



North Coast Regional Water Quality Control Board

January 9, 2023

City of Arcata
Wastewater Treatment Facility
Attn: Rachel Hernandez
736 F Street,
Arcata, Ca, 95521
rhernandez@cityofarcata.org

Certified Mail No. 7021 0950 0001 6500 0134

Dear Ms. Hernandez:

Subject: Administrative Civil Liability Complaint No. R1-2023-0008

File: City of Arcata WWTF, Humboldt County, CIWQS Place ID No. 206164

Enclosed is Administrative Civil Liability Complaint No. R1-2023-0008 (Complaint) for the City of Arcata (Discharger), issued by the Assistant Executive Officer of the California North Coast Regional Water Quality Control Board (Regional Water Board) in the matter of The City of Arcata Wastewater Treatment Facility (Facility). The Complaint covers the period from February 12, 2020, to September 30, 2022, and alleges that the Discharger violated effluent limitations set forth in Waste Discharge Requirements (WDRs) Order No. R1-2019-0006 (National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022713). The Complaint proposes that the alleged violations are subject to **\$243,000** in mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and/or (i), as identified in Exhibit A of the Complaint.

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (Prosecution Team) by presenting evidence for consideration by the Regional Water Board have been separated from those who will provide advice to the Regional Water Board (Advisory Team) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the Regional Water Board in other, unrelated matters, but they are not advising the Regional Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications.

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

All submittals and communications to the Advisory Team shall be sent to:

Advisory Team

Valerie Quinto
Executive Officer
Regional Water Quality Control Board
North Coast Region
Valerie.Quinto@waterboards.ca.gov

Nathan Jacobsen
Attorney IV
Office of Chief Counsel
State Water Resources Control Board
(916) 341-5181
Nathan.Jacobsen@waterboards.ca.gov

Any substantive communication to the Advisory Team must also be sent to the Prosecution Team listed below.

Prosecution Team

Claudia E. Villacorta, P.E.
Assistant Executive Officer
Regional Water Quality Control Board
North Coast Region
Claudia.Villacorta@waterboards.ca.gov

Jeremiah Puget
Regional Water Quality Control Board
North Coast Region
Senior Environmental Scientist
Jeremiah.Puget@waterboards.ca.gov

Zane Stromberg
Regional Water Quality Control Board
North Coast Region
Environmental Scientist
Zane.Stromberg@waterboards.ca.gov

Justin McSmith
Regional Water Quality Control Board
North Coast Region
Water Resource Control Engineer
Justin.McSmith@waterboards.ca.gov

Paul Ciccarelli

State Water Resources Control Board
Office of Enforcement
Attorney III
(916) 322-3227
Paul.Ciccarelli@waterboards.ca.gov

Pursuant to Water Code section 13323, subdivision (b), the Regional Water Board shall hold a public hearing on this matter within 90 days after service of this Complaint. The Discharger may avoid or delay a hearing on the Complaint by selecting one of the following options on the enclosed Waiver Form and returning it to the Advisory Team, with a copy to the Prosecution Team, by the deadline specified in the Hearing Procedures, which will be provided to the parties by the Advisory Team following issuance of the Complaint. **If you intend to waive your right to a hearing, I encourage you to sign and submit the waiver form as soon as possible.**

- a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of \$243,000 in full;
- b. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to engage the Prosecution Team in settlement negotiations; or
- c. Waive the right to a hearing before the Regional Water Board within 90 days after service of the Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.

If you have any questions about the Waiver Form options or wish to request an extension to the deadline, you should contact the Advisory Team. Detailed hearing procedures and information regarding the hearing on the Complaint will be provided by the Advisory Team, as further explained below.

Additionally, a Fact Sheet is enclosed, along with the Complaint and its attachment (Exhibit A). The Fact Sheet describes the Complaint process and explains what the Discharger can expect and the obligations as the process proceeds. **Please read each document carefully.**

An agenda containing the date, time, location, and specific procedures of the hearing will be sent to you by the Advisory Team prior to the hearing date, which will likely be scheduled to occur on either the first or second day of the Regional Water Board's regular meeting of April 7-8, 2023. The hearing will be governed by Hearing Procedures to be issued separately by the Advisory Team for use in adjudicating matters such as this one. If the Discharger elects to pay the proposed administrative civil liability (as discussed above), this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day public comment period and approval by the Regional Water Board or Executive Officer. Interested parties may comment on the proposed action during this period by submitting written comments to the Regional Water Board staff person listed below. Should the Regional Water Board

receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. If the Regional Water Board does not hold a hearing on this matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If you have any questions about the Complaint, please contact Zane Stromberg of my staff at (707) 576-2674 or by email at Zane.Stromberg@waterboards.ca.gov, or Paul Ciccarelli, Senior Staff Counsel, Office of Enforcement at (916) 322-3227 or by email at Paul.Cicarelli@waterboards.ca.gov.

Sincerely,

 Digitally signed by
Claudia E. Villacorta
Date: 2023.01.09
11:04:47 -08'00'

Water Boards

Claudia E. Villacorta, P.E.
Assistant Executive Officer

Enclosures:

1. ACL Complaint No. R1-2023-0008 (with Attachment, Exhibit A)
2. Hearing Waiver Form
3. Administrative Civil Liability Fact Sheet

Certified-Return Receipt Requested

cc:

Matthias St. John
North Coast Regional Water Board
Executive Officer
Matt.St.John@waterboards.ca.gov

Nathan Jacobsen
Office of Chief Counsel
Attorney IV
Nathan.Jacobsen@waterboards.ca.gov

Valerie Quinto
North Coast Regional Water Board
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Paul Ciccarelli

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Senior Environmental Scientist
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