

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2005-0037
Mandatory Minimum Penalties

For

Violation of NPDES Requirements
Order No. R1-99-65
NPDES No. CA0022888, WDID No. 1B84029OMEN

In the Matter of

City of Ukiah Wastewater Treatment Facilities

Mendocino County

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) Section 13385(h) and 13385.1 is issued to the City of Ukiah (hereinafter Permittee) based on a finding of failure to timely submit a discharge monitoring report required pursuant to CWC Section 13383 as prescribed in Order No. R1-99-065 (NPDES No. CA0022888) and the associated monitoring and reporting program.

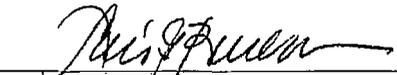
The Executive Officer of the Regional Water Quality Control Board, North Coast Region (Regional Water Board) finds the following:

1. The Permittee operates wastewater treatment facilities (hereinafter facility) located at 300 Treatment Plant Road in Ukiah, California. The Permittee can discharge up to seven million gallons per day (mgd) of wastewater during the winter months from October 1 through May 14, when there is sufficient river flow, to the Russian River (Latitude 39°07'07", Longitude 123°11'28"). The wastewater may contain pollutants that can degrade water quality and impact beneficial uses of water, and which are defined as pollutants under the federal Clean Water Act. The pollutants are discharged from the facility into the Russian River, a navigable water of the United States.
2. On September 23, 1999, the Regional Water Board adopted Order No. R1-99-065, which prescribes waste discharge requirements (WDRs) and serves as an NPDES permit (NPDES No. CA0022888) for the discharge of treated wastes from the facility to the Russian River.
3. Among the provisions in the Permittee's WDRs are the requirements to implement a discharge monitoring program and to prepare and submit monthly NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of CWC Section 13383.

4. The Regional Water Board received the Permittee's December 2004 monthly monitoring report on February 17, 2005, a total of **33** days after the due date of **January 15, 2005**.
5. CWC Section 133850 **requires** the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. CWC Section 13385.1(a)(1) identifies the failure to timely file a discharge monitoring report required pursuant to CWC Section **13383** for each complete period of **30 days** following the deadline for submitting the report as a "serious violation."

YOU ARE HEREBY GIVEN NOTICE THAT:

6. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$3,000 for submittal of the December 2004 monthly monitoring report 33 days late.
7. A hearing shall be conducted on this Complaint by the Regional Water Board within 90 days after service of this Complaint on the Permittee pursuant to CWC Section **13323**. The Regional Water Board will hold a hearing on June 22, 2005, unless the Permittee waives the right to a hearing by signing and **returning** the waiver form attached to this Complaint by June 10, 2005. By doing so, the Permittee agrees to pay **the mandatory** penalty of **\$3,000** in full within 30 days of the date of this Complaint.
8. Notwithstanding the issuance of the Complaint, the Regional Water Board shall retain the **authority** to assess additional penalties for violations of the requirements of the Permittee's WDRs.
9. This enforcement action is **exempt from** the provisions of the California Environmental Quality Act (California Public Resources Code Section 21000 **et seq.**) in accordance with California Code of Regulations, Title 14 Section 15321.
10. Regulations of the U.S. **Environmental** Protection Agency require public notification of **any** proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Catherine E. Kuhlman
Executive Officer

May 11, 2005