

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2005-0088

Mandatory Minimum Penalties

For

Violation of NPDES Requirements
Order No. R1-2000-0092
NPDES No. CA0022721
WDID No. 1B83136OHUM

In the Matter of

City of Ferndale Wastewater Treatment Facility

For

Failure to File Monthly Monitoring Reports in a Timely Manner

Humboldt 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 Ferndale (hereinafter Permittee) based on a finding of failure to submit four discharger monitoring reports required pursuant to CWC Section 13383 as prescribed in Order No. R1-2000-0092 (NPDES No. CA0022721) 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 owns and operates the City of Ferndale's wastewater treatment facility (hereinafter facility) located at Port Kenyon Road in Ferndale, California. The Permittee discharges up to 3.7 million gallons per day (mgd) of wastewater during winter storms (October through April) and discharges to Francis Creek at its confluence with the Salt River, a tributary of the Eel River (Latitude 40°35'40", Longitude 124°15'44"). The water is susceptible to containing pollutants which 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 Salt River, thence into the Eel River, navigable waters of the United States.
2. On November 29, 2000, the Regional Water Board adopted Order No. R1-2000-0092, which prescribes waste discharge requirements and serves as an NPDES permit (NPDES No. CA0022721) for the discharge of treated wastes from the facility into Francis Creek.
3. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit

monthly and annual NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of CWC Section 13383.

4. The Regional Water Board received five of the Permittee's monthly reports significantly past the due dates as follows:

Reporting Period	Due Date	Date Received	Total days late
August 2004	Sept. 15, 2004	4/14/05	211 days
October 2004	Nov. 15, 2004	4/14/05	150 days
November 2004	Dec. 15, 2004	4/14/05	120 days
December 2004	Jan. 15, 2005	4/14/05	89 days
January 2005	Feb. 15, 2005	4/12/05	56 days

5. CWC Section 13385(h) 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."

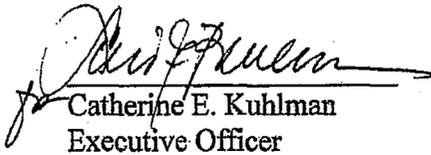
YOU ARE HEREBY GIVEN NOTICE THAT:

6. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty as follows:

Report Period	1st Day of Violation	Mandatory Minimum Penalty
August 2004	October 15, 2004	\$21,000
October 2004	December 15, 2004	\$15,000
November 2004	January 14, 2005	\$12,000
December 2004	February 14, 2005	\$ 6,000
January 2005	March 16, 2005	\$ 3,000
Total		\$57,000

7. Pursuant to CWC Section 13323, within 90 days after service of this Complaint on the Permittee, Regional Water Board shall conduct a hearing on this Complaint. The Regional Water Board will hold a hearing on October 12, 2005, unless the Permittee waives the right to a hearing by signing and returning the waiver form attached to this Complaint within 30 days of this Complaint. By doing so, the Permittee agrees to pay the mandatory penalty of \$57,000 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 waste discharge requirements.

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

August 29, 2005

050088_Ferndale_ACLCOrder_NKN_tmk_082905