

EXECUTIVE OFFICER'S SUMMARY REPORT
8:30 a.m., July 23, 2009
Regional Water Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

ITEM: 4

SUBJECT: Public Hearing Order No. R1-2009-0043 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for violation of Waste Discharge Requirements Order R1-2001-60 in the matter of **McKinleyville CSD Wastewater Collection, Treatment, and Disposal Facility** NPDES No. CA0024490, WDID No. 1B82084OHUM

DISCUSSION

On December 12, 2008, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0123 (Complaint), with a mandatory minimum civil penalty of \$60,000, to the McKinleyville Community Services District (Discharger). The Complaint was issued for violations of effluent limitations contained in Waste Discharge Requirements Order No. R1-2001-0060 that occurred during the period beginning June 1, 2005 and ending July 31, 2008.

In response to the Complaint the Discharger waived its right to a public hearing and paid the sum of \$10,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and applied the remaining \$50,000 to an ongoing Compliance Project (CP).

The CP has been ongoing since 2005 and includes treatment plan modifications and the installation and planting of a constructed wetland. At the time of construction it was estimated that full maturity and maximum treatment levels would not occur until the Fall of 2008. The treatment plant has shown steady improvements in performance as the system has matured, with three discretionary violations in 2007 and one in 2008. The CP has proven successful in correcting the violations that resulted in the issuance of two Complaints covering violations from January 1, 2000 through July 31, 2008.

The proposed order recognizes the payment of \$10,000 to the CAA and suspends the remaining sum of \$50,000.

PRELIMINARY STAFF
RECOMMENDATION:

Adopt Order No. R1-2009-0043 as proposed.