Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, January 30, 2014
Regional Water Board Office
Santa Rosa, California

ITEM: 4

SUBJECT: Public Hearing to consider Administrative Civil Liability Order No. R1-2014-0005 against Larry and Margaret Barcellos, Trinity Mobile Home Park, Trinity County (Cecile Morris, Roy O'Connor, Andrew Tauriainen)

BACKGROUND: This Summary Report was prepared by Prosecution Team Staff. Administrative Civil Liability Complaint No. R1-2013-0035 ("Complaint") was issued on May 24, 2013 to Larry and Margaret Barcellos, Trinity Dam Mobile Home Park ("Dischargers") for violations of Cleanup and Abatement Order No. R1-2011-0045 ("CAO") by submitting an incomplete workplan and report of waste discharge application on August 29, 2012, 465 days late. The Complaint proposes that the Regional Water Board assess discretionary penalties in the amount of $165,900 pursuant to California Water Code section 13350, subdivision (a). The amount of the penalties are calculated using the methodology included in the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy). Dischargers contest the amount of liability proposed and argue for lower penalties pursuant to the same Enforcement Policy methodology.

On June 20, 2013, in response to the Complaint, the Dischargers waived their right to a public hearing (originally scheduled to be heard on August 22, 2013) and requested to enter into settlement discussions. Due to the lack of meaningful progress towards a settlement, the Prosecution team placed this matter back on the hearing calendar for January 30, 2014.

DISCUSSION: The Dischargers own the Trinity Dam Mobile Home Park ("MHP") located in Lewiston Valley, Trinity County. The MHP comprises 21 dwelling units, uses an on-site wastewater treatment and disposal system ("WWTS"), and is located adjacent to an intermittent stream tributary to the Trinity River. The MHP's WWTS consists of a collection system, a 43,000-gallon grouted cinder block septic tank, effluent pumps and a 0.7-acre effluent treatment and disposal pond, all of which were constructed in 1957 as part of temporary housing for workers constructing Trinity Dam, and have not been significantly upgraded or maintained through time.

In response to a complaint, Regional Water Board staff and staff of Trinity County Environmental Health and California Department of Housing and Community Development inspected the MHP on January 6, 2011. During that inspection, staff observed surfacing sewage flowing from the MHP onto neighboring residential property and into the intermittent stream and, thence, to the Trinity River. Additionally, staff observed that the collection, treatment and

disposal system at the MHP was in a deteriorated condition needing repair and replacement. As a consequence of the sewage discharges and deteriorated condition of the MHP WWTS, the Regional Water Board issued the CAO on April 7, 2011. The CAO requires the Dischargers to (1) abate the discharges of sewage, (2) submit a report assessing the existing wastewater system and influent flow by April 29, 2011, (3) submit a workplan for construction of a sewage disposal system conforming to the Basin Plan, including a report of waste discharge by May 31, 2011, (4) implement the workplan, and (5) submit monthly progress reports.

The Dischargers requested an extension to the deadlines in the CAO on April 26, 2011, but the Executive Officer did not grant the extension because it was received less than 15 days prior to the first task deadline, it did not include adequate justification, and it did not propose a revised schedule to complete the tasks. The Discharger subsequently failed to meet any of the deadlines for the required tasks contained in the CAO. On September 27, 2011, after all of the initial deadlines had passed, Regional Water Board staff advised the Discharger that continued failure to comply with the CAO could result in penalties. On August 29, 2012, 456 days late, the Discharger's consulting engineer submitted a workplan containing two optional disposal systems and an application for waste discharge. Regional Water Board staff informed the Discharger that these documents were incomplete because they failed to identify which option the Dischargers planned to implement. To date, the Discharger has not responded to the Regional Water Board staff letter, nor has it submitted monthly progress reports or otherwise complied with any of the CAO deadlines.

PRELIMINARY STAFF RECOMMENDATION: Adopt the Order as proposed.

SUPPORTING DOCUMENTS:

1. Complaint R1-2013-0035
2. Prosecution Team Case in Chief
   - List of exhibits
   - List of experts
3. Dischargers' Case in Chief
   - List of exhibits
   - List of experts
4. Prosecution Team's Rebuttal
5. Proposed Order No. R1-2014-0005
6. Public Notice