



North Coast Regional Water Quality Control Board

October 25, 2023

Loleta Community Services District
Wastewater Treatment Facility
Attn: Manuel Fonseca
P.O. Box 236
Loleta, CA, 95551
Loletacsd@att.net

Certified Mail No. 7021-0950-0001-6500-1964

Subject: Administrative Civil Liability Complaint No. R1-2023-0056

File: Loleta WWTF, Humboldt County, CIWQS Place ID No. 237295

Dear Mr. Fonseca:

Enclosed is Administrative Civil Liability Complaint No. R1-2023-0056 (Complaint) for the Loleta Community Services District (Discharger), issued by the Assistant Executive Officer of the California North Coast Regional Water Quality Control Board (Regional Water Board) in the matter of the Loleta Wastewater Treatment Facility (Facility). The Complaint covers the period from January 25, 2018, to June 30, 2023, and alleges that the Discharger violated effluent limitations set forth in Waste Discharge Requirements (WDRs) Orders No. R1-2014-0013 and R1-2020-0002 (National Pollutant Discharge Elimination System [NPDES] Permit No. CA0023671). The Complaint proposes that the alleged violations are subject to **\$555,000** in mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and/or (i) as well as Water Code section 13385.1 subdivision (a)(1), as identified in Exhibits A & B to the Complaint.

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (Prosecution Team) by presenting evidence for consideration by the Regional Water Board have been separated from those who will provide advice to the Regional Water Board (Advisory Team) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the Regional Water Board in other, unrelated matters, but they are not advising the Regional Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

All submittals and communications to the Advisory Team shall be sent to:

Advisory Team

Valerie Quinto
Executive Officer
Regional Water Quality Control Board
North Coast Region
Valerie.Quinto@waterboards.ca.gov

Nathan Jacobsen
Attorney IV (Office of Chief Counsel)
State Water Resources Control Board
(916) 341-5181
Nathan.Jacobsen@waterboards.ca.gov

Bayley Toft-Dupuy
Attorney III (Office of Chief Counsel)
State Water Resources Control Board
Bayley.Toft-Dupuy@waterboards.ca.gov
(916) 341-5165

Any substantive communication to the Advisory Team must also be sent to the Prosecution Team listed below.

Prosecution Team

Claudia E. Villacorta, P.E.
Assistant Executive Officer
Regional Water Quality Control Board
North Coast Region
Claudia.Villacorta@waterboards.ca.gov

Jeremiah Puget
Senior Environmental Scientist
Regional Water Quality Control Board
North Coast Region
Jeremiah.Puget@waterboards.ca.gov

Zane Stromberg
Environmental Scientist
Regional Water Quality Control Board
North Coast Region
Zane.Stromberg@waterboards.ca.gov

Justin McSmith
Water Resource Control Engineer
Regional Water Quality Control Board

North Coast Region

Justin.McSmith@waterboards.ca.gov

Asa Marie Standfeldt

Attorney III (Office of Enforcement)

State Water Resources Control Board

(916) 322-5327

Asa.Standfeldt@waterboards.ca.gov

Charles Reed, P.E.

Supervising Water Resource Control Engineer

Regional Water Quality Control Board

North Coast Region

Charles.Reed@waterboards.ca.gov

Heaven Moore, P.E.

Senior Water Resource Control Engineer

Regional Water Quality Control Board

North Coast Region

Heaven.Moore@waterboards.ca.gov

Pursuant to Water Code section 13323, subdivision (b), the Regional Water Board shall hold a public hearing on this matter within 90 days after service of this Complaint. The Discharger may avoid or delay a hearing on the Complaint by selecting one of the following options on the enclosed Waiver Form and returning it to the Advisory Team, with a copy to the Prosecution Team, by the deadline specified in the Hearing Procedures, which will be provided to the parties by the Advisory Team following issuance of the Complaint. **If you intend to waive your right to a hearing, I encourage you to sign and submit the waiver form as soon as possible.**

- a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of \$555,000 in full;
- b. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to engage the Prosecution Team in settlement negotiations; or
- c. Waive the right to a hearing before the Regional Water Board within 90 days after service of the Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.

If you have any questions about the Waiver Form options or wish to request an extension to the deadline, you should contact the Advisory Team. Detailed hearing procedures and information regarding the hearing on the Complaint will be provided by the Advisory Team, as further explained below.

Additionally, a Fact Sheet is enclosed, along with the Complaint and attachments (Exhibits A, B, and C). The Fact Sheet describes the Complaint process and explains


what the Discharger can expect and the obligations as the process proceeds. **Please read each document carefully.**

An agenda containing the date, time, location, and specific procedures of the hearing will be sent to you by the Advisory Team prior to the hearing date, which will likely be scheduled to occur on either the first or second day of the Regional Water Board's regular meeting of December 12 & 13, 2023. The hearing will be governed by Hearing Procedures to be issued separately by the Advisory Team for use in adjudicating matters such as this one.

If the Discharger elects to pay the proposed administrative civil liability (as discussed above), this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day public comment period and approval by the Regional Water Board or Executive Officer. Interested parties may comment on the proposed action during this period by submitting written comments to the Regional Water Board staff person listed below. Should the Regional Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. If the Regional Water Board does not hold a hearing on this matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If you have any questions about the Complaint, please contact Zane Stromberg of my staff at (707) 576-2674 or by email at Zane.Stromberg@waterboards.ca.gov, or Asa Standfeldt, Attorney III, Office of Enforcement at (916) 322-5327 or by email at Asa.Standfeldt@waterboards.ca.gov.

Sincerely,

 Digitally signed by
Claudia E. Villacorta
Date: 2023.10.25
09:44:20 -07'00'


Claudia E. Villacorta, P.E.
Assistant Executive Officer

Enclosures:

1. ACL Complaint No. R1-2023-0056 (with Attachments, Exhibits A, B, & C)
2. Hearing Waiver Form
3. Administrative Civil Liability Fact Sheet

Certified-Return Receipt Requested

cc:

Valerie Quinto
North Coast Regional Water Board
Executive Officer
Valerie.Quinto@waterboards.ca.gov

Nathan Jacobsen
Office of Chief Counsel
Attorney IV
Nathan.Jacobsen@waterboards.ca.gov

Bayley Toft-Dupuy
Attorney III
Office of Chief Counsel
State Water Resources Control Board
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