

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 an Order

Order No. R1-2007-0009

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, 2007, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No. R1-2006-0094 to the Humboldt County Resort Improvement District No. 1, Shelter Cove (Discharger). The Complaint proposed mandatory minimum penalties in the amount of \$45,000 for alleged violations of Waste Discharge Requirements Order Nos. 98-50 and R1-2003-0044 (NPDES No. CA0023027). The Complaint was issued for failure to meet mandatory effluent limitations pursuant to Section 13383 of the California Water Code. This violation is subject to a mandatory minimum penalty of \$3,000 per violation pursuant to Water Code sections 13385, subdivisions (h) and (i). The Order assesses the minimum potential Administrative Civil Liability of \$45,000.

Water Code section 13385, subdivision (k) allows the Regional Water Board to direct a portion of the penalty amount to a compliance project (CP). The Discharger is paying \$3,000 into the State Cleanup and Abatement Account. The Discharger will spend at least the remaining \$42,000 of the penalty on a CP. The CP will include projects to improve the reliability of the treatment facility by reduction of infiltration and inflow into the collection system.

Public Hearing Procedures

The Regional Water Board will hold a public hearing on this matter on March 15, 2007 at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about February 23, 2007. The meeting is scheduled to be held at the Wharfinger Building, 1 Marina Way, Eureka, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability Order, or take other enforcement action.

Kim Niemeyer, 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. Niemeyer has been assisting Regional Water Board staff in the prosecution. Ms. Niemeyer 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 March 1, 2007. 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 March 1, 2007. 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 Regional Water Board Chair and usually will allow no more than ten 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 draft ACL Order is available for review on the Regional Water Board web site at <http://www.waterboards.ca.gov/northcoast/agenda/pending.html>. That document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Mondays through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments may be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Bill Rodriguez at (707) 576-2683 or at wrodriguez@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

January 29, 2007