California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2006-0054

Mandatory Minimum Penalties

For
Violations of Waste Discharge Requirements
Order No. 98-13

In The Matter Of

City of Arcata, Arcata Wastewater Treatment Facility
WDID No. 1B82114OHUM

Humboldt County

This Order to assess mandatory minimum penalties pursuant to California Water Code Section 13385(h) and (i) (CWC) is issued to the City of Arcata (hereinafter Discharger), for violations of Waste Discharge Requirements Order No. 98-13 (NPDES No. CA0022713) for the period January 1, 2000, through June 21, 2004.

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds the following:

1. The Discharger owns and operates the City of Arcata Wastewater Treatment Facility (WWTF). The WWTF serves both the City of Arcata and the Glendale area, which is administered by the Fieldbrook Community Services District. The WWTF discharges secondary treated municipal wastewater into Humboldt Bay.

2. The Regional Water Board adopted Waste Discharge Requirements Order No. 98-13 for the Discharger on February 26, 1998. The Discharger currently is regulated by Waste Discharge Requirements Order No. R1-2004-0036, adopted by the Regional Water Board on June 22, 2004. Both of these Waste Discharge Requirements serve as National Pollutant Discharge Elimination System (NPDES) permits under the federal Clean Water Act. Order No. 98-13 was rescinded on June 22, 2004.

3. This Order covers violations of effluent limitations (contained in Order No. 98-13) that occurred during periods of discharge to receiving waters for the period of January 1, 2000, through June 21, 2004. The details of these violations are summarized in Findings 9 through 12 of this Order. These violations are subject to the mandatory minimum penalties provisions contained in sections 13385(h) and (i) of the California Water Code.

4. California Water Code section 13385(h)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation of NPDES permit effluent limitations.

5. California Water Code section 13385(h)(2) states that a serious violation occurs if the discharge from a facility regulated by an NPDES permit exceeds the effluent limitation for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 Code of Federal Regulations, by 40 percent or more, or for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 Code of Federal Regulations, by 20 percent or more.

6. California Water Code section 13385(i)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars ($3,000) for each violation, not counting the first three violations, if four or more times in any six consecutive months the discharger does any of the following:

    a. Violates a waste discharge requirement effluent limitation.
    b. Fails to file a report pursuant to section 13260.
    c. Files an incomplete report pursuant to section 13260.
    d. Violates a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

    Violations under section 13385(i)(1) of the California Water Code are referred to as chronic violations in this Order.

7. For the purpose of compliance determinations, the 30-day average is equivalent to the monthly average, which is defined as the arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

8. For the purpose of compliance determinations, the 7-day average is equivalent to the weekly average, which is defined as the arithmetic mean of all daily determinations made during a calendar week, Sunday to Saturday. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

9. Order No. 98-13 includes the following effluent limitations and toxicity discharge limitation:

    B. EFFLUENT LIMITATIONS

        1. Waste discharged to Humboldt Bay (Discharge Serial No. 001) shall not contain constituents in excess of the following limits:

Major Wastewater Constituents

Constituent	Unit	30-Day Average	7-Day Average	Daily Maximum
BOD (20°C, 5-day)	mg/l	30	45	60
	lb/day	575	863	1151
	% removal	85	---	---
Total Suspended Solids	mg/l	30	45	60
	lb/day	575	863	1151
	% removal	85	---	---
Coliform Organisms	MPN/100ml	14[1]	---	43[2]

10. On February 19, 2002, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. The Enforcement Policy addresses, among other enforcement issues, issues related to assessing mandatory minimum penalties allowing supplemental environmental projects (SEP). This Order includes requirements for SEP specified in Section IX of the Enforcement Policy.

11. The Enforcement Policy states that for the purpose of determining serious violations, BOD, and Total Suspended Solids are identified as Group I pollutants in Title 40 Code of Federal Regulations, Section 123.45, Appendix A. Coliform is neither a Group I nor a Group II pollutant; therefore, exceedances of effluent limitations for coliform bacteria do not count as serious violations.

[1] Median

[2] Not more than 10 percent of samples collected in a 30 day period shall exceed 43 MPN/100 ml (fecal)

12. According to monitoring reports submitted by the Discharger, the discharge exceeded discharge and effluent limitations one hundred eleven times during the period from January 1, 2000, to June 21, 2004. Of those exceedances, thirty-nine were serious violations in accordance with CWC section 13385(h) and seventy-two were chronic effluent violations in accordance with CWC section 13385(i)(1). The mandatory penalty amount for those violations is $297,000, as shown in the following table:

Table 1. Effluent Limitation Exceedances
January 1, 2000, through June 21, 2004

Sample Date	Violation Date	Description of Violation (Reported Value)	Violation Type	Mandatory Penalty
	01/15/00	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (946 lbs/day)	Chronic	NO MMP 1st viol/6mos
	01/15/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1082 lbs/day)	Chronic	NO MMP 2nd viol/6mos
	01/19/00	Exceeded Daily Max BOD Limit of 1151 lbs/day (1288 lbs/day)	Chronic	NO MMP 3rd viol/6mos
	01/19/00	Exceeded Daily Max TSS Limit of 1151 lbs/day (1580 lbs/day)	Chronic	$3,000
	01/22/00	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (1288 lbs/day)	Serious	$3,000
	01/22/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1580 lbs/day)	Serious	$3,000
	01/31/00	Failed to achieve 85% Removal of BOD (71%)	Serious	$3,000
	01/31/00	Exceeded 30-Day Avg. BOD Limit of 575 lbs/day (756 lbs/day)	Serious	$3,000
	01/31/00	Failed to achieve 85% Removal of TSS (72%)	Serious	$3,000
	01/31/00	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (895 lbs/day)	Serious	$3,000
	02/16/00	Exceeded Daily Max TSS Limit of 1151 lbs/day (1392 lbs/day)	Chronic	$3,000
	02/19/00	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (1134 lbs/day)	Chronic	$3,000
	02/19/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1392 lbs/day)	Serious	$3,000
	02/26/00	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (930 lbs/day)	Chronic	$3,000
	02/26/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1151 lbs/day)	Chronic	$3,000
	02/29/00	Failed to achieve 85% Removal of BOD (79%)	Serious	$3,000
	02/29/00	Exceeded 30-Day Avg. BOD Limit of 575 lbs/day (693 lbs/day)	Chronic	$3,000
	02/29/00	Failed to achieve 85% Removal of TSS (84%)	Chronic	$3,000
	02/29/00	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (795 lbs/day)	Chronic	$3,000
	03/04/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (908 lbs/day)	Chronic	$3,000

Sample Date	Violation Date	Description of Violation (Reported Value)	Violation Type	Mandatory Penalty
	03/11/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (864 lbs/day)	Chronic	$3,000
	11/18/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (868 lbs/day)	Chronic	NO MMP 1st viol/6mos
	11/30/00	Failed to achieve 85% Removal of BOD (83%)	Chronic	NO MMP 2nd viol/6mos
	11/30/00	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (32 mg/l)	Chronic	NO MMP 3rd viol/6mos
	11/30/00	Failed to achieve 85% Removal of TSS (81%)	Chronic	$3,000
	11/30/00	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (640 lbs/day)	Chronic	$3,000
	12/16/00	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (948 lbs/day)	Chronic	$3,000
	12/31/00	Failed to achieve 85% Removal of BOD (84%)	Chronic	$3,000
	12/31/00	Failed to achieve 85% Removal of TSS (82%)	Chronic	$3,000
	12/31/00	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (629 lbs/day)	Chronic	$3,000
	02/22/01	Exceeded Daily Max TSS Limit of 1151 lbs/day (1273 lbs/day)	Chronic	$3,000
	02/24/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1273 lbs/day)	Serious	$3,000
	02/28/01	Failed to achieve 85% Removal of TSS (74%)	Serious	$3,000
	02/28/01	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (664 lbs/day)	Chronic	$3,000
	03/03/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1141 lbs/day)	Chronic	$3,000
	03/31/01	Exceeded 7-Day Avg. TSS Limit of 45 mg/l (30 mg/l)	Chronic	$3,000
	03/31/01	Failed to achieve 85% Removal of TSS (81%)	Chronic	$3,000
	03/31/01	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (643 lbs/day)	Chronic	$3,000
	11/20/01	Exceeded Daily Max BOD Limit of 1151 lbs/day (1205 lbs/day)	Chronic	NO MMP 1st viol/6mos
	11/20/01	Exceeded Daily Max TSS Limit of 1151 lbs/day (1928 lbs/day)	Serious	$3,000
	11/24/01	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (1205 lbs/day)	Chronic	NO MMP 3rd viol/6mos
	11/24/01	Exceeded 7-Day Avg. TSS Limit of 45 mg/l (48 mg/l)	Chronic	$3,000
	11/24/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1928 lbs/day)	Serious	$3,000
	11/29/01	Exceeded Daily Max TSS Limit of 1151 lbs/day (1725 lbs/day)	Serious	$3,000
	11/30/01	Failed to achieve 85% Removal of BOD (83%)	Chronic	$3,000

Sample Date	Violation Date	Description of Violation (Reported Value)	Violation Type	Mandatory Penalty
	11/30/01	Exceeded 30-Day Avg. BOD Limit of 575 lbs/day (630 lbs/day)	Chronic	$3,000
	11/30/01	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (30 mg/l)	Chronic	$3,000
	11/30/01	Failed to achieve 85% Removal of TSS (78%)	Serious	$3,000
	11/30/01	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (1076 lbs/day)	Serious	$3,000
	12/01/01	Exceeded 7-Day Avg. TSS Limit of 45 mg/l (48 mg/l)	Chronic	$3,000
	12/01/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1725 lbs/day)	Serious	$3,000
	12/06/01	Exceeded Daily Max BOD Limit of 1151 lbs/day (2164 lbs/day)	Serious	$3,000
	12/06/01	Exceeded Daily Max TSS Limit of 1151 lbs/day (3345 lbs/day)	Serious	$3,000
	12/08/01	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (2164 lbs/day)	Serious	$3,000
	12/08/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (3345 lbs/day)	Serious	$3,000
	12/22/01	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1034 lbs/day)	Chronic	$3,000
	12/31/01	Failed to achieve 85% Removal of BOD (76%)	Serious	$3,000
	12/31/01	Exceeded 30-Day Avg. BOD Limit of 575 lbs/day (892 lbs/day)	Serious	$3,000
	12/31/01	Failed to achieve 85% Removal of TSS (71%)	Serious	$3,000
	12/31/01	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (1345 lbs/day)	Serious	$3,000
	09/30/02	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (32 mg/l)	Chronic	NO MMP 1st viol/6mos
	11/09/02	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (981 lbs/day)	Chronic	NO MMP 2nd viol/6mos
	11/30/02	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (34 mg/l)	Chronic	NO MMP 3rd viol/6mos
	11/30/02	Failed to achieve 85% Removal of TSS (81%)	Chronic	$3,000
	11/30/02	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (693 lbs/day)	Chronic	$3,000
	12/19/02	Exceeded Daily Max BOD Limit of 1151 lbs/day (1502 lbs/day)	Chronic	$3,000
	12/19/02	Exceeded Daily Max TSS Limit of 1151 lbs/day (3858 lbs/day)	Serious	$3,000
	12/21/02	Exceeded 7-Day Avg. BOD Limit of 863 lbs/day (1502 lbs/day)	Serious	$3,000
	12/21/02	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (3558 lbs/day)	Serious	$3,000
	12/31/02	Failed to achieve 85% Removal of BOD (84%)	Chronic	$3,000
	12/31/02	Exceeded 30-Day Avg. BOD Limit of 575 lbs/day (640 lbs/day)	Chronic	$3,000

Sample Date	Violation Date	Description of Violation (Reported Value)	Violation Type	Mandatory Penalty
	12/31/02	Exceeded 7-Day Avg. TSS Limit of 30 mg/l (33 mg/l)	Chronic	$3,000
	12/31/02	Failed to achieve 85% Removal of TSS (60%)	Serious	$3,000
	12/31/02	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (1329 lbs/day)	Chronic	$3,000
	01/18/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (906 lbs/day)	Chronic	$3,000
	1/31/03	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (612 lbs/day)	Chronic	$3,000
	1/31/03	Failed to achieve 85% Removal of TSS (82%)	Chronic	$3,000
	02/01/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (982 lbs/day)	Chronic	$3,000
	2/22/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1064 lbs/day)	Chronic	$3,000
	03/15/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1072 lbs/day)	Chronic	$3,000
	03/31/03	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (602 lbs/day)	Chronic	$3,000
	03/31/03	Failed to achieve 85% Removal of TSS (84%)	Chronic	$3,000
	04/03/03	Exceeded Daily Max TSS Limit of 1151 lbs/day (1576 lbs/day)	Chronic	$3,000
	04/05/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1576 lbs/day)	Serious	$3,000
	04/12/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (871 lbs/day)	Chronic	$3,000
	04/17/03	Exceeded Daily Max TSS Limit of 1151 lbs/day (1227 lbs/day)	Chronic	$3,000
	04/19/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1227 lbs/day)	Serious	$3,000
	4/24/03	Exceeded Daily Max TSS Limit of 1151 lbs/day (1231 lbs/day)	Chronic	$3,000
	04/30/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1226 lbs/day)	Serious	$3,000
	04/30/03	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (34 mg/l)	Chronic	$3,000
	04/30/03	Failed to achieve 85% Removal of TSS (69%)	Serious	$3,000
	11/06/03	Exceeded Daily Max TSS Limit of 1151 lbs/day (1300 lbs/day)	Chronic	NO MMP
	11/08/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1300 lbs/day)	Serious	$3,000
	11/22/03	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (912 lbs/day)	Chronic	$3,000
	11/30/03	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (880 lbs/day)	Serious	$3,000

Sample Date	Violation Date	Description of Violation (Reported Value)	Violation Type	Mandatory Penalty
	11/30/03	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (41 mg/l)	Chronic	$3,000
	11/30/03	Failed to achieve 85% Removal of TSS (80%)	Chronic	$3,000
	12/05/03	Exceeded Daily Total Coliform Limit of 100MPN/100 ml (60 MPN/100ml)	Chronic	$3,000
	12/31/03	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (688 lbs/day)	Chronic	$3,000
	12/31/01	Failed to achieve 85% Removal of TSS (80%)	Chronic	$3,000
	01/29/04	Exceeded Daily Max TSS Limit of 1151 lbs/day (1196 lbs/day)	Chronic	$3,000
	1/31/04	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (673 lbs/day)	Chronic	$3,000
	01/31/04	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1196 lbs/day)	Chronic	$3,000
	02/19/04	Exceeded Daily Max TSS Limit of 1151 lbs/day (1833 lbs/day)	Serious	$3,000
	02/21/04	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1833 lbs/day)	Chronic	$3,000
	02/26/04	Exceeded Daily Max TSS Limit of 1151 lbs/day (1808 lbs/day)	Serious	$3,000
	02/28/04	Exceeded 7-Day Avg. TSS Limit of 863 lbs/day (1808 lbs/day)	Serious	$3,000
	02/28/04	Exceeded 7-Day Avg. TSS Limit of 45 mg/l (47 mg/l)	Chronic	$3,000
	02/29/04	Exceeded 30-Day Avg. TSS Limit of 575 lbs/day (1168 lbs/day)	Serious	$3,000
	02/29/04	Exceeded 30-Day Avg. TSS Limit of 30 mg/l (35 mg/l)	Chronic	$3,000
	02/29/04	Failed to achieve 85% Removal of TSS (74%)	Serious	$3,000
			Total	$297,000

13. The total amount of the mandatory minimum penalties for serious and chronic violations occurring during the period January 1, 2000, through June 21, 2004 is $297,000.

14. CWC section 13385(l)(1) provides that a portion of mandatory minimum penalties imposed under CWC section 13385(h) and/or (i) may be directed to a SEP in accordance with the State Water Resources Control Board's Water Quality Enforcement Policy. If the penalty amount exceeds fifteen thousand dollars ($15,000), the portion of the penalty amount that may be directed to a supplemental environmental project may not exceed fifteen thousand dollars ($15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars ($15,000).

15. On January 4, 2006, the Regional Water Board Executive Officer (Executive Officer) issued Complaint No. R1-2006-0006 proposing that the Discharger pay $306,000 in administrative civil liability for the violations or propose a SEP for the appropriate amount and pay the remainder of the assessed penalty to the State Water Pollution Cleanup and Abatement

Account. By letter dated April 11, 2006, the Discharger requested that this matter be heard by the Regional Water Board.

16. A duly noticed public hearing on this matter was held before the Regional Water Board during a public meeting on May 17, 2006, in the River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California. The Discharger had an opportunity to be heard regarding the allegations in this Order and the imposition of mandatory penalties by the Regional Water Board. The documents for the agenda item were provided to the Discharger prior to the hearing. Subsequently, this amount was reduced to $297,000 because staff found three violations charged, to be in error.

17. At the hearing, the Regional Water Board considered whether to affirm, reject or modify the proposed mandatory penalties set forth herein, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.

18. 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 (Public Resources Code Section 21000 et seq.) pursuant to Title 14, California Code of Regulations Sections 15308 and 1532(a)(2).

19. 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 California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Resources Control Board within 30 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 section 13385 of the California Water Code that:

1. The City of Arcata shall be assessed a mandatory minimum penalty in the amount of $297,000 for the violations that occurred from January 1, 2000, through June 21, 2004.

2. In lieu of paying the full amount of the assessment to the State Water Pollution Cleanup and Abatement Account, a portion of the penalty may be directed toward a SEP as provided for in CWC section 13385(l). The maximum amount that may be directed toward a SEP is $156,000. If the Discharger chooses to propose a SEP, it must submit a proposal within 30 days of the date of this Order to the Executive Officer for conceptual approval. Any SEP proposal shall conform to the requirements specified in Section IX of the Enforcement Policy and the Regional Water Board's Standard Criteria and Requirements for Supplemental Environmental Projects dated October 13, 2004. If the proposed SEP is not acceptable, the Executive Officer may allow the Discharger 30 days to submit a new or revised proposal, or may demand that, during the same 30-day period, the Discharger pay the suspended penalty of $156,000. All payments, including money not used for the

SEP, must be payable to the State Water Pollution Cleanup and Abatement Account.

3. The full **amount** of the assessment shall be due and payable immediately, including specifically the full $156,000 allocated to the SEP, if at any time the Executive Officer determines the following:

   a) The SEP proposed by the Discharger will not comply with the State Water Board's Enforcement Policy; or
   b) The Discharger has not proceeded in accordance with any of the terms of the SEP.

   The Discharger may seek review by this Board of any determinations by the Executive Officer under this section, in addition to the remedies outlined in finding number nineteen (19) above.

4. The difference between the $297,000 penalty assessment and the suspended amount of an approved SEP (SEP can be up to a maximum of $156,000) shall be paid to the State Water Pollution Cleanup and Abatement Account within thirty days of adoption of this Order. The **minimum** payment to the State Water Pollution and Abatement Account shall be $141,000. Payment shall be made in the form of a check payable to the State Water Resources Control Board, State Water Pollution Cleanup and Abatement Account. The check shall be submitted to the Regional Water Board's office at 5550 **Skylane** Boulevard, Suite **A, Santa** Rosa CA 95403. The check shall contain a reference to this Order.

5. Notwithstanding the issuance of the Complaint, the Regional Water Board shall retain the authority to assess additional penalties for violations of the Discharger's waste discharge requirements.

Certification

I, Catherine E. 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 May 17,2006.

Catherine E. Kuhlman
Executive Officer

(Arcata ACL Order_FINAL)