

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., May 5, 2011
Wharfinger Building, #1 Marina Way,
Eureka, California

ITEM: 3

SUBJECT: **Public Hearing** on Order No. R1-2011-0017 to consider whether to affirm, reject, or modify an Order imposing Administrative Civil Liability, settling Administrative Civil Liability Complaint No. R1-2010-0018, in the matter of the **City of Crescent City, Wastewater Treatment Facility**, WDID No. 1A8006ODN

DISCUSSION

On February 3, 2010, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2010-0018, recommending that an administrative civil liability of \$195,000 be assessed against Crescent City WWTF (Discharger) for violations of effluent limitations contained in Waste Discharge Requirements Order R1-2006-0001, which also served as a National Pollutant Discharge Elimination System permit. The violations described in the Order occurred between June 1, 2007 and June 30, 2010, and were subject to mandatory minimum penalties (MMPs) and discretionary civil liability.

On March 29, 2010, the Discharger proposed to apply a portion of the proposed administrative civil liability towards completion of a compliance project (CP). The proposed CP will consist of installing tanks and related appurtenances to store and slowly release internal process wastewater into the facility headworks in order to ensure an acceptable level of dilution and to reduce the incidence of violations associated with exceedances of residual ammonia and chlorine limits. On March 29, 2010, the Discharger paid \$10,000 into the State Water Pollution Cleanup and Abatement Account, and on August 17, 2010, the Discharger submitted a time schedule to perform the proposed CP.

Prior to finalizing the proposed ACL Order for Regional Water Board consideration, staff reviewed the violations alleged in the Complaint and determined that all the discretionary violations qualified as Class III violations, per the State Water Resources Control Board's Enforcement Policy, effective May 20, 2010. For the purpose of settlement, and without adjudicated factual basis, the Prosecution Team agreed to dismiss without prejudice those violations for which the Complaint proposed that a discretionary civil liability be imposed. Therefore, the proposed ACL Order memorializes the agreement between the Discharger and the Prosecution Team that the Regional Board impose \$174,000 in mandatory minimum penalties, which includes

\$150,000 for effluent violations and \$24,000 for two late reports. The ACL Order under consideration also acknowledges the Discharger's \$10,000 payment to the State Water Board Cleanup and Abatement Account, and describes and provides a time schedule for implementation of the Discharger's CP.

No comments were received during the 30 day public comment period.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt Settlement Agreement and Stipulation for Entry of Order and Administrative Civil Liability, Order No. R1-2011-0043 for Crescent City WWTF