

EXECUTIVE OFFICER'S SUMMARY REPORT  
1:00 p.m., June 22, 2011  
5550 Skylane Blvd., Ste. A  
Santa Rosa, California

ITEM: 2

SUBJECT: Public Hearing on Administrative Civil Liability Order No. R1-2011-0052 to consider whether to affirm, reject, or modify a Settlement Agreement and Stipulation for Entry of Order, settling Administrative Civil Liability Complaint No. R1-2010-0045, in the matter of the **Gualala Community Services District**, Wastewater Treatment Facility (WWTF), WDID No. 1B89005RMEN

### DISCUSSION

On April 26, 2010, the Regional Water Board Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2010-0045, recommending that an administrative civil liability of \$35,050 be assessed against Gualala Community Services District WWTF (Discharger) for violations of Waste Discharge Requirements (WDRs) Order 92-120 and Order 2006-0003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. The violations described in the Order occurred between June 1, 2000 and December 1, 2009, and were subject to discretionary administrative civil liability.

On January 7, 2011, the Discharger proposed to apply a portion of the proposed administrative civil liability towards completion of an enhanced compliance action project (ECAP). The proposed ECAP will consist of upgrading the existing monitoring and alarm Supervisory Control and Data Acquisition (SCADA) system to a more reliable wireless communication notification system. Completion of this ECAP will (1) establish communication links between the CSA 6 Pump Station and the Gualala CSD WWTF and all lift stations, (2) monitor pump units remotely (start/stop and low level alarm), and (3) exchange pump and flow data between the CSA 6 Pump Station and the WWTF. The wireless system will interface with the existing SCADA system and allow for rapid alarm response, more control of treatment works, and enhance overall performance of the existing monitoring system for collection and lift station facilities. This ECAP is an operational improvement beyond that required by law and separate from projects designed to bring the Discharger into compliance. On January 29, 2011, the Discharger submitted a time schedule and a budget to perform the proposed ECAP.

Prior to finalizing the proposed ACL Order for Regional Water Board consideration, the Complaint proposed that the Regional Water Board assess administrative civil liability in the amount of \$35,050 for violations of prohibited discharges to surface waters (SSOs), effluent limits, and monitoring report submittal deadlines. Following issuance of the Complaint, and at the request of the Discharger, the Prosecution Team reviewed the

violations and proposed administrative civil liability alleged in the Complaint, and determined that the administrative civil liability should be reduced by \$2,000. For the purpose of settlement, and without adjudicated factual basis, the Parties agree to the reduced penalty amount. Therefore, the proposed ACL Order reflects the agreement between the Discharger and the Prosecution Team that the Regional Board impose an adjusted total penalty amount of \$33,050 in discretionary civil liability.

The ACL Order under consideration provides a time schedule for implementation of the Discharger's ECAP with a completion date of August 1, 2011.

No comments have been 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.  
R1-2011-0052 for Gualala Community Services  
District WWTF