited one violation which allegedly occurred on December 27, 2010, and was associated with exceeding the limit for residual chlorination. The Discharger provided self-monitoring report and daily log documentation showing that this violation was an error. Upon review, the Prosecution Team determined that the alleged December 27, 2010 violation for exceeding chlorination residual was an error. For the purpose of settlement, and without adjudicated factual basis, the Parties agree to the dismissal of this one

alleged violation. Thus the administrative civil liability proposed in the Complaint is reduced by \$3,000 for a revised total of \$39,000.

5. On June 6, 2011, the Discharger waived its right to a public hearing within 90 days in order to enter into settlement discussions with the Regional Water Board and submitted a written statement that it intended to submit a compliance project (CP) proposal.
6. In a September 22, 2011 letter, the Discharger submitted a CP proposal that is designed to reduce infiltration and inflow (I/I) entering the Discharger's sewage collection system. Regional Water Board staff and the Discharger believe the violations contained in the Complaint are directly and indirectly related to excessive I/I. The CP consists of installing three manholes along 1500 feet of the sewer collection system that is currently inaccessible for cleaning or inspection. This section of the collection system is suspect, based on flow comparisons upstream and downstream, of excessive I/I. Access to this section will assist the Discharger in planning and implementing repairs and improvements. The cost of the CP is expected to be \$49,125. This CP is a project designed to prevent future noncompliance. Regional Water Board staff determined that the Discharger meets the requirements qualifying for a Compliance Project (CP) and that the CP, as proposed, meets the criteria established in the *State Water Resources Control Board's Enforcement Policy*.
7. On July 13, 2011, the project went out to bid and was awarded by the Discharger on August 4, 2011. The Discharger completed the CP by December 21, 2011 and submitted a certification of completion letter dated December 22, 2011 describing the work completed as well as documenting expenditures incurred by the Discharger. The Discharger's expenditures exceed the remaining liability amount of \$19,500. The CP work was performed by a qualified independent contractor, television-inspected by the Discharger's project inspector and determined to have been performed above standards set by the Discharger in the special provisions of the contract.
8. Government Code section 11415.60, subdivision (a) states that an agency may formulate and issue a decision by settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's payment of liability and completion of the CP described above is a fair settlement of the Complaint and is in the interest of the public. The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.
9. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California North Coast Regional Water Quality Control Board, that:

10. A total of \$39,000 in stipulated administrative civil liability shall be imposed against the Discharger. Of that amount, the Discharger shall pay \$19,500 in administrative civil liability, by check made payable to the State Water Resources Control Board Cleanup and Abatement Account, no later than 30 days following the Regional Water Board's adoption of this Order. The check shall reference Complaint No. R1-2011-0068 and shall be sent to the Regional Water Board at 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403.
11. The Discharger has expended \$19,500 on an acceptable CP. Therefore, a portion of the total penalty amount of \$19,500 shall be permanently suspended because the Regional Water Board determines that the Discharger has completed the CP satisfactorily.

Catherine Kuhlman
Executive Officer

January 24, 2012