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North Coast Region
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Arnold
Schwarzenegger
Governor

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Public Hearing and Notice of Issuance of a Complaint

Compliant No. R1-2006-0094

For

Administrative Civil Liability

In the Matter of

HUMBOLDT COUNTY RESORT IMPROVEMENT DISTRICT NO. 1
SHELTER COVE WASTEWATER TREATMENT FACILITY
WDID No. 1B84086OHUM

Humboldt County

On August 22, 2006, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No. R1-2006-0094 (Complaint) to the Humboldt County Resort Improvement District No. 1 (Discharger). The Complaint assesses mandatory minimum penalties (MMP) in the amount of \$45,000 for alleged effluent limitation violations of Waste Discharge Requirements Order Nos. 98-50 and R1-2003-0044 (NPDES Permit No. CA0022781) for the period between January 1, 2000, and April 30, 2006. These violations are subject to a mandatory minimum penalty of \$3,000 per violation pursuant to Water Code sections 13385, subdivisions (h)(1) and (i). The Executive Officer of the Regional Water Board is issuing the Complaint with a proposed Administrative Civil Liability in the amount of \$45,000.

Opportunity for Settlement Without a Public Hearing

A 30-day public comment period has commenced beginning on the date of this notice. If no significant comments are received during the comment period, the Discharger will have the opportunity to settle this enforcement matter without a hearing, by paying the proposed Administrative Civil Liability. The Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

California Environmental Protection Agency

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Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the hearing, the Regional Water Board will hold a public hearing on this matter on October 17 or 18, 2006, at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about September 25, 2006. The meeting is scheduled to be held in the Weaverville Victorian Inn, 1709 Main Street, Weaverville, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

Ms. Sheryl Schaffner, staff counsel with the State Water Resources Control Board, Office of Chief Counsel, regularly advises the Regional Water Board. With regard to this matter, however, Ms. Schaffner has been assisting Regional Water Board staff in the prosecution. Ms. Schaffner has not provided and will not provide advice to the Regional Water Board in connection with this matter before the Regional Water Board's final action in the matter.

The Discharger and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material concerning this issue by 5:00 p.m. on September 22, 2006. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by September 22, 2006. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than 10 minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at <http://water100.waterboards.ca.gov/rb1/orders/com/s.asp>. That document as well as the other evidentiary documents and files may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Bill Rodriguez at (707) 576-2666 or at wrodriguez@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

August 22, 2006

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