

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2007-0093

For
Violation of Waste Discharge Requirements
Order Nos. 95-49 and R1-2001-71
NPDES No. CA0023060

In the Matter of
City of Willits
Wastewater Treatment Facility
WDID No. 1B80078OMEN

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from the City of Willits (hereinafter Discharger) a waiver of the right to a hearing in the matter of mandatory minimum penalties pursuant to California Water Code section 13385, subdivisions (h) and (i) for failure to comply with effluent limitations as required by Order Nos. 95-49 and R1-2001-71 (NPDES No. CA0023060) and associated monitoring and reporting program, and having received the Discharger's request for the opportunity to implement a Compliance Project (CP) in lieu of the penalty prescribed, finds the following:

1. The Discharger owns and operates a municipal wastewater treatment facility (WWTF), located in the City of Willits to collect, treat, and dispose of wastewater generated within the sewered area of Willits and Brooktrails. The WWTF is designed to provide secondary treatment and discharges the treated effluent during winter months (October 1 to May 14) at a point below the confluence of Broaddus Creek with Baechtel Creek, tributaries of Outlet Creek and thence the Eel River.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 95-49 for the Discharger on June 22, 1995 and reissued Waste Discharge Requirements Order No. R1-2001-71 on June 28, 2001. Both Orders serve as a National Pollutant Discharge Elimination System (NPDES) permit under the Federal Clean Water Act, Waste Discharge ID No. (1B80078OMEN).
3. Among the provisions in the Discharger's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit NPDES self-monitoring reports pursuant to Water Code section 13383.
4. According to monitoring reports submitted by the Discharger, the discharge exceeded effluent limitations thirteen times during the period from January 1, 2000 through May 31, 2006.

5. Water Code section 13385, subdivisions (h) and (i) require the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each specified violation of effluent limits. On May 17, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0041 assessing mandatory minimum penalties of \$21,000 for effluent violations as described in Finding No. 4 above.
6. Water Code section 13385, subdivision (k) allows the Regional Water Board to direct all or a portion of the penalty toward a CP in accordance with Section X of the *State Water Resources Control Board's Water Quality Enforcement Policy* (Enforcement Policy). This Complaint includes requirements for a CP as specified in the Enforcement Policy.
7. On June 15, 2007, the Discharger waived its right to a public hearing and requested approval to conduct a CP in lieu of paying all of the mandatory minimum penalty. The Discharger agreed to pay \$6,000 into the State Water Pollution Cleanup and Abatement Account (CAA) and conduct a CP costing in excess of the remaining \$15,000 penalty. On June 18, 2007, the Discharger paid the \$6,000 into the CAA.
8. The Regional Water Board received a CP proposal from the Discharger on June 18, 2007. The Discharger proposes to: 1) pipe-burst 470 feet of sewer pipe and replace with new pipe and 2) hydro-blast and water-plug the wet well in a sewage lift station. This will reduce infiltration and inflow and improve BOD removal levels at the WWTF. Total cost for the project is approximately \$23,500. Project completion is expected by August 1, 2008. The proposed CP and time schedule are described in Attachment A, incorporated herein.
9. A duly noticed public hearing on this matter was held before the Regional Water Board during a public meeting on December 6, 2007, in the Wharfinger Building, 1 Marina Way, Eureka, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger was given the opportunity to testify and present evidence, and the public was given an opportunity to comment.
10. The Regional Water Board finds that the CP, as proposed, meets the criteria established in Water Code section 13385, subdivision (k) and the State Water Resources Control Board's Enforcement Policy.
11. 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).

12. 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 13385 that:

1. The Discharger shall be assessed mandatory minimum penalties in the amount of \$21,000. The Discharger paid the sum of \$6,000 to the CAA on June 18, 2007. The remaining sum of \$15,000 will be suspended upon completion of the CP as described in Attachment A of this Order. The CP shall be completed on or before August 1, 2008 according to the following time schedule:

Task 1:	Prepare bid package, evaluate bids and award contract.	Submit letter on or before May 15, 2008 with status of task completion
Task 2:	Begin construction of the pipe bursting and lift station upgrade projects.	Submit letter on or before July 1, 2008 with status of task completion
Task 3:	Complete construction of the pipe bursting and lift station upgrade projects.	Submit report of completion on or before September 15, 2008

2. If, given written justification from the Discharger, the Executive Officer determines that a delay in the CP implementation schedule was 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 CP will be completed.
3. The penalty amount of \$15,000 shall be suspended if the Executive Officer determines that the Discharger completes the CP and provides the Regional Water Board with the scheduled progress reports toward completion of the CP and the final report by September 15, 2008. The final report shall contain documentation of expenditures. The amount of the penalty suspended will not exceed the Discharger's cost to return to and/or maintain future compliance.
4. Failure to meet the deadlines above, including completing the CP, will result in the Discharger being required to pay the suspended \$15,000 penalty. Payment of the suspended amount does not relieve the Discharger of its obligation to

take necessary actions to achieve compliance with Waste Discharge Requirements.

5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with progress and completion of the CP as well as the authority to assess additional penalties for violations of the Discharger's Waste Discharge Requirements/NPDES Permit.

Certification

I, Robert R. Klamt, Interim 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 December 6, 2007.

Robert R. Klamt
Interim Executive Officer

(12107_NKN_Willits ACLO_CP_Adopted)