

California Regional Water Quality Control Board  
North Coast Region

Administrative Civil Liability Order No. R1-2008-0018

For

Discharges in Violation of Waste Discharge Requirements  
Order Nos. 94-60, R1-2000-71, and R1-2006-0001 and  
State Water Resources Control Board Order No. 2006-0003-DWQ

In the Matter of  
City of Crescent City  
Wastewater Treatment Facility  
WDID No. 1A84006ODN

Del Norte County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), has received from the City of Crescent City (hereinafter Discharger) a waiver of its right to a public hearing in the matter of civil penalties issued pursuant to Water Code section 13385, subdivisions (a), (h) and (i). The proposed civil penalties issued pursuant to subdivision (a) are for discharges of untreated municipal wastewater that occurred between January 1, 2000 and May 31, 2007 in violation of (1) discharge prohibitions contained in Waste Discharge Requirements (WDRs) Order Nos. 94-60, R1-2000-71, and R1-2006-0001 and in violation of (2) Order No. 2006-0003-DWQ Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (GWDRs) as a result of Sanitary Sewer Overflows (SSOs). The proposed civil penalties issued pursuant to subdivisions (h) and (i) are for discharges of municipal effluent in violation of effluent limitations contained in the Discharger's WDRs Orders. Having received a request for the opportunity to implement an influent pump upgrade project (Project) and a Compliance Project (CP) in lieu of a portion of the penalty prescribed, the Regional Water Board finds the following:

1. The Discharger owns and operates the City of Crescent City Wastewater Treatment Facility (WWTF). The WWTF serves the City of Crescent City and the Del Norte County Service Area No. 1 and discharges secondary treated municipal wastewater into the Pacific Ocean.
2. Water Code Section 13385, subdivision (a)(2) states, in part, that a discharger is subject to administrative civil liability for violation of any waste discharge requirement. The Discharger's wastewater collection and pumping system is regulated by GWDRs, which were adopted by the State Water Resources Control Board on May 2, 2006. The Discharger enrolled in the GWDRs on June 27, 2006. Order No. 2006-0003-DWQ prohibits the discharge of untreated or partially treated wastewater from sanitary sewer systems to waters of the United States. The Discharger's wastewater collection and pumping system is also regulated by WDRs, which have been in effect since before January 1, 2000. The WDRs prohibit the creation of a pollution, contamination, or nuisance, the discharge of untreated waste from anywhere within the collection or treatment system and the discharge of treated waste to unauthorized locations.

3. 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. Water Code section 13385, subdivision (k) allows the Regional Water Board to direct a publicly owned treatment works serving a small community to put 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).
4. During the period from January 1, 2000 through May 31, 2007, the Discharger exceeded effluent limitations thirty-six times. Three of the exceedances are serious violations and thirty-three are chronic. The mandatory minimum penalty amount for these violations is \$69,000.
5. During the period from January 1, 2000 through May 31, 2007, the Discharger reported seven prohibited discharges, including five SSO events. Three of the five SSO events occurred downtown as a result of inflow and infiltration, each event affecting multiple locations. One SSO occurred at the Burtschell St. Lift Station due to vandalism, and another SSO event, which affected four locations, was caused by a plugged sewer main across from the WWTF. The two non-SSO prohibited discharges resulted from Manhole A failing inside the WWTF. The Discharger permanently fixed the Manhole A failure problem by putting Manhole A out of service and putting a new outfall line in service during the spring of 2006. The penalty amount assessed for these prohibited discharge violations is \$56,000.
6. On July 25, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0061 (Complaint) assessing a civil liability penalty of \$125,000 for violations described in Findings 4 and 5 above. The Discharger waived its right to a public hearing and requested to pay the sum of \$30,500 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the sum of \$59,000 on a Compliance Project (CP) and the sum of \$35,500 on an influent pump project (Project). The Discharger paid \$30,500 into the CAA on August 31, 2007.
7. The proposed CP is an upgrade of the WWTF to ultraviolet (UV) disinfection with a total projected cost of \$313,600, which would satisfy the \$59,000 suspended penalty. The UV disinfection will address the majority of violations in the Complaint while improving operator safety and reliability of the disinfection process, and eliminating chlorine disinfection byproducts from the effluent. The CP is a part of the Discharger's complete WWTF upgrade to a membrane bioreactor facility that is on schedule for completion by March 2010. The CP is task number 514 of 709 in the September 9, 2007 time schedule issued by the Discharger for the complete WWTF upgrade. The CP is on schedule for completion by December 31, 2008.
8. The proposed Project will upgrade the headworks influent pumps with horizontal constant-speed nonclog centrifugal pumps with a total projected cost of \$228,000. The total pumping capacity will be increased from 12 million gallons per day (mgd) to 18.3 mgd with all pumps in service and from 6 mgd to 13 mgd with the largest pump out of service. The larger pumping capacity will reduce sewer backups and SSOs. The headworks upgrade project started in December 2007 and is projected to finish by August 15, 2009. The Project is task number 693 of 709 in the

September 9, 2007 time schedule issued by the Discharger for the complete WWTF upgrade that is scheduled for completion by March 2010.

9. Government Code section 11415.60, subdivision (a) states that an agency may formulate and issue a settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's proposals described in Findings 7 and 8 are a fair settlement of the Complaint and are in the interest of the public. The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.
10. A duly noticed public hearing on this matter was held before the Regional Water Board on April 24, 2008 at The Sons of Italy Weed Lodge No. 1269, 155 Clay Street, Weed, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
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 a total civil liability of \$125,000. The Discharger has paid the sum of \$30,500 to the CAA. The Discharger shall spend at least the remaining sums of \$59,000 and \$35,500 on a CP and a Project respectively. The CP shall upgrade the WWTF disinfection from chlorine to ultraviolet (UV) light. The Project shall upgrade the existing influent pumps to new horizontal nonclog centrifugal pumps with an increased total capacity of 18 mgd.
2. The Discharger shall submit progress reports and final reports describing the planning and construction of the project according to the following time schedule:

TASK	DUE DATE
Complete the Compliance Project: upgrade the UV disinfection process	No later than December 31, 2008 and submit a Report of Completion including a detailed list of expenditures no later than January 30, 2009.

Submit Progress Reports for the Project and Compliance Project including an update of the complete WWTF upgrade	No later than November 1, 2008 and April 1, 2009
Complete the Project: install the new horizontal constant speed nonclog centrifugal influent pumps	No later than August 14, 2009 and submit a compliance report by September 15, 2009. The report shall describe the completion of the task and include an overall evaluation of the project and its ability to meet the stated goal of increasing the pumping capacity and reliability of the influent pump station.

3. If, given written justification from the Discharger, the Executive Officer determines that a delay in the CP and/or Project implementation schedule is 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 and/or Project will be completed.
4. The respective penalty amounts of \$59,000 and/or \$35,500 shall be permanently suspended if the Executive Officer determines that the Discharger completes the CP and/or Project satisfactorily, as described in Findings 7 and 8 of this Order. The sum of the CP, the Project, and the amount paid to the CAA shall at least equal the amount of the full penalty. All payments, including money not used for the project, must be payable to the CAA. The final report shall contain documentation of expenditures. The amount of the suspended penalty shall not exceed the Discharger's actual expenses. Completion of the CP and/or Project or payment of the suspended liability amount does not relieve the Discharger of its obligation to take necessary actions to achieve compliance with WDRs.
5. Failure to meet the deadlines above, including completing the Project by August 14, 2009 or the CP by December 31, 2008, will result in the Discharger being required to pay the suspended \$94,500 penalty.
6. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

## Certification

I, Catherine Kuhlman, 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 April 24, 2008.

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Catherine Kuhlman  
Executive Officer

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