

California Regional Water Quality Control Board
North Coast Region

PUBLIC HEARING AND NOTICE OF ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2007-0035

For

Violation of Waste Discharge Requirements
Order No. R1-2000-71 and Order No. R1-2006-0001
NPDES No. CA0022756

In the Matter of

City of Crescent City
Wastewater Treatment Facility
WDID No. 1A84006ODN

Del Norte County

On May 15, 2007, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No R1-2007-0035 (Complaint) to City of Crescent City (Discharger). The Complaint assesses mandatory minimum penalties (MMP) and administrative civil liabilities of \$24,000 issued pursuant to Water Code section 13385(a)(2) for late reports required as a condition of Waste Discharge Requirements Order No. R1-2000-71 and Order No. R1-2006-0001 (NPDES No. CA0022756).

Opportunity for Settlement Without a Public Hearing

A thirty-day public comment period has commenced beginning on the date of this notice. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the hearing and agrees to pay the full amount of proposed 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 July 25, 2007 at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about July 5, 2007. The meeting is scheduled to be held in the Yreka Community Center - Main Room, 810 North Oregon Street, Yreka, 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 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 of this matter. 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 that they would like the Regional Water Board to consider concerning this issue. That information must be received by the Regional Water Board by 5:00 p.m. on June 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 Board by June 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 each for Regional Water Board staff and the Discharger and three minutes each 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 proposed Order 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 Monday through Friday (except holidays) 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 Nancy Negley at (707) 576-2657 or at nnegley@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

May 15, 2007