

**STATE OF CALIFORNIA**  
*REGIONAL WATER QUALITY CONTROL BOARD*  
**NORTH COAST REGION**

In the Matter of:	)	
	)	
City of Crescent City	)	Complaint No. R1-2016-0035
Wastewater Treatment Facility	)	for
210 Battery Street	)	Administrative Civil Liability
Crescent City, CA 95531	)	
	)	

Attn: Mr. Eric M. Wier, PE Director Public Works Department  WDID No. 1A84006ODN
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The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) hereby gives notice that:

1. This Administrative Civil Liability Complaint (Complaint) is issued under the authority of California Water Code section 13323 to the City of Crescent City (hereinafter Discharger) to assess administrative civil liability for discharges from the Crescent City Wastewater Treatment Facility (Facility) in violation of provisions of law for which the Regional Water Board is required to impose mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i). The Complaint alleges seven (7) effluent limit violations of Waste Discharge Requirements (WDRs) Order No. R1-2011-0019, NPDES Permit No. CA 0022756 (WDRs Order No. R1-2011-0019). The violations cited herein occurred during the period from June 30, 2011, through April 30, 2016, (hereinafter Complaint Period) and are specifically listed in Attachment A, which is incorporated into this Complaint by reference. During the Complaint Period, the Discharger was subject to the waste discharge requirements established in Order No. R1-2011-0019.
2. Unless waived, the Regional Water Board will hold a hearing on this Complaint at the October 20, 2016, Board meeting at a location to be announced in the Regional Water Board's agenda. Please be aware that dates and venues may change. Our Web address is <http://www.waterboards.ca.gov/northcoast> where you can access the current agenda for changes in dates and locations. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of the civil liability. Not less than 10 days before the hearing date, an agenda for the meeting will be available on the Regional Water Board's website:  
[http://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](http://www.waterboards.ca.gov/northcoast/board_info/board_meetings/).

3. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

The Assistant Executive Officer of the Regional Water Board hereby alleges that:

**STATEMENT OF REQUIREMENTS APPLICABLE TO THE DISCHARGER:**

4. Effective June 30, 2011, the Facility was subject to the requirements of WDRs Order No. R1-2011-0019. Violations occurring during the Complaint Period are discussed in findings below.
5. WDRs Order No. R1-2011-0019 (Effluent Limitations & Discharge Specifications, Section IV.A.1.a.) sets forth effluent limits for Settleable Solids and Total Residual Chlorine, which are summarized as follows:
  - a. The Discharger shall maintain compliance with the following final effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP (Attachment E).

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Six-Month Median
Settleable Solids	mL/L/hr	0.1	---	0.2	0.3	---
Total Chlorine Residual	µg/L	---	---	240	1,800	60
	lbs/day	---	---	3.7	28	0.93

**ALLEGED VIOLATIONS**

6. The Discharger's self-monitoring reports for the Complaint Period document seven (7) violations of effluent limitations. All seven violations are subject to MMPs as identified in Attachment A.

**FACTUAL BASIS FOR THE ALLEGED VIOLATIONS**

The following evidence supports the alleged violations described above:

7. The Discharger owns and operates the wastewater collection, treatment, and disposal facilities that serve approximately 15,573 people in the City of Crescent City and the Humboldt County service area. The Facility treats domestic, commercial, industrial,

and wastewater. The Facility has an average dry weather treatment capacity of 1.86 mgd, a peak dry weather treatment capacity of 6.12 mgd

Treatment processes at the Facility consist of headworks, including a mechanically cleaned screen, a Parshall flume, and a wet well; primary treatment, including two grit removal tanks and two clarifiers; and secondary treatment. Secondary treatment is provided by operating rotating biological contactors and a membrane bioreactor in parallel. Flows from the rotating biological contactors and any flow from the membrane bioreactor that is not used for recycled water use are commingled and disinfected and dechlorinated. Flow from the membrane bioreactor that is used for recycled water is UV disinfected.

8. The Regional Water Board adopted WDR Order No. R1-2011-0019 on June 22, 2011, which became effective on June 30, 2011. Order No. R1-2011-0019 regulates discharges from the Facility, and serves as an NPDES permit under the federal Clean Water Act.
9. In its monitoring reports submitted for the Complaint Period, the Discharger self-reported seven (7) exceedances of the effluent limitations for Settleable Solids and Total Residual Chlorine set forth in Order No. R1-2011-0019, which are identified in Attachment A. Settleable Solids are Group I pollutants and Total Residual Chlorine is a Group II pollutant.

#### **WATER CODE PROVISIONS UPON WHICH LIABILITY IS BEING ASSESSED DUE TO NONCOMPLIANCE WITH APPLICABLE REQUIREMENTS**

10. Water Code section 13385, subdivision (h) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to Water Code section 13385, subdivision (h)(2) a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.
11. Water Code section 13385, subdivision (i) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the Discharger does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:
  - a. Violates a waste discharge requirement effluent limitation.
  - b. Fails to file a report pursuant to section 13260.
  - c. Files an incomplete report pursuant to section 13260.

- d. Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

12. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General to have a Superior Court consider civil enforcement. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the MMPs in full or by taking other actions as described in the waiver form. If this matter proceeds to hearing and the Regional Water Board decides to impose discretionary penalties, the Prosecution Team reserves the right to seek an increase in the civil liability amount, at the very least, to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing.

### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

1. The Assistant Executive Officer of the Regional Water Board proposes that MMPs be assessed against the Discharger in the amount of \$21,000 for the violations specifically identified in Attachment A of this Complaint.
2. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
3. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

July 22, 2016

Date

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Shin-Roei Lee, P.E.  
Assistant Executive Officer  
Regional Water Board Prosecution Team