

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2008-0101

For

Violations of Waste Discharge Requirements Order No. R1-2003-0047

In the Matter of

City of Yreka
WDID No. 1A84073OSIS

Siskiyou County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), has received from the City of Yreka (hereinafter Discharger) a waiver of the right to a hearing in the matter of Administrative Civil Liability Complaint No. R1-2008-0059 (hereinafter Complaint). The Complaint assessed civil penalties pursuant to Water Code section 13350, subdivision (a) for discharges of treated and untreated municipal wastewater in violation of discharge prohibitions and specifications contained in Waste Discharge Requirements (WDRs) Order No. R1-2003-0047. The Regional Water Board, having received a request for the opportunity to implement a sanitary sewer upgrade project (hereinafter Project) in lieu of paying a portion of the penalty prescribed in the Complaint, finds the following:

1. The Discharger owns and operates the municipal wastewater collection system and treatment facility (WWTF) for treatment and disposal of municipal wastewater from the City of Yreka. A 31-acre subsurface drip disposal field (Disposal Facility) is located 800 feet north of the WWTF in NW¼ Section 14, T45N, R7W, and percolation ponds are used for excess flows during high inflow periods. Associated with the WWTF is a sanitary sewer system consisting of approximately 50 miles of gravity pipeline, pressure mains, 4 pump stations, interceptor lines, collection lines, cleanouts, and manholes.
2. Water Code Section 13350, subdivision (a) 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 treatment systems are regulated by WDRs, which were adopted by the Regional Water Board on May 15, 2003. The WDRs prohibit the creation of a pollution, contamination, or nuisance and the discharge of untreated waste from anywhere within the collection, treatment or disposal system. For permitted discharges, the WDRs contain specifications for Total Suspended Solids (TSS), Total Coliform, and pH.
3. During the period from May 15, 2003 to April 30, 2008, the Discharger exceeded discharge specifications seventy-one times and violated discharge prohibitions nine times. All nine of the prohibited discharges were sanitary sewer overflows resulting in discharges of untreated wastewater to surface waters, and public and private lands.
4. On May 22, 2008, the Assistant Executive Officer issued the Complaint assessing a civil liability of \$36,500 for violations described in Finding 3, above. The Discharger waived its right to a public hearing and requested to pay the sum of \$10,750 to the State Water Pollution Cleanup and Abatement Account (CAA)

and to spend the remaining balance of \$25,750 on a Project. The Discharger paid \$10,750 into the CAA on July 22, 2008.

5. The proposed Project consists of a collection system upgrade at ten locations. The locations were identified by the Discharger during video inspections to be large contributors to inflow and infiltration. A short description of the locations, the problems, and proposed solution is included in Attachment A to this order.
6. Government Code section 11415.60, subdivision (a) states that an agency may formulate and issue a settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's proposal described in Finding 6 is a fair settlement of the ACLC and is in the interest of the public. The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.
7. A duly noticed public hearing on this matter was held before the Regional Water Board on October 23, 2008 at the Weaverville Victorian Inn at 2015 Main Street, Weaverville, 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.
8. 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).
9. 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 13350, that:

1. The Discharger shall be assessed a total civil liability of \$36,500. The Discharger has paid the sum of \$10,750 to the CAA. The Discharger shall spend the remaining sum of \$25,750 toward the completion of a Project to upgrade the Discharger's collection system. Upon the Executive Officer's determination that the Project, as described in Finding 5 and Attachment A of this Order, has been completed, the remaining \$25,750 liability will be suspended. If the final project cost is less than \$25,750, the remaining balance shall be paid to the CAA. The sum of the project, 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 describing the planning and construction of the Project and shall complete the Project according to the following time schedule:

TASK	DUE DATE
Submit a progress report	No later than April 1, 2009 including an update on the Project status, which indicates any changes to Attachment A or the time schedule.
Commence construction	No later than July 1, 2009, and submit a letter to the Regional Water Board indicating the start of construction no later than 7 days from the date that construction begins.
Complete construction	No later than November 1, 2009 and submit a compliance report by November 15, 2008. The report shall describe the completion of the Project and include an overall evaluation of the Project describing its ability to meet the stated goal of addressing the respective collection system deficiencies. The report shall include a post-project accounting of expenditures to demonstrate compliance.

3. If, given written justification from the Discharger, the Executive Officer determines that a delay in the Project's 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 Project will be completed.
4. Failure to meet the deadlines above, including completing the Project, will result in the Discharger being required to pay the remaining \$25,750 penalty.
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 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 October 23, 2008.

Catherine Kuhlman
Executive Officer