

**STATE OF CALIFORNIA**  
*REGIONAL WATER QUALITY CONTROL BOARD*  
**NORTH COAST REGION**

In the Matter of:	)	
	)	Complaint No. R1-2013-0060
The College of the Redwoods, Waste	)	
Water Treatment Facility	)	For
7351 Tompkins Hill Road	)	
Eureka, CA 95501	)	Administrative Civil Liability
	)	

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Attn: Mr. Tim Flanagan, Supervisor of  
Facilities and Operations

WDID No. 1B80121OHUM

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The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) hereby gives notice that:

1. This Administrative Civil Liability Complaint (hereinafter Complaint) is issued under the authority of California Water Code section 13323 to the College of the Redwoods (hereinafter Discharger) to assess administrative civil liability for discharges from its Wastewater Treatment Facility (hereinafter WWTF) in violation of provisions of law for which the Regional Water Board must impose mandatory minimum penalties (hereinafter MMP) pursuant to Water Code section 13385, subdivisions (h) and (i). **The Complaint alleges thirty-six (36) non-exempt effluent limit violations of Waste Discharge Requirements (WDRs) Order Nos. R1-2002-0003 and R1-2010-0003.** NPDES Permit No. CA 0006700 (WDRs Order Nos. R1-2002-0003 and R1-2010-0003). The violations cited herein occurred during the period from December 1, 2007 through August 30, 2012 (hereinafter Complaint Period) and are specifically listed in Attachment A, which is incorporated into this Complaint by reference. During the Complaint Period, the Discharger was subject to the waste discharge requirements established in Order Nos. R1-2002-0003 and R1-2010-0003.
2. Unless waived, the Regional Water Board will hold a hearing on this Complaint at the November 21, 2013 Board meeting, to be held at 5550 Skylane Boulevard, Suite A, Santa Rosa, CA or at a location as posted on the Regional Water Board's website (web address listed below). The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of the civil liability. Not less than 10 days before the hearing date, an agenda for the meeting will be available on the Regional Water Board's website:  
[http://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](http://www.waterboards.ca.gov/northcoast/board_info/board_meetings/).

3. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act. Accordingly, interested persons will be given thirty days to comment on any proposed settlement of this Complaint.

The Assistant Executive Officer of the Regional Water Board hereby alleges that:

**STATEMENT OF PROHIBITIONS, PROVISIONS, AND REQUIREMENTS APPLICABLE TO THE DISCHARGER:**

The Discharger is required to comply with the following:

**Order No. R1-2002-0003 (Effective 01/24/2002):**

**B. EFFLUENT LIMITATIONS**

1. Representative samples of the discharge shall not contain constituents in excess of the following limits:

CONSTITUENT	UNITS	MONTHLY AVERAGE	WEEKLY MAXIMUM	DAILY AVERAGE
Total Suspended Solids	Mg/l Lb/day	30 25	45 37.5	60 50
Total Coliform Organisms	MPN/100 ml	23	---	230
Hydrogen Ion	pH	Not less than 6.0 nor greater than 8.5		

2. There shall be no detectable levels of chlorine discharged, using a minimum detection limit of 0.1 mg/l.

**Order No. R1-2010-0003 (Effective 09/01/10):**

**A. Final Effluent Limitations**

1. Final Effluent Limitations – Discharge Point 001
  - a. The Discharger shall maintain compliance with the following final effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001.

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Instantaneous Minimum
BOD <sub>5</sub>	mg/L	30	45	60	---	---
	lbs/day <sup>2</sup>	25	37.5	50	---	---
TSS	mg/L	30	45	60	---	---
	lbs/day <sup>2</sup>	25	37.5	50	---	---
pH	s.u.	---	---	---	8.5	7.0
Total Chlorine Residual	mg/L	0.01	---	0.02	---	---
Copper <sup>3</sup>	µg/L	2.2	---	4.4	---	---
Lead <sup>3</sup>	µg/L	0.54	---	1.1	---	---
Silver <sup>3</sup>	µg/L	0.24	---	0.48	---	---
Chlorodibromo-methane	µg/L	0.40	---	0.80	---	---
Dichlorobromo-methane	µg/L	0.56	---	1.1	---	---

- b. Percent Removal: The average monthly percent removal of BOD<sub>5</sub> and TSS shall not be less than 85 percent. Percent removal shall be determined by comparing the average monthly influent concentration to the average monthly effluent concentration for the same constituent over the same time period, as measured at Monitoring Locations INF-001 and EFF-001.
- c. Bacteria: Disinfected effluent discharged from the WWTF at Discharge Point 001 shall not contain total coliform bacteria in excess of the following concentrations:
  - (1) The median value of total coliform bacteria shall not exceed an MPN of 23 per 100 milliliters in a calendar month, and
  - (2) The maximum value of total coliform bacteria for any one sample shall not exceed an MPN of 230 per 100 milliliters.

**ALLEGED VIOLATIONS OF PROHIBITIONS, PROVISIONS, AND REQUIREMENTS APPLICABLE TO THE DISCHARGER**

- 1. The Discharger's self-monitoring reports for the Complaint Period December 1, 2007 to August 30, 2012 reported forty three (43) effluent limit exceedances, of which thirty six (36) are subject to MMPs, as identified in Attachment A, Table A.

## **FACTUAL BASIS FOR THE ALLEGED VIOLATIONS**

The following evidence supports the alleged violations described above:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal facility serving a population of approximately 5,700 on the College of the Redwoods campus complex, located at 7351 Tompkins Hill Road, Eureka, California in Humboldt County by treating approximately 0.1 million gallons per day (hereinafter MGD) of domestic and commercial wastewater. Wastewater is treated in a package plant by activated sludge and clarification processes, then disinfected with sodium hypochlorite, and dechlorinated with sodium metabisulfate prior to discharge. Treated wastewater travels overland to White Slough, a tidally influenced estuarine tributary of Humboldt Bay.
2. The Regional Water Board adopted WDR Order No. R1-2002-0003 on January 24, 2002 to regulate discharges from the WWTF. WDR Order No. R1-2010-0003 became effective September 1, 2010, and serves as an NPDES permit under the Federal Clean Water Act.
3. In its monitoring reports submitted for the Complaint Period, the Discharger self-reported thirty-six (36) non-exempt exceedances of the effluent limitations for TSS, pH, Total Coliform, Chlorine Total Residual, which are identified in Attachment A, Table A. TSS is a Group I pollutant; Chlorine Total Residual, Lead, Copper, Chlorodibromomethane, and Dichlorobromomethane are Group II pollutants.

## **WATER CODE PROVISIONS UPON WHICH LIABILITY IS BEING ASSESSED DUE TO NONCOMPLIANCE WITH APPLICABLE REQUIREMENTS**

4. Water Code section 13385, subdivision (h) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to Water Code section 13385, subdivision (h)(2) a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.
5. Water Code section 13385, subdivision (i) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the Discharger 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 Water Code section 13260.
  - c. Files an incomplete report pursuant to Water Code 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.
6. The maximum amount of discretionary administrative civil liability pursuant to Water Code section 13385, subdivision (c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
7. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General to have a Superior Court consider enforcement. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the MMPs in full or by taking other actions as described in the waiver form. If this matter proceeds to hearing and the Regional Water Board decides to impose discretionary penalties, the Prosecution Team reserves the right to seek an increase in the civil liability amount, at the very least, to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

1. The Assistant Executive Officer of the Regional Water Board proposes that mandatory minimum penalties be assessed against the Discharger in the amount of \$108,000 for the violations specifically identified in Attachment A to this Complaint.
2. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
3. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code section 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

Original Signed By

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David F. Leland, P.E.  
Assistant Executive Officer (Acting)  
Regional Water Board Prosecution Team

August 29, 2013