

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., Thursday, April 24, 2008
Sons of Italy Weed Lodge No. 1269
155 Clay Street
Weed, California

ITEM: 7

SUBJECT: PUBLIC HEARING Order No. Order No. R1-2008-0022 to consider adoption of an Administrative Civil Liability Order acknowledging penalty payment and specifying a Supplemental Environmental Project to satisfy Administrative Civil Liability Complaint No. R1-2007-0100 issued on November 14, 2007 for effluent limit violations of Waste Discharge Requirements Order Nos. 99-65 and R1-2006-0049 for the **City of Ukiah, Wastewater Treatment Facility**.

DISCUSSION

The City of Ukiah (hereinafter Discharger) operates a municipal wastewater treatment facility (WWTF) located in the City of Ukiah to treat and dispose of wastewater generated within the sewered area of Ukiah and Ukiah Valley Sanitation District. The WWTF is designed to provide tertiary treated wastewater and discharges the effluent into the Russian River during the wet season (October 1 to May 14).

On September 23, 1999, the Regional Water Board adopted Waste Discharge Requirements Order No. 99-65 for the City of Ukiah to regulate discharges of waste from the WWTF. Waste Discharge Requirements Order No. 99-65 was rescinded and replaced with Waste Discharge Requirements Order No. R1-2006-0049 (NPDES Permit No. CA0022888), which became effective on November 9, 2006. All adopted Orders require the Discharger to implement a discharge monitoring program and to prepare and submit monthly self-monitoring reports to the Regional Water Board pursuant to Water Code section 13383.

The discharge monitoring reports reveal that the discharge exceeded effluent limitations in Waste Discharge Requirements Order No. 99-65 and R1-2006-0049 eleven times during the period from January 1, 2000 through September 30, 2007. Water Code section 13385, subsections (h) and (i) establish mandatory minimum penalties of \$3,000 for specified violations. On November 14, 2007, Administrative Civil Liability Complaint No. R1-2007-0100 was issued to the Discharger for mandatory minimum penalties in the amount of \$27,000.

On December 10, 2007, the Discharger signed a waiver of its right to a public hearing to contest the violations and proposed penalty. Pursuant to Water Code section 13385, subdivision (l), the Discharger proposed to spend at least \$17,000 to complete a Supplemental Environmental Project (SEP) and pay \$10,000 into the State Cleanup and

Abatement Account (CAA). On December 12, 2007, the Discharger made the \$10,000 payment to the CAA.

On January 15, 2008, staff received the proposed SEP. The Discharger proposes to restore capacity and stabilize a 300-foot portion of a tributary that flows into Orr Creek. Sediment discharges to Orr Creek adversely impact salmonid habitat in Orr Creek. The project is aimed at reducing sediment discharges into Orr Creek. The SEP is estimated to cost \$17,000 and will be completed by December 15, 2008. Task descriptions and completion time schedules are set forth in the draft ACL Order.

PRELIMINARY RECOMMENDATION:

Adopt the ACL Order to affirm the mandatory minimum penalty and establish a formal SEP agreement.