

California Regional Water Quality Control Board
North Coast Region

NOTICE OF PUBLIC HEARING AND ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2007-0022

For

Violation of Waste Discharge Requirements
Order No. 93-42
NPDES NO. CA0023051

In the Matter of
Occidental County Sanitation District
And Sonoma County Water Agency
WDID No. 1 B83001OSON

Sonoma County

On March 5, 2007, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0022 (Complaint) to the Occidental County Sanitation District and Sonoma County Water Agency (Discharger). Complaint No. R1-2007-0022 assesses mandatory minimum penalties (MMPs), pursuant to Water Code sections 13385(h) and (i), in the amount of \$93,000 for alleged effluent limitations violations of Waste Discharge Requirements Order No. 93-42 for the period of April 17, 2003, to September 30, 2006.

Opportunity for Settlement Without a Public Hearing

A thirty-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.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the right to a hearing, the Regional Water Board will hold a public hearing on this matter on April 25 and 26, 2007 at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about April 5, 2007. The meeting is scheduled to be held in the Regional Water Quality Control Board Hearing Room located at 5550 Skylane Boulevard, Suite A, Santa Rosa, 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.

Kim Neimeyer, staff counsel with the State Water Resources Control Board, Office of Chief Counsel, regularly advises the Regional Water Board. With regard to prosecution of this matter, however, Ms. Neimeyer has been assisting Regional Water Board staff. Ms. Neimeyer 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.

If the Dischargers and interested persons would like the Regional Water Board to consider additional technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be received at the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by 5:00 p.m. on March 15, 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 15, 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 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 file, may be inspected or copied at the Regional Water Board office on Mondays through Fridays 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 Kason Grady at (707) 576-2682 or at kgrady@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

March 5, 2007

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