

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order R1-2008-0062

For

Violation of Waste Discharge Requirements
Order No. R1-2002-0003 (NPDES No. CA0006700)

In the Matter of
Redwoods Community College District
College of the Redwoods
Wastewater Treatment Facility
WDID No. 1B80121OHUM

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), has received from the Redwoods Community College District, College of the Redwoods (hereinafter Discharger), a waiver of the right to a public hearing in the matter of mandatory minimum penalties issued pursuant to Water Code section 13385, subdivisions (h) and (i) and Water Code section 13385.1. The proposed mandatory minimum penalties are for discharges of municipal effluent in violation of effluent limitations occurring during the period from January 1, 2000 through November 30, 2007 and for failure to timely submit one discharge monitoring report. Having received a request for the opportunity to implement a Compliance Project (CP) in lieu of paying a portion of the penalty prescribed, the Regional Water Board finds the following:

1. The Discharger owns and operates the College of the Redwoods Wastewater Treatment Facility (WWTF), which treats municipal wastewater from the college campus. Wastewater is treated by activated sludge process, disinfected with sodium hypochlorite generated on-site, and dechlorinated with sodium metabisulfite prior to discharge. Treated wastewater is discharged to White Slough, which is an estuarine tributary to south Humboldt Bay.
2. The Regional Water Board adopted WDRs Order No. 95-29 on April 27, 1995. The Order serves as a National Pollutant Discharge Elimination System Permit (NPDES No. CA0006700) under the Federal Clean Water Act and became effective upon adoption. The WDRs Order was superseded by WDRs Order Nos. R1-2000-93, R1-2001-8, and R1-2002-0003, the latter of which currently is in effect and was adopted on January 24, 2002.

3. During the period from January 1, 2000 through January 23, 2002, the Discharger exceeded effluent limitations four times as follows:

| Date | Parameter | Reported Value | Permit Limit | Units | Violation Type | Mandatory Penalty |
|----------|-------------------------|----------------|--------------|------------|-------------------------|-------------------|
| 09/21/00 | Coliform, Daily Maximum | 900 | 230 | MPN/100 ml | 1 st Chronic | \$0 |
| 09/21/00 | Coliform, Daily Maximum | 1600 | 230 | MPN/100 ml | 2 nd Chronic | \$0 |
| 10/05/00 | Coliform, Daily Maximum | 900 | 230 | MPN/100 ml | 1 st Chronic | \$0 |
| 04/09/01 | pH, Minimum | 5.9 | 6.0 | pH units | 1 st Chronic | \$0 |

All of these violations are chronic violations and are not subject to mandatory minimum penalties as defined in Water Code section 13385, subsection (h).

4. During the period from January 24, 2002 through November 30, 2007, the Discharger exceeded effluent limitations thirty-one times. Seventeen of the exceedances are serious violations and fourteen are chronic. The mandatory minimum penalty amount for these violations is \$69,000, as defined in Water Code section 13385, subsections (h) and (i).
5. On January 17, 2006, the Regional Water Board received the Discharger's October 2005 monthly monitoring report 47 days past the due date of December 1, 2005. The report was one complete 30-day period late. The mandatory minimum penalty amount for this violation is \$3,000 as defined in Water Code section 13385.1.
6. On February 8, 2008, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0021 (Complaint) assessing a mandatory minimum penalty of \$72,000 for violations described in Findings 3, 4, and 5. The Discharger waived its right to a public hearing and requested to pay the sum of \$10,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the sum of \$62,000 on a CP. The Discharger paid \$10,000 into the CAA on March 7, 2008.
7. The proposed CP addresses problems on a portion of the sewer system by reducing excess infiltration/inflow (I/I) and includes repairs of 1) three manholes, 2) 833 lineal feet of sewer lining, and 3) spot repair on five severe root intrusion areas. The total projected cost of \$112,926 will more than satisfy the \$62,000 suspended penalty. Due to the disruptive nature of the I/I corrective work, construction will be scheduled during the summer for minimal impact on faculty and students. The CP construction will begin by May 1, 2009 and is anticipated to be completed by August 1, 2009. The Regional Water Board finds that the CP, as proposed, meets the criteria established in Water Code section 13385, subdivision (k) and the State Water Resources Control Board's Enforcement Policy.

8. On February 19, 2002, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. The Enforcement Policy addresses, among other enforcement subjects, criteria for completion of a CP.
9. A duly noticed public hearing on this matter was held before the Regional Water Board on July 23 and 24, 2008 in the Regional Water Board Hearing Room at 5550 Skylane Blvd. Suite A, Santa Rosa, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement and the Regional Water Board has considered all comments.
10. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code section 13385, that:

1. The Discharger shall be assessed a total civil liability of \$72,000. The Discharger has paid the sum of \$10,000 to the CAA. Pursuant to Water Code section 13385, subsection (k), the Discharger shall spend at least the remaining sum of \$62,000 on a CP as described in Finding 7. Upon the Executive Officer's determination that the CP has been satisfactorily completed, the respective suspended liability of \$62,000 will be suspended. The sum of the CP and the amount paid to the CAA shall at least equal the amount of the full penalty.
2. The Discharger shall submit progress reports to the Regional Water Board describing the planning and construction of the project according to the following time schedule:

| TASK | DUE DATE |
|---|---|
| Approve prepared project specifications and bid documents | No later than December 15, 2008 and submit a report of compliance by December 30, 2008. |
| Advertise for bids and award a construction contract. | No later than January 15, 2009 and submit report by February 1, 2009 describing completion of the task. |
| Commence construction. | No later than June 15, 2009 and submit a report by July 1, 2009 describing compliance with this task. |
| Complete Construction. | No later than August 31, 2009 and submit a Final report by September 15, 2009. The report shall certify the completion of the CP and include a post-project accounting of expenses. The report shall include an overall evaluation of the project and a judgment as to the potential to meet the stated goals of the project. |

3. If, given written justification from the Discharger, the Executive Officer determines that a delay in the CP 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 circumstances causing the delay, and must state when each task of the CP will be completed.
4. Failure to meet the deadlines above, including completing the project, will result in the Discharger being required to pay the full penalty. Payment of the penalty does not relieve the Discharger of the independent obligation to take necessary actions to achieve compliance.
5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

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 July 23 and 24, 2008.

Catherine Kuhlman
Executive Officer