

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order R1-2008-0045

For

Violation of Waste Discharge Requirements
Order No. R1-2003-0026 and
State Water Resources Control Board Order No. 2006-0003-DWQ

In the Matter of
Sonoma County Water Agency and
Russian River County Sanitation District
Wastewater Treatment Facility
WDID No. 1B82045OSON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), has received from the Russian River CSD and Sonoma County Water Agency (both are hereinafter Discharger) a waiver of the right to a public hearing in the matter of civil penalties issued pursuant to Water Code section 13385, subdivisions (a), (h) and (i). The proposed civil penalties issued pursuant to subdivision (a) are for discharges of untreated municipal wastewater that occurred between October 1, 2004 and May 31, 2007 in violation of (1) discharge prohibitions contained in Waste Discharge Requirements (WDRs) Order No. R1-2003-0026 and in violation of (2) Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (GWDRs) as a result of Sanitary Sewer Overflows (SSOs). The proposed civil penalties issued pursuant to subdivisions (h) and (i) are for discharges of municipal effluent in violation of effluent limitations contained in the Discharger's WDRs. Having received a request for the opportunity to implement a Compliance Project (CP) in lieu of paying the full penalty prescribed, the Regional Water Board finds the following:

1. The Russian River County Sanitation District, 404 Aviation Blvd., Santa Rosa, owns a municipal wastewater treatment facility located southeast of Vacation Beach and north of the Russian River on Neely Road. The Sonoma County Water Agency is under contract to operate and maintain the Russian River Wastewater Treatment Facility (WWTF). The WWTF serves the communities of Armstrong Park, Drakes Road area, Guerneville, Guerneville Park, Rio Nido and Vacation Beach. Treated effluent is disposed by irrigation during the irrigation season (May 15 to September 30) and is discharged to the Russian River during the discharge season (October 1 to May 14). The discharge is regulated by WDRs Order No. R1-2003-0026 adopted on November 5, 2003. The Order also serves as an NPDES permit No. CA0024058.

2. Water Code Section 13385, subdivision (a)(2) states, in part, that a discharger is subject to administrative civil liability for violation of any waste discharge requirement. The Discharger's wastewater collection and pumping system is regulated by GWDRs, which was adopted by the State Water Resources Control Board on May 2, 2006. The Discharger enrolled in the GWDRs on June 1, 2006. Order No. 2006-0003-DWQ prohibits the discharge of untreated or partially treated wastewater from sanitary sewer systems to waters of the United States. The Discharger's wastewater collection and pumping system is also regulated by WDRs, which have been in effect since before October 1, 2004. The WDRs prohibit the creation of a pollution, contamination, or nuisance, the discharge of untreated waste from anywhere within the collection or treatment system and the discharge of treated waste to unauthorized locations.
3. Water Code section 13385, subdivisions (h) and (i) require the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each specified violation of effluent limits. Water Code section 13385, subdivision (k) allows the Regional Water Board to direct a publicly owned treatment works serving a small community to put all or a portion of the penalty toward a CP in accordance with Section X of the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy).
4. During the period from October 1, 2004 through May 31, 2007, the Discharger exceeded effluent limitations thirty-four times. Two of the exceedances are serious violations and thirty-two are chronic. The mandatory minimum penalty amount for these violations is \$78,000.
5. During the period from October 1, 2004 through May 31, 2007, the Discharger experienced six prohibited discharges. Four of the violations were SSOs, one violation was a partially treated wastewater discharge to land, and one violation was an out-of-season discharge. The discharger also violated the receiving water limitations set forth in WDRs Order No. R1-2003-0026 two times during the period from October 1, 2004 through May 31, 2007. The penalty amount assessed for these prohibited discharge violations is \$21,000.
6. On November 14, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0101 (Complaint) assessing a civil liability penalty of \$99,000 for violations described in Findings 4 and 5 above. The Discharger waived its right to a public hearing and requested to pay the sum of \$31,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the sum of \$68,000 on a CP. The Discharger paid \$31,000 into the CAA on December 14, 2007.
7. The proposed CP is a portion of an upgrade of the WWTF that will add ultraviolet (UV) disinfection. The total projected cost of \$1,900,000 will more than satisfy the \$68,000 suspended penalty. Due to the magnitude of this WWTF upgrade, the completion date of the CP is anticipated to be July 1, 2011. The CP is appropriate because thirty of the thirty-three effluent violations were associated with the disinfection system (7-Day Coliform Median). The new UV system will improve system capacity and WDRs compliance. The Regional Water Board finds that the

CP, as proposed, meets the criteria established in Water Code section 13385, subdivision (k) and the Enforcement Policy.

8. A duly noticed public hearing on this matter was held before the Regional Water Board on June 11 & 12, 2008 at the Regional Water Board Hearing Room at 5550 Skylane Blvd. Suite A, Santa Rosa, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
9. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
10. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code section 13385, that:

1. The Discharger shall be assessed a total civil liability of \$99,000. The Discharger has paid the sum of \$31,000 to the CAA. Pursuant to Water Code section 13385, subsection (k), the Discharger shall spend at least the remaining sum of \$68,000 on a CP. The CP shall upgrade the WWTF disinfection from chlorine to UV light. Upon the Assistant Executive Officer's determination that the CP, as described in Finding 7 of this Order, has been satisfactorily completed, the respective suspended liability of \$68,000 will be permanently suspended. The sum of the CP and the amount paid to the CAA shall at least equal the amount of the full penalty. All payments, including money not used for the project, must be payable to the CAA.
2. The Discharger shall submit progress reports to the Regional Water Board describing the planning and construction of the project according to the following time schedule:

TASK	DUE DATE
Submit progress report on securing the State Revolving Fund (SRF) loan	January 1, 2009
Secure SRF loan and submit progress report	September 1, 2009
Prepare bid package, advertise for bids, and submit progress report	November 1, 2009
Award construction and submit progress report	April 1, 2010
Issue Notice to Proceed to construction contractor	June 1, 2010

and submit progress report	
Submit progress report on construction activities	January 1, 2011
Complete CP and submit final report certifying completion of CP and an overall evaluation showing that the CP achieved its intended objectives	July 1, 2011

3. If, given written justification from the Discharger, the Executive Officer determines that a delay in the CP implementation schedule is beyond the reasonable control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be received by the Executive Officer before the specific due date occurs, must describe circumstances causing the delay, and must state when each task of the CP will be completed.
4. The remaining penalty amount of \$68,000 shall be permanently suspended if the Executive Officer determines that the Discharger completes the CP satisfactorily, as described in Finding 7 of this Order. The amount of the penalty suspended will not exceed the Discharger's cost to return to and/or maintain future compliance.
5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

Certification

I, Catherine E. Kuhlman, Executive Officer,
do hereby certify that the foregoing is a full, true,
and correct copy of an Order adopted by the
California Regional Water Quality Control Board,
North Coast Region on June 12, 2008.

Catherine E. Kuhlman
Executive Officer