

Executive Officer's Summary Report
8:30 a.m., January 19, 2012
North Coast Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Suite A
Santa Rosa, California

ITEM: 2

SUBJECT: **Public Hearing** on Administrative Civil Liability Order No. R1-2012-0009 to consider whether to affirm, reject, or modify a Settlement Agreement and Stipulation for Entry of Order, settling Administrative Civil Liability Complaint No. R1-2011-0013, in the matter of the **Fort Bragg Improvement District No. 1**, Wastewater Treatment Facility (WWTF), WDID No. 1B84083OMEN

DISCUSSION

On January 14, 2011, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2011-0013, recommending that an administrative civil liability of \$31,069 be assessed against Fort Bragg Improvement District No. 1 WWTF (Discharger) for violations of Waste Discharge Requirements (WDRs) Order R1-2005-0096, R1-2009-0030, and 2006-0003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. The violations described in the Order occurred from November 1, 2007 through October 31, 2010, and were subject to discretionary administrative civil liability and mandatory minimum penalties.

On September 14, 2011, the Discharger proposed to apply a portion of the proposed administrative civil liability towards completion of a supplemental environmental project (SEP). The proposed SEP will develop and secure a bluff top coastal trail. The WWTF is located adjacent to and approximately mid-way along the trail length. The newly proposed trail covers an extensive area of the bluff top running from Elm Street on the north to North Noyo Point Road on the south, and will eventually allow public access along sensitive habitat and watershed areas that require additional protection. The SEP will include establishing two gates and installing 964 linear feet of (five wire T-stake) fencing along the trail to protect sensitive habitat areas and further secure the watershed areas from public access. Within the limits of the proposed coastal trail are areas identified for "resource protection" and this SEP will include installing fencing around the perimeter of these areas to be protected. The SEP benefits the environment and sensitive resource habitat in watershed areas adjacent to the Pacific Ocean and the Fort Bragg Service Area. On October 14, 2011, the Discharger submitted a time schedule and a budget to perform the proposed SEP.

The Discharger and the Prosecution Team have reviewed the violations and proposed administrative civil liability alleged in the Complaint. For the purpose of settlement, and without adjudicated factual basis, the Parties agree to the penalty amount. Therefore, the proposed ACL Order reflects the agreement between the Discharger and the Prosecution Team that the Regional Board impose a total penalty amount of \$31,069 in administrative civil liability. Also, the Order acknowledges that on May 23, 2011, the Discharger paid \$9,750 in staff costs by check made payable to the State Water Resources Control Board Cleanup and Abatement Account.

The ACL Order under consideration provides a time schedule for implementation of the Discharger's SEP with a completion date of July 1, 2012.

No comments were received during the 30 day public comment period.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt Settlement Agreement and Stipulation for Entry of Order and Administrative Civil Liability, Order No. R1-2012-0009 for Fort Bragg Improvement District No. 1 WWTF as proposed.