

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2005-0014

Mandatory Minimum Penalties

For

Violation of NPDES Requirements

Order No. R1-2004-0024

NPDES No. CA0024473

WDID No. 1A84005ODN

In the Matter of

Crescent City Harbor District
Seafood-Processing Wastewater Treatment Facility

For

Failure to File a Monthly Monitoring Report in a Timely Manner

Del Norte County

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) Sections 13385(h) and 13385.1 is issued to the Crescent City Harbor District (hereinafter Permittee) based on a finding of failure to timely submit a discharger monitoring report required pursuant to CWC Section 13383 as prescribed by Order No. R1-2004-0024 (NPDES No. CA0024473) 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:

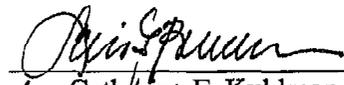
1. The Permittee operates a seafood processing wastewater treatment facility (hereinafter facility) located at Crescent City Harbor in Crescent City, California. The Permittee can discharge up to 800,000 gallons per day (gpd) of processed wastewater through the Crescent City municipal wastewater treatment plant outfall point south of the Battery Point Lighthouse (Latitude 41°44'38", Longitude 124°12'38"). The water is susceptible of 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 through the Crescent City municipal wastewater treatment plant into the Pacific Ocean, a navigable water of the United States.
2. On May 12, 2004, the Regional Water Board adopted Order No. R1-2004-0024, which prescribes waste discharge requirements and serves as an NPDES permit (1B80073OHUM) for the discharge of treated wastes from the facility to the Pacific Ocean.

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 a monthly NPDES self-monitoring report to the Regional Water Board **pursuant** to the authority of CWC Section 13383.
4. The Regional Water Board received the Permittee's June 2004 monthly monitoring report on September 24, 2004 a total of 55 days after the due date of July 31, 2004.
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 in the amount of \$3,000 for submittal of the June 2004 monthly discharge monitoring report 55 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 April 20, 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 \$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** 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.

Ordered by


for Catherine E. Kuhlman
Executive Officer

February 15, 2005