

California Regional Water Quality Control Board
North Coast Region

NOTICE OF PUBLIC HEARING AND NOTICE OF ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2009-0019
(Revised May 5, 2009)

For

Violation of Waste Discharge Requirements
Order No. R1-2000-92
NPDES No. CA0022721

In the Matter of

City of Ferndale
Wastewater Collection, Treatment, and Disposal Facility
WDID No. 1B83136OHUM

Humboldt County

On May 5, 2009, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2009-0019 (Revised on May 5, 2009) (Revised Complaint) to the City of Ferndale (Discharger). The Revised Complaint proposed mandatory minimum penalties (MMPs) in the amount of \$45,000 for alleged violations of effluent limitations in Waste Discharge Requirements Order No. R1-2000-92 (NPDES No. CA0022721) that occurred during the period from May 1, 2005 through June 11, 2008.

The Discharger may satisfy terms of the Complaint by paying the full amount of the penalty into the State Water Pollution Cleanup and Abatement Account; by paying a portion of the penalty and completing a Compliance Project, if the State Water Resources Control Board determines that the Discharger is a "publicly owned treatment work serving a small community," as set forth in Water Code section 13385(k)(2); or by paying a portion of the penalty and completing a Supplemental Environmental Project.

Opportunity for Settlement Without a Public Hearing

A public comment period has commenced beginning on the date of this notice and ending June 5, 2009. 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 Assistant Executive Officer will consider comments received, and will either finalize the settlement or take other appropriate action. The Discharger may also opt to waive the hearing and to propose a Compliance Project or a Supplemental Environmental Project with partial payment, in which case the proposed project and partial payment will be scheduled for consideration by the Board at a future hearing, after further opportunity for public comment on the proposed settlement.

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 July 23, 2009, at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about July 1, 2009. 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.

If the Discharger does not waive the right to a hearing, and the Discharger and/or interested persons would like the Regional Water Board to consider additional technical reports, testimony, and other evidentiary material concerning this issue before taking action, 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 June 5, 2009. This written material will be made available to the Regional Water Board members, Regional Water Board staff, 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 June 5, 2009. 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 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://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders. 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 Cecile Morris at (707) 576-2220 or at cmorris@waterboards.ca.gov.

Luis G. Rivera
Assistant Executive Officer

May 5, 2009