

EXECUTIVE OFFICER'S SUMMARY REPORT
8:30 a.m., January 21, 2010
Regional Water Board Office
David C. Joseph Meeting Room
5550 Skylane Blvd., Suite A
Santa Rosa, California

ITEM: 5

SUBJECT: Public Hearing on Administrative Civil Liability Order No. R1-2010-0005 to consider whether to affirm, reject, or modify an Order imposing Administrative Civil Liability pursuant to settlement of Administrative Liability Complaint No. R1-2008-0124, **City of Healdsburg** Wastewater Treatment and Disposal Facility WDID No. 1B82046OHUM (Bill Rodriguez)

DISCUSSION

On December 12, 2008, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0124 assessing an administrative civil liability of \$369,000 against the City of Healdsburg for violations of effluent limitations contained in Waste Discharge Requirements Orders R1-2004-0111, R1-2005-0084 and Cease and Desist Order No. R1-2006-0002. The Waste Discharge Requirements also serve as National Pollutant Discharge Elimination System permit No. CA0025135. The violations set forth in the Complaint occurred between November 30, 2004 and April 30, 2008, and were subject to mandatory minimum penalties (MMPs).

Representatives of the Discharger and the Regional Water Board Prosecution Staff have reached agreement on the settlement of the administrative civil liability (see attached settlement agreement). The proposed settlement requires the Discharger to pay \$177,000 of the \$369,000 civil liability to the State Water Pollution Cleanup and Abatement Account (CAA). The remaining balance of \$192,000 will be applied towards a Supplemental Environmental Project (SEP) that meets the requirements of the State Water Board's 2009 "Policy on Supplemental Environmental Projects."

The City has proposed a SEP that consists of preparing plans and specifications for a recycled water distribution system. The project, when completed, will allow the wastewater from the Discharger's newly constructed \$32,000,000 Advanced Waste Treatment ("AWT") facility to be used for agricultural and urban irrigation in additional areas. This reclamation project will have the benefit of reducing discharges of AWT wastewater to surface waters.

No written comments have been received during the 30 day public comment period. An email comment was received from Don McEnhill representing the Russian River Keeper. He indicated support for the proposed SEP on the urban irrigation side but

wants to see more information and monitoring before any agricultural irrigation occurs. These issues will be discussed in detail during the planning process.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt Administrative Civil Liability Order No. R1-2010-0005 for the City of Healdsburg.