

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2016-0504

MANDATORY PENALTY  
IN THE MATTER OF

QUINCY COMMUNITY SERVICES DISTRICT  
QUINCY WASTEWATER TREATMENT PLANT  
PLUMAS COUNTY

WDID NO. 5A320103001

This Administrative Civil Liability Order (Order) is issued to the Quincy Community Services District (hereafter Discharger), Quincy Wastewater Treatment Facility (hereafter Facility) pursuant to California Water Code (Water Code) 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 R5-2010-0032 (NPDES No. CA0078981).

The 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 Quincy Wastewater Treatment Plant. Treated wastewater is discharged from Discharge Point D-002 to Spanish Creek, tributary to the North Fork of the Feather River. The North Fork of the Feather River is a water of the United States.
2. On 18 March 2010 and effective the same day, the Central Valley Water Board issued WDRs Order R5-2010-0032, which contained new requirements and rescinded WDRs Order R5-2004-0152, except for enforcement purposes. At the same time, the Board also issued Cease and Desist Order R5-2010-0033. Cease and Desist Order R5-2010-0033 required the Quincy Community Services District to comply with interim effluent limitations for copper.
3. On 16 July 2015 Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 16 January 2015 through 13 March 2015.
4. Water Code sections 13385(h) and (i) require the assessment of mandatory penalties and state, in part, the following:

Water Code 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.

Water Code 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.

Water Code section 13385(i)(1) states

Notwithstanding any other provisions 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 requirements 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 California Water Code section 13260;
- c) files an incomplete report pursuant to California Water Code section 13260; or
- d) violates a toxicity effluent limitation contained in the applicable waste discharge pollutant-specific effluent limitations for toxic pollutants.

5. Water Code 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.

6. On 14 September 2015, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint R5-2015-0540 (Complaint) for mandatory minimum penalties in the amount of \$24,000 for effluent violations from 16 January 2015 through 13 March 2015. The Discharger waived its right to a hearing within 90 days in order to engage in settlement discussion and submitted the Waiver Form attached to the Complaint.

7. Water Code section 13385 subdivision (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.

8. The State Water Resources Control Board has determined that the Discharger's wastewater treatment plant is a publicly owned treatment works serving a small community with a financial hardship within the meaning of Water Code section 13385 subdivision(k)(2).
9. On 14 December 2015, the Discharger submitted a compliance project proposal. The nature of its violations was exceedances of the final effluent limitations for total residual chlorine. The Discharger has a NPDES permit that allows them to discharge to Spanish Creek, a water of the United States. The compliance project proposed by the Discharger includes improvements to modify and calibrate the chlorine analyzer unit and to perform a Wastewater Treatment and Effluent Disposal Feasibility Study. The purpose of the study is to evaluate alternatives for providing wastewater treatment and disposal in the future, based on known and anticipated future regulatory requirements. A component of the study will be evaluating the existing disinfection facilities and analyzing potential alternatives (i.e. UV disinfection).
10. On 1 February 2016, the Discharger submitted accounting records demonstrating that they had spent \$48,105.61 on engineering consulting fees for the Wastewater Treatment and Effluent Disposal Feasibility Study. The \$48,105.61 is in excess of the mandatory minimum penalty required by water code sections 13385(h) and (i).
11. The Central Valley Water Board finds that the compliance project has been designed to correct the violations that led to the issuance of the Complaint. The planned compliance project is in accordance with the State Water Resource Control Board's Water Quality Enforcement Policy (Enforcement Policy) and that the Discharger is working to secure appropriate financing to complete the project.
12. 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 interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.
13. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13385, that:

1. The Quincy Community Services District, Quincy Wastewater Treatment Plant, its agents, successors and assigns, shall be assessed Administrative Civil Liability in the amount of **twenty-four thousand dollars (\$24,000)**.
2. The entire \$24,000 is treated as a permanently suspended administrative civil liability as the Discharger has submitted proof to the Central Valley Water Board that the money spent toward the compliance project detailed in Findings 9 and 10 was equal to or greater than the suspended administrative liability.

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 Water Code 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 of this Order, except that if the thirtieth day following the date of this Order 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.

This Order is effective immediately upon issuance.



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PAMELA C. CREEDON  
Executive Officer

5/18/16

\_\_\_\_\_  
(Date)

Attachment A: Record of Violations

**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2016-0504**

**Quincy Community Services District**  
**Quincy Wastewater Treatment**  
**CALCULATION OF MANDATORY MINIMUM PENALTIES**

**RECORD OF VIOLATION (16 January 2015 – 13 March 2015) MANDATORY PENALTIES**  
 (Data reported under Monitoring and Reporting Program No. R5-2010-0032)

Violation Date	Discharge Point	Parameter	Units	Effluent Limit	Reported Value	Percent Exceedance	Period	Violation Type	CIWQS ID	MMP Amount
1/16/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.07	350%	1-Hour Average	Serious, Group II	988680	\$3,000
1/20/2015	D-002	Total Residual Chlorine	mg/L	0.01	0.03	300%	4-Day Average	Serious, Group II	988682	\$3,000
1/23/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.14	700%	1-Hour Average	Serious, Group II	988681	\$3,000
2/5/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.29	1450%	1-Hour Average	Serious, Group II	988691	\$3,000
2/6/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.09	450%	1-Hour Average	Serious, Group II	988692	\$3,000
2/9/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.38	1900%	1-Hour Average	Serious, Group II	988694	\$3,000
2/20/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.09	450%	1-Hour Average	Serious, Group II	988693	\$3,000
3/13/2015	D-002	Total Residual Chlorine	mg/L	0.02	0.30	1500%	1-Hour Average	Serious, Group II	990472	\$3,000

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<b>TOTAL</b>	<b>\$24,000</b>
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Notes: Serious Group I: any waste discharge that exceeds the effluent limitations for a group I pollutant by 40% or more.  
Serious Group II: any waste discharge that exceeds the effluent limitations for a group II pollutant by 20% or more.