



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

June 27, 2008

Duane V. Rigge
City Manager
City of Fortuna
621 11th Street
Fortuna, CA 95540

Subject: Order No. R1-2008-0082 – Notice of Violation of NPDES Permit

File: FORTUNA CITY WWTP
NPDES Permit No. CA0022730, WDID No. 1B83135OHUM

Dear Mr. Rigge:

This letter is to notify the City of Fortuna (hereinafter Permittee) of alleged violation of the California Water Code identified in the State Water Resources Control Board's (State Water Board) water quality data system and to require the Permittee to address the cause and correction of the violation.

NOTICE OF VIOLATION

Based on information in the California Integrated Water Quality System (CIWQS) as of June 5, 2008, the North Coast Regional Water Quality Control Board (hereinafter Regional Water Board) hereby notifies the Permittee that it has violated the effluent limitations, reporting violations, or Water Code provisions identified in the table below.

CIWQS Violation ID	Violation Date	Violation Type	MMP Type	MMP Amount	Violation Description
225617	1/8/2003	OEV	Chronic	\$0	Exceeded daily Coliform average of 230 MPN - reported 300 MPN (Sample taken by NCRWQCB staff)

STATUTORY LIABILITY

The above violation is not considered to be a serious violation and is not subject to mandatory minimum penalties as set forth in California Water Code section 13385, subdivision (h). The violation also is not a frequent violation (occurring four or more times within 180 days) as defined in Water Code section 13385, subdivision (i) and is not subject to mandatory minimum penalties. Each violation is, however, subject to discretionary penalties pursuant to Water Code section 13385, subdivision (c), in an amount up to \$10,000 for each day in which the violation occurs, plus \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons.

STAFF DETERMINATION AND REQUEST FOR RESPONSE

Regional Water Board staff has evaluated the violation and has determined that assessment of an administrative civil liability is not appropriate for this minor, infrequent violation. It is appropriate, however, to address the violation by determining the cause of the violation and what steps should be taken to prevent or minimize its recurrence. Staff recognizes that this violation occurred quite some time in the past and that determining the cause may be difficult. Please respond within thirty (30) days from the date of receipt of this Notice of Violation.

If you believe that we have recorded this violation in error or if you have any questions about the Notice of Violation, please contact Nancy Negley at (707) 576-2657 or by email at nnegley@waterboards.ca.gov regarding this matter.

Sincerely,

Luis G. Rivera
Assistant Executive Officer

Certified – Return Receipt Requested

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