

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION

In the Matter of:	)	
	)	
City of Ukiah	)	Order No. R1-2011-0109
Waste Wastewater Treatment Plant	)	for
300 Seminary Avenue	)	Administrative Civil Liability
Ukiah, CA 95482	)	
_____	)	

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

1. The City of Ukiah (Discharger) owns and operates the Ukiah Wastewater Treatment Facility (WWTF) that serves 15,000 residential, commercial, and institutional users in the City of Ukiah and 5,000 residential users served by the Ukiah Valley Sanitation District. Disinfected, tertiary treated wastewater can be discharged to the Russian River during winter months (October 1 to May 14). Year-round, disinfected secondary wastewater is discharged to percolation ponds adjacent to the Russian River.
2. The Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R1-2006-0049 (replacing WDR Order No. 99-65) on September 20, 2006. The WDRs became effective November 9, 2006, and serves as an NPDES permit under the Federal Clean Water Act.
3. On August 3, 2010, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2010-0070 (Complaint) to the Discharger proposing to assess administrative civil liability in the amount of \$130,768 for violations of effluent limitations while discharging to the Russian River that occurred between October 1, 2007 and May 31, 2010, and which are subject to minimum mandatory penalties contained in Water Code section 13385(h) and (i). Additionally, the Complaint alleged violations of effluent limitations while discharging to percolation ponds, violations of discharge prohibitions including discharges of secondary effluent and chlorinated effluent to the Russian River, violations associated with sanitary sewer overflows (SSOs), failure to provide technical reports, and deficient self-monitoring reports that occurred between January 1, 2007 and May 31, 2010, all of which were subject to discretionary penalties pursuant to Water Code sections 13385(c), 13268(b) and 13350(e).
4. On October 4, 2010, the Discharger waived its right to a public hearing in order to enter into settlement discussions with the Regional Water Board.
5. On January 18, 2011, the Discharger paid the sum of \$70,634 into the Cleanup and Abatement Account. In a letter accompanying the payment, the Discharger indicated that they wished to apply a portion of the liability (\$60,134) towards an Enhanced Compliance Action (ECA) to implement rehabilitation work on manholes and reline sewer pipe within its collection system. In a letter dated April 7, 2011, Regional Water Board staff acknowledged receipt of the Discharger's payment, concurred with the Discharger's general conceptual ECA proposal.

6. On April 20, 2011, the Discharger submitted a detailed ECA proposal which included rehabilitating specific areas of the sewer collection system with the goal of reducing or eliminating excessive infiltration/inflow and subsequently reducing sanitary sewer overflows. The ECA work consists of furnishing and installing cured-in-place pipe lining for sewer pipes, rehabilitating manholes, reinstating and grouting sewer lateral connections, and smoke testing.
7. In August 2010, the Discharger prepared a bid package with milestones and specifications for the ECA. The contract for the ECA was awarded October 8, 2010. The Discharger expedited the ECA and completed it within 180 days after awarding. On April 20, 2011, the Discharger submitted a final report describing the work completed as well as documenting expenditures incurred by the Discharger. The Discharger's expenditures exceed the remaining liability amount of \$60,134. The ECA 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 ECA 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. The Discharger shall be assessed a total civil liability of \$130,768. The Discharger has paid the sum of \$70,634 to the Cleanup and Abatement Account and has expended \$60,134 on an acceptable Enhanced Compliance Action (ECA). Therefore, the penalty amount of \$60,134 shall be permanently suspended because the Regional Water Board determines that the Discharger has completed the ECA satisfactorily.

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Catherine Kuhlman  
Executive Officer

December 6, 2011