

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing and Issuance of an Order
Administrative Civil Liability Order No. R1-2008-0049

For
Violation of Waste Discharge Requirements Order No. R1-2004-0013 and
State Water Resources Control Board Order No. 2006-03-DWQ

In The Matter of
City of Eureka
Elk River Wastewater Treatment Facility
WDID No. 1B82151OHUM

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Interim Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0066 to the City of Eureka (Discharger) On August 24, 2007. The Complaint assessed administrative civil liabilities in the amount of \$88,000 for the period beginning April 1, 2004, and ending June 30, 2007. Regional Water Board staff agreed with the Discharger on a settlement of \$72,000, which represents a reduction in the liability from the Complaint and includes additional liability for violations of discharge prohibitions from July 1, 2007 through January 31, 2008.

The complaint assessed administrative civil penalties for ten violations of effluent limits in the amount of \$18,000 for the time period between April 1, 2004 and June 30, 2007. The penalty was amended to \$15,000 following elimination of one violation listed in error. One sewer system overflow (SSO) that occurred on April 16, 2007 was not included in the complaint but has been included into the settlement. In the settlement, the discretionary liabilities were reduced from \$70,000 to \$42,000 including the additional SSO. From July 1, 2007 until January 31, 2008 the Discharger experienced five additional SSOs that have also been included in the settlement as an additional \$15,000 liability.

The Discharger has agreed to pay a total of \$26,000 to the State Water Pollution Cleanup and Abatement Account, \$10,000 on two Supplemental Environmental Projects and \$36,000 on a collection system upgrade project. For the first SEP, the Discharger has agreed to pay \$5,000 by July 30, 2008 to Humboldt State University to assist in funding a Dioxin Forum that will address the impacts of dioxin in Humboldt Bay. For the second SEP, the Discharger has agreed to spend \$5,000 by September 30, 2008 toward the development of a regional stormwater hotline that will consolidate four hotlines into one. This regional approach will facilitate the process of reaching the correct agency and should help the public be a better steward of stormwater pollution.

The collection system upgrade will upgrade 185 feet of 6-inch vitrified clay pipe and the city-owned portion of the laterals with PVC pipe in the H Street Lift station Basin by October 1, 2008. The Discharger has already performed video inspection of the sewer pipe to verify severe breaks in the line and root intrusions that contribute large amounts of infiltration.

Public Hearing Procedures

The Regional Water Board will hold a public hearing on this matter on June 11 and 12, 2008 at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about May 28, 2008. The meeting is scheduled to be held in the Regional Water Boards hearing room at 5550 Skylane Blvd., 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.

By 5:00 p.m. on May 16, 2008, 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 on this issue. 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 5:00 p.m. on May 16, 2008. 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 Order is available for review on the Regional Water Board web site at http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/. 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 may 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 Kuhlman
Executive Officer

April 15, 2008