

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0583

MANDATORY PENALTY
IN THE MATTER OF

CITY OF LIVE OAK
WASTEWATER TREATMENT PLANT
SUTTER COUNTY

This Order is issued to the City of Live Oak (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2004-0096 (NPDES No. CA0079022).

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

1. The Discharger owns and operates a wastewater collection, treatment and disposal system, which provides sewerage service for the City of Live Oak. Municipal wastewater is treated at the City of Live Oak Wastewater Treatment Plant and is discharged to Reclamation District 777 Lateral Drain No. 1, a water of the United States and a tributary to Main Canal, which is tributary to the Sutter Bypass.
2. On 9 July 2004, the Central Valley Board issued WDRs Order R5-2004-0096, which contained new requirements and rescinded WDRs Order 99-008, except for enforcement purposes. On the same date, the Board issued Cease and Desist Order (CDO) R5-2004-0097. The CDO R5-2004-0097 provided the Discharger with an exemption from mandatory minimum penalties (MMPs) for aluminum, ammonia, diazinon, and organochlorine pesticides for a period of five years through 1 April 2009, as long as the discharge was in compliance with the terms of the CDO. This Order assesses MMPs for violations of the effluent limitations for these four constituents after 1 April 2009.
3. On 24 April 2009, the Board issued CDO R5-2009-0012-01 which rescinded CDO R5-2004-0097. CDO R5-2009-0012-01 establishes interim effluent limitations for copper, cyanide, total coliform, total suspended solids, and turbidity requirements; requires full compliance by 30 September 2012 and provides the Discharger with an exemption from MMPs for violations of effluent limitations so long as the discharge is in compliance with the terms of the CDO. This Complaint considers the protection from MMPs for the above five constituents provided by CDO R5-2009-0012-01.
4. On 9 December 2009, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability (ACL) Order R5-2009-0587. The ACL Order assessed administrative civil liability in the amount of \$108,000 in mandatory minimum penalties for effluent limitations violations that occurred from 1 July 2003 through 30 June 2009. These specific violations are listed in Attachment A to the Order. Pursuant to CWC section 13385(k), the ACL Order allowed the Discharger to apply the \$108,000 penalty toward a compliance project designed to correct the violations within five years. The

compliance project consists of constructing a \$20 million upgrade to the wastewater treatment plant.

5. On 4 February 2011, Assistant Executive Officer Kenneth Landau of the Central Valley Water Board issued ACL Order R5-2011-0516. The ACL Order assessed administrative civil liability in the amount of \$627,000 in mandatory minimum penalties for effluent limitation violations from 1 July 2003 through 31 October 2010. These specific violations are listed in Attachment A to the Order. Pursuant to CWC section 13385(k), the ACL Order allowed the Discharger to apply the \$627,000 penalty toward the ongoing compliance project. The sum of mandatory penalties for ACL Orders R5-2009-0587 and R5-2011-0516 is \$735,000 and has been applied towards the \$20 million upgrade to the wastewater treatment plant.
6. This Order covers the period of 1 November 2010 through 28 February 2011. This Order allows the mandatory minimum penalties to be applied to the same compliance project as described in ACL Orders R5-2009-0587 and R5-2011-0516. The compliance project is described in Finding 16, below.
7. 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.

8. 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.

9. WDRs Order R5-2004-0096 Effluent Limitations B.2. states, in part:

The effluent shall not exceed the following limitations (from 1 April 2009 forward):

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>7-Day Median</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
<u>Total Coliform Organisms</u>	MPN/100 mL	--	2.2	--	--	23 ⁴

⁴ The total coliform organisms concentration shall not exceed 23 MPN/100 mL more than once in any 30-day period. No sample shall exceed a concentration of 240 MPN/100 mL.

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Aluminum ¹	µg/L	71 ²	--	140 ²	--
	lbs/day ³	0.83	--	1.7	--
<u>Ammonia, Total (as N)</u>	mg/L lbs/day ⁴	Attachment B ₅	Attachment C ₅	--	Attachment D ₅

¹ Acid-soluble or total.

² To be discerned by a 24-hour composite

³ based upon a design treatment capacity of 1.4 mgd [x µg/L x (1 mg/1000 µg) x 8.345 x 1.4 mgd= y lbs/day]

⁵ The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 1.4 mgd and the unit conversion factor of 8.345 (see footnote 3 for equation).

Note: Attachment B is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Criterion Continuous Concentration, Maximum Average Monthly Concentration."

Attachment C is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Maximum 4-day Average."

Attachment D is a table titled "pH Dependent Effluent Limits for Ammonia Criterion Maximum Concentration, Maximum 1-hour Average."

10. WDRs Order R5-2004-0096 Effluent Limitations B.5. states, in part:

5. The discharge shall not have a pH less than 6.5 nor greater than 8.5.

11. According to the Discharger's self-monitoring reports, the Discharger committed seventy-one (71) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2004-0096 during the period beginning 1 November 2010 and ending 28 February 2011 as identified in Attachment A. These violations are defined as serious because the measured concentrations of a Group I constituent exceeded maximum prescribed levels in WDRs Order R5-2004-0096 by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **two hundred thirteen thousand dollars (\$213,000)**.

12. According to the Discharger's self-monitoring reports, the Discharger committed fifty-eight (58) non-serious violations of the above effluent limitations contained in WDRs Order R5-2004-0096. These fifty-eight 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 **one hundred seventy-four thousand dollars (\$174,000)**.
13. The total amount of the mandatory penalties assessed for the cited effluent violations is **three hundred eighty-seven thousand dollars (\$387,000)**. 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.
14. CWC section 13385 (k) states:

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.
15. On 4 November 2008, the Executive Director of the State Water Resources Control Board transmitted a memorandum determining that the City of Live Oak Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2).
16. On 1 September 2009, the Discharger submitted a letter which indicated that it is in the process of spending approximately \$20 million to construct an upgraded wastewater treatment plant designed to bring the facility into compliance with its NPDES permit and CDO R5-2009-0012-01. Funding for this project consists of a \$10 million grant (which cannot be applied toward the mandatory minimum penalty assessments), a \$6 million

loan, and \$4 million of City funds. The project retains the existing flow capacity, includes a new process control and laboratory building, odor control improvements at the existing headworks, a new process feed pump station, a selector basin and two oxidation ditches, blowers, two secondary clarifiers, a return activated sludge (RAS) pump station, rapid mix, flocculation basins, cloth media filters, an ultraviolet disinfection system, a solids storage basin, filter drying beds, a plant drain pump station and a stormwater retention basin. The compliance project will allow full compliance with WDRs Order R5-2004-0096 and CDO R5-2009-0012-01 by 30 September 2012.

The oxidation ditches, blowers, secondary clarifiers, rapid mix, flocculation basins, and cloth media filters, will directly address the ammonia violations. The rapid mix, flocculation basins, cloth media filters, and ultraviolet disinfection system will directly correct the coliform and pH violations.

17. As described in Finding 5, the Discharger was allowed to apply the previously assessed mandatory minimum penalties totaling \$735,000 toward the construction of treatment plant upgrades, since the construction of the upgrades qualifies as a compliance project within the meaning of CWC section 13385(k). This Order allows an additional \$387,000 in mandatory minimum penalties to be applied to the same project and contains the same compliance dates as ACL Order R5-2011-0516. After this Order has been issued, the Discharger will have spent a total of \$1,122,000 towards the completion of the treatment plant upgrades in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties.
18. The Central Valley Water Board finds that the Discharger's upgrades to the treatment plant qualify 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.
19. 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. A minor clarification was received from the Discharger and has been addressed.
20. 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). Executive Officer 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.
21. 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 section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

THE CITY OF LIVE OAK IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **three hundred eighty-seven thousand dollars (\$387,000)**.
2. The entire \$387,000 penalty shall be deemed satisfied by the Central Valley Water Board through the expenditure of an equivalent or greater amount on the completion of the compliance project described in Finding 16, if the Discharger complies with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Complete construction and commence operation of the new wastewater treatment plant	30 June 2012
Achieve Full Compliance with WDRs	30 September 2012
Submit final documentation of Compliance Project costs	31 December 2012

3. 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.
4. 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 9 December 2014, which is five years from the date on which Order R5-2009-0587 was approved (i.e., the initial order allowing the Discharger's MMPs to be directed towards the Compliance Project). The Discharger must obtain written approval from the Assistant Executive Officer for any significant departures from the project outlined in Finding 16 and the time schedule shown above. Failure to obtain approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.
5. If, in the judgment of the Assistant Executive Officer, the Discharger fails to complete the Compliance Project in accordance with the 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 upgrade proposal submitted to the Central Valley Water Board on 1 September 2009 (as summarized in Finding 16), 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.

6. 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.
7. 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

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 R5-2011-0583**

**City of Live Oak
Wastewater Treatment Plant**

DRAFT RECORD OF VIOLATIONS (1 November 2010 – 28 February 2011) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2004-0096)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
*	4-Oct-10	Ammonia	NTU	5.79	6.6	4-Day Avg	4*	887306
*	5-Oct-10	Ammonia	NTU	5.68	6.1	4-Day Avg	4*	887307
*	31-Oct-10	Ammonia	NTU	3.2	4.6	Monthly Avg	1*	887308
1	1-Nov-10	Ammonia	mg/L	8.85	12	1-hour Avg	4	888762
2	1-Nov-10	Ammonia	mg/L	8.26	12	4-day Avg	1	888753
3	3-Nov-10	Ammonia	mg/L	8.11	13	4-day Avg	1	888754
4	3-Nov-10	Ammonia	mg/L	8.85	13	1-hour Avg	1	888763
5	8-Nov-10	Ammonia	mg/L	10.91	16	4-day Avg	1	888755
6	8-Nov-10	Ammonia	mg/L	13.28	16	1-hour Avg	4	888764
7	10-Nov-10	Ammonia	mg/L	11.38	16	4-day Avg	1	888756
8	10-Nov-10	Ammonia	mg/L	14.3	16	1-hour Avg	4	888765
9	17-Nov-10	Ammonia	lb/day	87.2	114.8	4-day Avg	4	888772
10	17-Nov-10	Ammonia	lb/day	86.5	116	1-hour Avg	4	888776
11	17-Nov-10	Ammonia	mg/L	7.47	16	4-day Avg	1	888757
12	17-Nov-10	Ammonia	mg/L	7.41	16	1-hour Avg	1	888766
13	19-Nov-10	Ammonia	lb/day	92.9	104.8	4-day Avg	4	888773
14	19-Nov-10	Ammonia	lb/day	94.7	108	1-hour Avg	4	888777
15	19-Nov-10	Ammonia	mg/L	7.96	16	4-day Avg	1	888758
16	19-Nov-10	Ammonia	mg/L	8.11	15	1-hour Avg	1	888767
17	22-Nov-10	Ammonia	lb/day	81.7	100.7	4-day Avg	4	888774
18	22-Nov-10	Ammonia	lb/day	79	128	1-hour Avg	1	888778
19	22-Nov-10	Ammonia	mg/L	6.99	15	4-day Avg	1	888759
20	22-Nov-10	Ammonia	mg/L	6.77	14	1-hour Avg	1	888768
21	23-Nov-10	Ammonia	lb/day	71	102.2	4-day Avg	1	888775
22	23-Nov-10	Ammonia	lb/day	65.6	116	1-hour Avg	1	888779
23	23-Nov-10	Ammonia	mg/L	6.08	14	4-day Avg	1	888760
24	23-Nov-10	Ammonia	mg/L	5.62	14	1-hour Avg	1	888769
25	29-Nov-10	Ammonia	mg/L	8.95	13	4-day Avg	1	888761
26	29-Nov-10	Ammonia	mg/L	9.64	13	1-hour Avg	4	888770
27	30-Nov-10	Ammonia	lb/day	36.9	104	Avg Mnthly	1	888780
28	30-Nov-10	Ammonia	mg/L	3.16	14.3	Avg Mnthly	1	888771
29	1-Dec-10	Ammonia	mg/L	12.27	13	4-day Avg	4	890617
30	6-Dec-10	Ammonia	mg/L	8.11	12	1-hour Avg	1	890640
31	6-Dec-10	Ammonia	lb/day	94.7	96.4	1-hour Avg	4	890634
32	6-Dec-10	Ammonia	mg/L	7.96	12	4-day Avg	1	890618
33	6-Dec-10	Ammonia	lb/day	92.9	96.4	4-day Avg	4	890626
34	8-Dec-10	Ammonia	mg/L	9.64	12	1-hour Avg	4	890641

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
35	8-Dec-10	Ammonia	mg/L	8.95	12	4-day Avg	4	890619
36	8-Dec-10	Ammonia	lb/day	104.5	107.9	4-day Avg	4	890627
37	13-Dec-10	Ammonia	mg/L	9.64	12	1-hour Avg	4	890642
38	13-Dec-10	Ammonia	mg/L	8.95	12	4-day Avg	4	890620
39	13-Dec-10	Ammonia	lb/day	104.5	110.3	4-day Avg	4	890628
40	15-Dec-10	Ammonia	mg/L	8.11	12	1-hour Avg	1	890643
41	15-Dec-10	Ammonia	lb/day	94.7	107.5	1-hour Avg	4	890635
42	15-Dec-10	Ammonia	mg/L	7.96	12	4-day Avg	1	890621
43	15-Dec-10	Ammonia	lb/day	92.9	107.5	4-day Avg	4	890629
44	20-Dec-10	Ammonia	mg/L	6.77	12	1-hour Avg	1	890644
45	20-Dec-10	Ammonia	lb/day	79	104.9	1-hour Avg	4	890636
46	20-Dec-10	Ammonia	mg/L	6.99	12	4-day Avg	1	890622
47	20-Dec-10	Ammonia	lb/day	81.7	104.9	4-day Avg	4	890630
48	21-Dec-10	Ammonia	mg/L	6.77	12	1-hour Avg	1	890645
49	21-Dec-10	Ammonia	lb/day	79	110.8	1-hour Avg	1	890637
50	21-Dec-10	Ammonia	mg/L	6.99	12	4-day Avg	1	890623
51	21-Dec-10	Ammonia	lb/day	81.7	110.8	4-day Avg	4	890631
52	27-Dec-10	Ammonia	mg/L	8.11	11	1-hour Avg	4	890646
53	27-Dec-10	Ammonia	lb/day	94.7	101.8	1-hour Avg	4	890638
54	27-Dec-10	Ammonia	mg/L	7.96	11	4-day Avg	4	890624
55	27-Dec-10	Ammonia	lb/day	92.9	101.8	4-day Avg	4	890632
56	29-Dec-10	Ammonia	mg/L	6.77	10.5	1-hour Avg	1	890647
57	29-Dec-10	Ammonia	lb/day	79	95.3	1-hour Avg	4	890639
58	29-Dec-10	Ammonia	mg/L	6.99	10.5	4-day Avg	1	890625
59	29-Dec-10	Ammonia	lb/day	81.7	95.3	4-day Avg	4	890633
60	30-Dec-10	Coliform	MPN/100mL	240	1600	Instant Max	4	890528
61	31-Dec-10	Ammonia	mg/L	3.16	11.8	Avg Mnthly	1	890649
62	31-Dec-10	Ammonia	lb/day	36.9	111	Avg Mnthly	1	890648
63	5-Jan-11	Aluminum	µg/L	140	291	Avg Daily	1	894067
64	31-Jan-11	Aluminum	µg/L	71	291	Avg Mnthly	1	894068
65	5-Jan-11	Aluminum	lb/day	1.7	2.67	Avg Daily	1	894104
66	31-Jan-11	Aluminum	lb/day	0.83	2.67	Avg Mnthly	1	894069
67	3-Jan-11	Ammonia	mg/L	8.95	12	4-day Avg	4	894070
68	10-Jan-11	Ammonia	mg/L	7.96	13	4-day Avg	1	894071
69	12-Jan-11	Ammonia	mg/L	7.47	13	4-day Avg	1	894072
70	18-Jan-11	Ammonia	mg/L	6.99	11	4-day Avg	1	894074
71	19-Jan-11	Ammonia	mg/L	6.53	11	4-day Avg	1	894075
72	24-Jan-11	Ammonia	mg/L	6.99	9	4-day Avg	4	894076
73	26-Jan-11	Ammonia	mg/L	7.47	10	4-day Avg	4	894077

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
74	31-Jan-11	Ammonia	mg/L	6.53	9	4-day Avg	4	894078
75	3-Jan-11	Ammonia	mg/L	9.64	12	1-hour Avg	4	894079
76	10-Jan-11	Ammonia	mg/L	8.11	13	1-hour Avg	1	894080
77	12-Jan-11	Ammonia	mg/L	7.41	13	1-hour Avg	1	894081
78	18-Jan-11	Ammonia	mg/L	6.77	11	1-hour Avg	1	894082
79	19-Jan-11	Ammonia	mg/L	6.17	10	1-hour Avg	1	894083
80	24-Jan-11	Ammonia	mg/L	6.77	9	1-hour Avg	4	894084
81	26-Jan-11	Ammonia	mg/L	7.41	10	1-hour Avg	4	894085
82	31-Jan-11	Ammonia	mg/L	6.17	9	1-hour Avg	1	894086
83	31-Jan-11	Ammonia	mg/L	3.16	11.2	Avg Mnthly	1	894087
84	3-Jan-11	Ammonia	lb/day	104.5	107.5	4-day Avg	4	894088
85	10-Jan-11	Ammonia	lb/day	92.9	121.7	4-day Avg	4	894089
86	12-Jan-11	Ammonia	lb/day	87.2	123.1	4-day Avg	1	894090
87	18-Jan-11	Ammonia	lb/day	81.7	117.7	4-day Avg	1	894091
88	19-Jan-11	Ammonia	lb/day	76.3	101.7	4-day Avg	4	894092
89	24-Jan-11	Ammonia	lb/day	81.7	82.2	4-day Avg	4	894093
90	26-Jan-11	Ammonia	lb/day	87.2	98.8	4-day Avg	4	894094
91	31-Jan-11	Ammonia	lb/day	76.3	93.3	4-day Avg	4	894095
92	10-Jan-11	Ammonia	lb/day	94.7	119	1-hour Avg	4	894096
93	12-Jan-11	Ammonia	lb/day	86.5	130	1-hour Avg	1	894097
94	18-Jan-11	Ammonia	lb/day	79	165	1-hour Avg	1	894098
95	19-Jan-11	Ammonia	lb/day	72	74	1-hour Avg	4	894099
96	24-Jan-11	Ammonia	lb/day	79	93	1-hour Avg	4	894100
97	26-Jan-11	Ammonia	lb/day	86.5	90	1-hour Avg	4	894101
98	31-Jan-11	Ammonia	lb/day	72	96	1-hour Avg	4	894102
99	31-Jan-11	Ammonia	lb/day	36.9	110	Avg Mnthly	1	894103
100	15-Feb-11	pH	Std Unit	8.5	8.6	Instant Max	4	896195
101	2-Feb-11	Aluminum	mg/L	71	78	Avg Mnthly	4	895880
102	2-Feb-11	Ammonia	mg/L	7.47	11.0	4-day Avg	1	895881
103	7-Feb-11	Ammonia	mg/L	6.08	8.5	4-day Avg	4	895885
104	9-Feb-11	Ammonia	mg/L	7.96	9.2	4-day Avg	4	895886
105	14-Feb-11	Ammonia	mg/L	7.96	11.0	4-day Avg	4	895887
106	16-Feb-11	Ammonia	mg/L	6.08	11.0	4-day Avg	1	895888
107	22-Feb-11	Ammonia	mg/L	6.08	11.0	4-day Avg	1	895890
108	23-Feb-11	Ammonia	mg/L	6.53	11.5	4-day Avg	1	895892
109	28-Feb-11	Ammonia	mg/L	6.99	12.0	4-day Avg	1	895893
110	2-Feb-11	Ammonia	mg/L	7.41	11.0	1-hour Avg	1	895894
111	7-Feb-11	Ammonia	mg/L	5.62	8.5	1-hour Avg	1	895895
112	9-Feb-11	Ammonia	mg/L	8.11	10.0	1-hour Avg	4	895896

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0583
 MANDATORY PENALTY
 LIVE OAK WASTEWATER TREATMENT PLANT
 SUTTER COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
113	14-Feb-11	Ammonia	mg/L	8.11	11.0	1-hour Avg	4	895898
114	16-Feb-11	Ammonia	mg/L	5.62	11.0	1-hour Avg	1	895899
115	22-Feb-11	Ammonia	mg/L	5.62	11.0	1-hour Avg	1	895900
116	23-Feb-11	Ammonia	mg/L	6.17	12.0	1-hour Avg	1	895901
117	28-Feb-11	Ammonia	mg/L	6.77	12.0	1-hour Avg	1	895903
118	28-Feb-11	Ammonia	mg/L	3.16	10.8	Avg Mnthly	1	895904
119	2-Feb-11	Ammonia	lb/day	87.20	97.2	4-day Avg	4	895905
120	16-Feb-11	Ammonia	lb/day	71.00	90.8	4-day Avg	4	895908
121	22-Feb-11	Ammonia	lb/day	71.00	108.3	4-day Avg	1	895909
122	23-Feb-11	Ammonia	lb/day	76.30	116.1	4-day Avg	1	895910
123	28-Feb-11	Ammonia	lb/day	81.70	137.1	4-day Avg	1	895911
124	2-Feb-11	Ammonia	lb/day	86.50	92.0	1-hour Avg	4	895913
125	16-Feb-11	Ammonia	lb/day	65.60	92.0	1-hour Avg	1	895914
126	22-Feb-11	Ammonia	lb/day	65.60	105.0	1-hour Avg	1	895916
127	23-Feb-11	Ammonia	lb/day	72.00	113.0	1-hour Avg	1	895917
128	28-Feb-11	Ammonia	lb/day	79.00	138.0	1-hour Avg	1	895918
129	28-Feb-11	Ammonia	lb/day	36.90	93.8	Avg Mnthly	1	895920

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 minimum penalties.

	<u>VIOLATIONS AS OF:</u>	<u>2/28/11</u>
Group I Serious Violations:		71
Group II Serious Violations:		0
Non-Serious Violations Not Subject to MMPs:		0
Non-serious Violations Subject to MMPs:		58
<u>Total Violations Subject to MMPs:</u>		<u>129</u>

Mandatory Minimum Penalty = (71 serious Violation + 58 Non-Serious Violations) x \$3,000 = \$387,000

* Supporting violations in ACLO R5-2011-0516.