

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0582

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF WILLIAMS  
WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

This Order is issued to the City of Williams (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2008-0185-01 (NPDES No. CA0077933).

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates the City of Williams Wastewater Treatment Plant (WWTP), which provides sewerage service to the community of Williams in Colusa County. Treated municipal wastewater is discharged to Salt Creek, a water of the United States.
2. On 5 December 2008, effective 5 December 2008, the Central Valley Water Board issued WDRs Order R5-2008-0185 which contained new requirements and rescinded Order 5-01-049, except for enforcement purposes. On 13 August 2009, the Board issued Amended Order R5-2008-0185-01.
3. On 2 August 2007, the Central Valley Water Board adopted Time Schedule Order (TSO) No. R5-2007-0096, which provided a time schedule to comply with the effluent limitations for BOD, suspended solids, total coliform, turbidity, ammonia and other requirements by 1 October 2010.
4. On 18 September 2008, the Executive Officer issued Administrative Civil Liability (ACL) Order R5-2008-0561, assessing \$2,109,000 for mandatory minimum penalties for the period of 1 January 2000 through 31 December 2007. The Order allowed the entire \$2,109,000 to be applied toward construction of a new \$23 million treatment plant project designed to correct the violations within five years, and required that the treatment plant be fully operational by 1 October 2010. The project was delayed, and, in December of 2009, the Discharger submitted a letter to the Board's Executive Officer requesting that the time schedule be modified to reflect a final completion date of December of 2011. The Executive Officer approved this request and amended the final deadline for completion of the project to December of 2011. The project is under construction, and the Discharger is currently on schedule to finish the new treatment plant by the revised deadline.
5. On 4 February 2011, Assistant Executive Officer Kenneth Landau issued ACL Order R5-2011-0517. The ACL Order assessed civil liability in the amount of \$126,000, which represented mandatory minimum penalties for effluent violations for 18 April 2001, 29 February 2004, and 1 January 2008 through 31 October 2010. These violations are

specifically listed in Attachment A to ACL Order R5-2011-0517. The ACL Order allows the Discharger to apply the entire amount of the penalty toward the compliance project described above, and requires that the new wastewater treatment plant be completed by December of 2011.

6. This Order addresses administrative civil liability for effluent violations that occurred during the period from 1 November 2010 through 28 February 2011. These violations are specifically identified in Attachment A to this Order as subject to mandatory minimum penalties. Attachment A to this Order is attached hereto and incorporated herein by this reference.
7. On 1 April 2011, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 1 November 2010 through 28 February 2011. On 20 April 2011, the Discharger responded, agreed with the violations, and requested that all the penalties be applied towards the compliance project described in Finding 4.
8. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states,

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

CWC section 13385 (h)(2) states,

For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

CWC section 13385(i)(1) states,

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.”

9. CWC section 13323 states, in part:

Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.”

10. WDRs Order R5-2008-0185-01 Final Effluent Limitations—Discharge Point 001 A.1.a. include, in part, the following effluent limitation:

a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD (5-day @20°C)	mg/L	10	15	20	--	--
TSS	mg/L	10	15	20	--	--
	lbs/day <sup>1</sup>	40	63	83	--	--
Chlorodibromomethane	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane	µg/L	0.56	--	1.12	--	--
pH	standard units	--	--	--	6.5	8.5

<sup>1</sup> Based on a design flow of 0.5 mgd

11. WDRs Order R5-2008-0185-01 Interim Effluent Limitations—Discharge Point 001 A.2.a. include, in part, the following effluent limitation:

a. During the period beginning Permit Effective Date [5 December 2008] and ending five years from the effective date... [1 December 2013], the Discharger shall maintain compliance with the following limitations at Discharge Point 001...

**Table 7a. Interim Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia <sup>1</sup>	mg/L	--	--	13	--	--

<sup>1</sup> Reported as Total

12. According to the Discharger’s self-monitoring reports, the Discharger committed twenty (20) serious violations of the effluent limitations for Group I constituents contained in WDRs Order R5-2008-0185-01 during the period beginning 1 November 2010 and ending 28 February 2011. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more

than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **sixty thousand dollars (\$60,000)**.

13. According to the Discharger's self-monitoring reports, the Discharger committed nine (9) serious violations of the above effluent limitations for Group II constituents contained in WDRs Order R5-2008-0185-01 during the period beginning 1 November 2010 and ending 28 February 2011. These violations are defined as serious because the measured concentrations of Group II constituents exceeded the maximum prescribed level by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **twenty-seven thousand dollars (\$27,000)**.
14. According to the Discharger's self-monitoring reports, the Discharger committed twenty-three (23) non-serious violations of the above effluent limitations contained in WDRs Order R5-2008-0185-01 during the period beginning 1 January 2008 and ending 31 October 2010. These non-serious violations are subject to mandatory penalties under CWC section 13385 (i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **sixty-nine thousand dollars (\$69,000)**.
15. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred fifty-six thousand dollars (\$156,000)**. A detailed list of the cited effluent violations is included in Attachment A. This Order addresses administrative civil liability for violations that are specifically listed in Attachment A as subject to mandatory minimum penalties.
16. CWC section 13385 (k) states:
  - (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:
    - (A) The compliance project is designed to correct the violations within five years.
    - (B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.
    - (C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.
  - (2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

17. On 6 March 2008, staff at the State Water Resources Control Board (State Water Board) transmitted a memorandum determining that the City of Williams Wastewater Treatment Plant is a publicly owned treatment works serving a small community with a financial hardship within the meaning of CWC section 13385(k)(2). On 4 August 2008, the Executive Director of the State Water Board confirmed this determination.
18. The Discharger is in the process of spending an estimated \$23 million on the construction of a new wastewater treatment plant which will meet permitted effluent limitations, thereby correcting the violations that led to the assessment of the ACL penalties. The new treatment plant will include traditional secondary treatment, cloth filters, and ultra-violet disinfection system. On 17 April 2008, the City Administrator submitted the project outline, the compliance project schedule, and the estimated total project costs. The submittal also included a financing plan for the project, including applying for a State Revolving Fund loan on 5 March 2008, and proposing to increase sewer rates to \$90-\$100 per month to pay for the loan. This project outline and financing plan is incorporated into this Order by reference. When the compliance project is completed, the Discharger will have expended in excess of the mandatory minimum penalties that have been assessed pursuant to CWC sections 13385(h) and (i).
19. As described in Finding Nos. 4 and 5, the Discharger was allowed to apply the previously assessed mandatory minimum penalties totaling \$2,235,000 toward the construction of the new treatment plant, as the construction qualifies as a compliance project within the meaning of CWC section 13385(k). This Order allows an additional \$156,000 in mandatory minimum penalties to be applied towards the completion of the same project. The cost of the project yet to be expended is equal to or greater than the \$156,000 in mandatory minimum penalties that will be suspended upon completion of the project.
20. After this Order has been issued, the Discharger will have spent a total of \$2,391,000 towards the construction of the new treatment plant in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties. This Order also incorporates the extended "full compliance" deadline from ACLO R5-2008-0560, which has been moved from 1 October 2010 to December 2011. The Discharger is in the process of spending over \$23 million on the construction of the new plant, which is an amount far in excess of the mandatory minimum penalty that is required to be assessed by CWC sections 13385(h) and (i).
21. The Central Valley Water Board finds that the Discharger's construction of a new treatment plant qualifies under CWC section 13385(k) as a compliance project, as the project has been designed to correct the violations that have led to the issuance of this ACLO within five years, the project in accordance with the Water Quality Enforcement Policy of the State Water Board, and the Discharger has prepared a financing plan to complete the project.
22. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 C.F.R. § 123.27) has expired. No comments were received.

23. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Pamela Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore Assistant Executive Officer Kenneth Landau has the authority to issue this Order.
24. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**THE CITY OF WILLIAMS IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **one hundred fifty six thousand dollars (\$156,000)**.
2. The entire \$156,000 penalty shall be deemed satisfied by the Central Valley Water Board if the Discharger complies with the following time schedule to complete its compliance project:

<u>Task</u>	<u>Compliance Date</u>
Full compliance with Waste Discharge Requirements	30 December 2011
Submit final documentation of compliance project costs	28 February 2012

A progress report shall be submitted on or before each of the above compliance dates. The progress report shall describe the work undertaken to comply with this Order.

3. The Assistant Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. Under no circumstances may the completion of the compliance project extend past 18 September 2013, which is five years from the date that ACLO R5-2008-0560 was issued (i.e., the initial order allowing the Discharger's MMPs to be directed toward the compliance project). The Discharger must obtain written approval from the Assistant Executive Officer for any significant departure from the project described in Finding No. 18 and the time schedule shown above. Failure to obtain written approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.
4. If in the judgment of the Assistant Executive Officer, the Discharger fails to complete the compliance project by the due date listed above (including any extensions approved by the Assistant Executive Officer), or fails to construct the compliance project in accordance

with the description in Finding No. 18 and by the time schedule above (without first obtaining Central Valley Water Board approval), the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the compliance project that has not been satisfactorily completed. Payment must be made within 30 days of such a demand. If the Discharger is required to pay the suspended liability, the Discharger is not relieved of its independent obligation to take necessary actions to achieve compliance.

5. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
6. This Order is final upon signature.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original signed by

\_\_\_\_\_  
KENNETH D. LANDAU, Assistant Executive Officer

\_\_\_\_\_  
24 June 2011

DATE

ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0582

**City of Williams  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 November 2010 – 28 February 2011) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2008-0185-01)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
**	31-Oct-10	TSS	mg/L	10	22	Ave Monthly	1**	887247
**	31-Oct-10	Chlorodibromomethane	µg/L	0.41	31	Ave Monthly	2**	887239
**	31-Oct-10	Dichlorobromomethane	µg/L	0.56	40	Ave Monthly	1**	887241
1	2-Nov-10	Chlorodibromomethane	µg/L	0.82	7.7	Max Daily	2	890084
2	2-Nov-10	Dichlorobromomethane	µg/L	1.12	12	Max Daily	2	890086
3	4-Nov-10	TSS	mg/L	20	35	Max Daily	1	890099
4	4-Nov-10	TSS	lbs/day	83	145	Max Daily	1	890101
5	6-Nov-10	TSS	mg/L	15	35	Ave Weekly	1	890092
6	6-Nov-10	TSS	lbs/day	63	112	Ave Weekly	1	890096
7	13-Nov-10	TSS	mg/L	15	19	Ave Weekly	4	890094
8	13-Nov-10	TSS	lbs/day	63	65	Ave Weekly	4	890097
9	18-Nov-10	pH	su	6.5	6.1	Instant Min	4	890087
10	22-Nov-10	pH	su	6.5	6.2	Instant Min	4	890089
11	24-Nov-10	TSS	mg/L	20	29	Max Daily	1	890100
12	24-Nov-10	TSS	lbs/day	83	93	Max Daily	4	890102
13	27-Nov-10	TSS	mg/L	15	29	Ave Weekly	1	890095
14	27-Nov-10	TSS	lbs/day	63	94	Ave Weekly	1	890098
1	30-Nov-10	BOD	mg/L	10	11	Ave Monthly	4	890081
2	30-Nov-10	Chlorodibromomethane	µg/L	0.41	7.7	Ave Monthly	2	890082
3	30-Nov-10	Dichlorobromomethane	µg/L	0.56	12	Ave Monthly	2	890085
4	30-Nov-10	TSS	mg/L	10	24	Ave Monthly	1	890090
5	30-Nov-10	TSS	lbs/day	40	77	Ave Monthly	1	890091
6	2-Dec-10	Chlorodibromomethane	µg/L	0.82	2.4	Max Daily	2	894440
7	2-Dec-10	Dichlorobromomethane	µg/L	1.12	2.4	Max Daily	2	894441
8	2-Dec-10	TSS	mg/L	20	25	Max Daily	4	893825
9	4-Dec-10	TSS	mg/L	15	25	Ave Weekly	1	893826
10	7-Dec-10	Ammonia	mg/L	13	14	Max Daily	4	893830
11	8-Dec-10	Ammonia	mg/L	13	14	Max Daily	4	893835
12	9-Dec-10	TSS	mg/L	20	27	Max Daily	4	893850
13	11-Dec-10	TSS	mg/L	15	27	Ave Weekly	1	893855
14	11-Dec-10	TSS	lbs/day	63	109	Ave Weekly	1	893857
15	14-Dec-10	Ammonia	mg/L	13	15	Max Daily	4	893838
16	15-Dec-10	Ammonia	mg/L	13	15	Max Daily	4	893842
17	20-Dec-10	Ammonia	mg/L	13	16	Max Daily	4	893843
18	21-Dec-10	Ammonia	mg/L	13	17	Max Daily	4	893845
19	27-Dec-10	Ammonia	mg/L	13	17	Max Daily	4	893847
20	28-Dec-10	Ammonia	mg/L	13	17	Max Daily	4	893848
21	29-Dec-10	TSS	mg/L	20	34	Max Daily	1	893861
22	31-Dec-10	Chlorodibromomethane	µg/L	0.41	2.4	Ave Monthly	2	893880
23	31-Dec-10	Dichlorobromomethane	µg/L	0.56	2.4	Ave Monthly	2	893939
24	31-Dec-10	TSS	mg/L	15	34	Ave Weekly	1	893866
25	31-Dec-10	TSS	mg/L	10	22	Ave Monthly	1	893868
26	5-Jan-11	Ammonia	mg/L	13	14	Max Daily	4	894419
27	6-Jan-11	TSS	mg/L	20	21	Max Daily	4	894394
28	8-Jan-11	TSS	mg/L	15	21	Ave Weekly	1	894396
29	22-Jan-11	TSS	mg/L	15	19	Ave Weekly	4	894398

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
30	29-Jan-11	TSS	mg/L	15	16	Ave Weekly	4	894400
31	29-Jan-11	TSS	lbs/day	63	66	Ave Weekly	4	894402
32	31-Jan-11	TSS	mg/L	10	17	Ave Monthly	1	894403
33	31-Jan-11	Dichlorobromomethane	µg/L	0.56	0.6	Ave Monthly	4	894407
34	10-Feb-11	TSS	mg/L	20	25	Max Daily	4	894408
35	12-Feb-11	TSS	lbs/day	63	107	Ave Weekly	1	894411
36	28-Feb-11	TSS	mg/L	10	15	Ave Monthly	1	894414
37	28-Feb-11	Chlorodibromomethane	µg/L	0.41	1.6	Ave Monthly	2	894434
38	28-Feb-11	Dichlorobromomethane	µg/L	0.56	1.9	Ave Monthly	1	894416

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties.
4. Non-serious violation subject to mandatory penalties.

**VIOLATIONS AS OF:**

**02/28/2011**

Group I Serious Violations:	20
Group II Serious Violations:	9
Non-Serious Not subject to MMPs:	0
Non-serious Violations Subject to MMPs:	23
<b><u>Total Violations Subject to MMPs:</u></b>	<b><u>52</u></b>

**Mandatory Minimum Penalty = (29 Serious Violation + 23 Non-Serious Violations) x \$3,000 = \$156,000**

\*\* Supporting violations addressed in ACLO-R5-2011-0517