

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

ORDER NO. R1-2010-0005

IMPOSING ADMINISTRATIVE CIVIL LIABILITY
PURSUANT TO SETTLEMENT
OF
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R1-2008-0124

In the Matter of the
City of Healdsburg, Wastewater Collection Treatment and Disposal Facility
WDID No. 1B82046OSON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region ("Regional Water Board") finds:

1. On December 12, 2008, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0124 (Complaint) (Attachment A), assessing an administrative civil liability of \$369,000 against the City of Healdsburg (City or Discharger) 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 served as a 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), as set forth in California Water Code section 13385, subsection (h) and (i). The Complaint provides additional information about the specific violations associated with the penalty.
2. Representatives of the Discharger and the Regional Water Board Prosecution Staff have reached agreement on the settlement of the administrative civil liability. The settlement includes an agreement by the Regional Water Board to allow the Discharger to perform a Supplemental Environmental Project, which is outlined in an October 30, 2009 letter, which is attached as Attachment B.
3. The proposed settlement requires the Discharger to pay \$177,000 of the \$369,000 civil liability assessed in Complaint No. R1-2008-0124 to the State Water Pollution Cleanup and Abatement Account (CAA). Consistent with Water Code section 13385(l)(1), 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."
4. The Discharger 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.

5. Government Code section 11415.60 authorizes the Regional Water Board to issue a decision by settlement, pursuant to an agreement of the parties, without conducting an adjudicative proceeding. The agreement reached by the Prosecution Staff and the Discharger was incorporated, in part, into this Administrative Civil Liability Order and presented to the Regional Water Board for approval at a duly noticed public hearing on January 21, 2010 at the Regional Water Board office in Santa Rosa, California. The documents for the agenda item were jointly prepared by the Discharger and the Regional Water Board Prosecution Staff and made available to the public thirty days prior to the hearing for comment. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
6. Issuance of this order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations. The City of Healdsburg will be responsible for any necessary CEQA compliance for implementation of the SEP.
7. The Discharger must provide the Regional Water Board a final, post-project accounting of expenditures. If the proposed project does not result in expenditures of at least \$192,000, the Discharger must pay the balance of the \$192,000 not spent on the Supplemental Environmental Project to the CAA within 30 days of submitting the post-project accounting to the Regional Water Board.

IT IS HEREBY ORDERED that:

1. Administrative civil liability is imposed on the Discharger in the amount of \$369,000, pursuant to the requirements of Water Code section 13385, subdivision (h)(1)(2).
2. The Discharger shall pay \$177,000 to the CAA by February 22, 2010.
3. The Discharger shall complete engineering and design work and prepare plans and specifications for a new wastewater reclamation distribution system, according to the following time schedule.

SCHEDULE

Task	Due Date
Conduct engineering and design work on recycled water distribution system	Submit progress report to the Regional Water Board by March 17, 2010
Prepare final plans and specifications and engineering report.	Submit completion report to Regional Water Board by July 14, 2010

4. The completion report shall include a statement of completion and a detailed accounting of expenditures and goals achieved.
5. If, given written justification from the Discharger, the Executive Officer determines that a delay in the 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 the circumstances causing the delay, and must state when each outstanding task will be completed.
6. The City may propose an alternative SEP of equal or greater value to the Executive Officer, and the Executive Officer will have the authority to approve or deny the City's proposal. If the City determines that it does not wish to pursue either the SEP described in this order or an alternative SEP approved by the Executive Officer, the City may pay \$192,000 to the CAA instead.
7. Failure to meet the deadlines above, including completing the supplemental environmental project to the Executive Officer's satisfaction, will result in the Discharger being required to pay any suspended penalties.

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 January 21, 2010

Catherine Kuhlman
Executive Officer