

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2026-0059

**IN THE MATTER OF
CITY OF ARCATA
ARCATA WASTEWATER TREATMENT FACILITY
HUMBOLDT COUNTY**

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Water Board) on behalf of the North Coast Water Board Prosecution Team (Prosecution Team) to the City of Arcata (Respondent) (collectively, Parties) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of civil liability administratively, and Water Code section 13323, which authorizes the issuance of this Complaint. This Complaint is based on allegations that the Respondent violated effluent limitations contained in Waste Discharge Requirements (WDRs) Order No. R1-2019-0006, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022713 (2019 Order), for which the North Coast Water Board may impose civil liability pursuant to Water Code section 13385, subdivisions (h) and (i). The North Coast Water Board's Executive Officer has delegated her authority to issue this Complaint to the Assistant Executive Officer.

The Assistant Executive Officer of the North Coast Water Board alleges the following:

BACKGROUND:

1. The Arcata Wastewater Treatment Facility (Facility) is a publicly owned treatment works (POTW), located at 600 South G Street, Arcata, California in Humboldt County. The Facility is regulated under the 2019 Order. The 2019 Order serves as both an NPDES permit and waste discharge requirements regulating discharges from the Facility.
2. The North Coast Water Board adopted the 2019 Order on April 17, 2019, and it became effective on June 1, 2019. The 2019 Order requires, among other things, compliance with effluent limitations at Discharge Points 001 and 003.
3. Section IV.B. of the 2019 Order contains, in part, the following effluent limitations and discharge specifications for Cyanide, TCDD Equivalents, Settleable Solids, Total Suspended Solids, and Copper with which the Respondent is required to maintain compliance at Discharge Points 001 and 003:

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Cyanide, Total (as CN)	µg/L	0.43	--	1.0
TCDD Equivalents	pg/L	0.014	--	0.033
Settleable Solids	ml/L	0.1	--	0.2
Total Suspended Solids ¹	mg/L	32	48	--
Copper ²	µg/L	3.3	--	5.3

ALLEGATIONS:

- Self-monitoring reports submitted by the Respondent from July 1, 2025, through June 11, 2026, show the Respondent violated the above-referenced effluent limitations for Total Cyanide on six occasions, for TCDD Equivalents on six occasions, for Settleable Solids on one occasion, for Total Suspended Solids on one occasion, and for Copper on one occasion, as identified in Attachment A. Attachment A is attached and is incorporated herein by this reference. All of the 15 alleged violations are subject to mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and (i). This Complaint only addresses administrative civil liability for the violations specifically identified in Attachment A.

LEGAL PROVISIONS UPON WHICH LIABILITY IS BASED:

- Water Code section 13385, subdivision (h)(1), requires the North Coast Water Board to assess an MMP of three thousand dollars (\$3,000) for each serious violation.
- Water Code section 13385, subdivision (h)(2), defines a “serious violation” as “any waste discharge that violates the effluent limitations contained in the applicable [WDRs] for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”
- Water Code section 13385, subdivision (i)(1), also requires the North Coast Water Board to assess an MMP of three thousand dollars (\$3,000) for each

¹ The listed Total Suspended Solids effluent limitations are only applicable for discharges from Discharge Point 001.

² The listed Copper effluent limitations are only applicable for discharges from Discharge Point 003.

violation, not counting the first three violations, if the Respondent does any of the following four or more times in a period of six consecutive months:

- A. Violates a waste discharge requirement effluent limitation;
 - B. Fails to file a report pursuant to Water Code section 13260;
 - C. Files an incomplete report pursuant to Water Code section 13260; or
 - D. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
8. Water Code section 13385, subdivision (i)(2), defines a “period of six consecutive months” to mean “the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

PROPOSED ADMINISTRATIVE CIVIL LIABILITY ASSESSMENT:

9. The Assistant Executive Officer proposes that the Respondent be assessed MMPs under Water Code section 13385, subdivisions (h) and (i), for a total of forty-five thousand dollars (\$45,000) for exceeding the effluent limitations for Total Cyanide, TCDD Equivalents, Settleable Solids, Total Suspended Solids, and Copper as specifically identified in Attachment A.

THE RESPONDENT IS HEREBY GIVEN NOTICE THAT:

10. A hearing on this matter will be conducted by the Executive Officer of the North Coast Water Board on January 27, 2027, unless one of the following options on the attached Waiver Form for Administrative Civil Liability (Waiver Form) is selected, following the instructions in the Waiver Form:
- a. The Respondent may waive the right to a hearing before the North Coast Water Board and pay the proposed MMP of **forty-five thousand dollars (\$45,000)** in full;
 - b. The Respondent may waive the right to a hearing before the North Coast Water Board within 90 days of service of this Complaint to allow for additional time to engage in settlement negotiations with the North Coast Water Board Prosecution Team; or
 - c. The Respondent may waive the right to a hearing before the North Coast Water Board within 90 days of service of this Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare

for hearing, accompanied by a letter specifically identifying the reasons for requesting additional time.

11. If a hearing takes place, it will be governed by the Administrative Civil Liability Complaint Hearing Procedures issued concurrently with this Complaint.
12. During the hearing, the Executive Officer, pursuant to authority delegated to the Executive Officer by Resolution R1-2026-0040, will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
13. The Assistant Executive Officer reserves the right to amend the proposed liability amount sought in this Complaint to conform to evidence presented.
14. Notwithstanding the issuance of this Complaint, the North Coast Water Board shall retain the authority to assess additional penalties for violations of the requirements of the Respondent's WDRs for which penalties have not yet been assessed or for violations that may subsequently occur.
15. Issuance of this Complaint to enforce Water Code, Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2).


Digitally signed by
Claudia E
Villacorta
Date: 2026.10.27
15:48:38 -07'00'


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

Date

Attachments:

- A. Attachment A: List of Violations Requiring Mandatory Minimum Penalties
- B. Waiver Form for Administrative Civil Liability Complaint

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY - ATTACHMENT A
Arcata City
Arcata City WWTF
WDID No. 1B82114OHUM NPDES No. CA0022713

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days ³	Mandatory Fine?	Water Code	Penalty
1	1148892	07/31/2025	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	ug/L	N		133%	02/01/2025	S	10	Y	13385(h)	\$ 3,000
2	1148891	08/05/2025	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.2	ug/L	N		20%	02/06/2025	S	11	Y	13385(i)	\$ 3,000
3	1148893	08/18/2025	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.3	ug/L	N		30%	02/19/2025	S	11	Y	13385(h)	\$ 3,000
4	1148889	08/21/2025	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.4	ug/L	N		40%	02/22/2025	S	12	Y	13385(h)	\$ 3,000
5	1148890	08/31/2025	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.3	ug/L	N		202%	03/04/2025	S	13	Y	13385(h)	\$ 3,000
6	1148894	09/03/2025	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	03/07/2025	S	14	Y	13385(h)	\$ 3,000
7	1150760	11/15/2025	Total Suspended Solids	Group 1	Weekly Average	45	49	mg/L	N		9%	05/19/2025	C	10	Y	13385(i)	\$ 3,000
8	1150758	11/30/2025	TCDD Equivalents	Group 2	Maximum Daily	0.033	0.67	pg/L	N		1930%	06/03/2025	S	10	Y	13385(h)	\$ 3,000
9	1150759	11/30/2025	TCDD Equivalents	Group 2	Monthly Average	0.014	0.67	pg/L	N		4686%	06/03/2025	S	11	Y	13385(h)	\$ 3,000
10	1150757	12/25/2025	TCDD Equivalents	Group 2	Maximum Daily	0.033	4.97	pg/L	N		14961%	06/28/2025	S	11	Y	13385(h)	\$ 3,000
11	1150756	12/31/2025	TCDD Equivalents	Group 2	Monthly Average	0.014	4.97	pg/L	N		35400%	07/04/2025	S	11	Y	13385(h)	\$ 3,000
12	1153698	02/11/2026	TCDD Equivalents	Group 2	Maximum Daily	0.014	1.68	%	N		11900%	08/15/2025	S	10	Y	13385(h)	\$ 3,000
13	1153700	02/28/2026	TCDD Equivalents	Group 2	Monthly Average	0.033	1.68	pg/L	N		4991%	09/01/2025	S	8	Y	13385(h)	\$ 3,000
14	1153703	02/28/2026	Copper, Total	Group 2	Monthly Average	3.3	4.1	ug/L	N		24%	09/01/2025	S	9	Y	13385(i)	\$ 3,000
15	1157174	06/11/2026	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.5	ug/L	N		50%	12/13/2025	S	7	Y	13385(h)	\$ 3,000

Total Penalty: \$45,000

- 1 - Violation occurs on sample date or last date of averaging period.
- 2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more
- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more
- 3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation period ending the last day of June 2026

Group I Violations Assessed MMP: 2

Group II Violations Assessed MMP: 13

Other Effluent Violations Assessed MMP: 0

Violations Exempt from MMP: 0

Total Violations Assessed MMP: 15

Mandatory Minimum Penalty = (14 Serious Violations + 1 Non-Serious Violations) x \$3,000 = \$45,000

³ The count towards effluent violations within the180-day period includes violations resolved with the previous Administrative Civil Liability Order R1-2025-0037.

North Coast Regional Water Quality Control Board

ATTACHMENT B – WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Arcata (Respondent) in connection with Administrative Civil Liability Complaint No. R1-2026-0059 (Complaint). I am informed that Water Code section 13323, subdivision (b), provides, “a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing.”

☐ **OPTION 1: Check here if the Respondent waives the hearing requirement and will pay the liability in full.**

- a. I hereby waive any right the Respondent may have to a hearing of the Complaint before the North Coast Regional Water Quality Control Board (North Coast Water Board).
- b. I certify that the Respondent will remit payment for the proposed civil liability in the full amount of forty-five thousand dollars (\$45,000) by submitting a check that references “ACL Complaint No. R1-2026-0059” made payable to the Cleanup and Abatement Account and mailed to Accounting Office, Attn: ACL Payment Accounting Office, PO Box 1888, Sacramento, California, 95812-1888, with an e-mail copy of the check sent to the North Coast Water Board within 30 days from the date on which this waiver is executed.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the North Coast Water Board receive significant new information or comments from any source (excluding the North Coast Water Board’s Prosecution Team) during this comment period, the North Coast Water Board’s Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the North Coast Water Board, and that the North Coast Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Respondent having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Respondent to further enforcement, including additional civil liability.

☐ **OPTION 2: Check here if the Respondent waives the 90-day hearing requirement in order to engage in settlement discussions.**

- a. I hereby waive any right the Respondent may have to a hearing before the North Coast Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Respondent will promptly engage the North Coast Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Respondent requests the North Coast Water Board delay the hearing so the Respondent and the Prosecution Team may discuss settlement. It remains within the discretion of the North Coast Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1." In these discussions, the Respondent may raise settlement options, including a Supplemental Environmental Project(s) that meet the State Water Resources Control Board's requirements. Copies of the State Water Resources Control Board's 2024 Water Quality Enforcement Policy and 2018 Policy on Supplemental Environmental Projects are available at:
https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf and
https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/seps/20180503_sep_policy_amd.pdf

☐ **OPTION 3: Check here if the Respondent waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.**

- a. I hereby waive any right the Respondent may have to a hearing before the North Coast Water Board within 90 days after service of the Complaint. By checking this box, the Respondent requests that the North Coast Water Board delay the hearing and/or hearing deadlines so that the Respondent may have additional time to prepare for the hearing. It remains within the discretion of the North Coast Water Board to approve the extension.

City of Arcata

(Print Name and Title)

(Signature)

(Date)