

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2014-0034
IN THE MATTER OF
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CENTINELA STATE PRISON WASTEWATER TREATMENT PLANT
Imperial – Imperial County

This Order to assess administrative civil liability (ACL) pursuant to California Water Code (Water Code) section 13385 is issued to California Department of Corrections and Rehabilitation (hereinafter Discharger) based on a finding of violations of Waste Discharge Requirements (WDRs) Order Nos. 98-014 and R7-2009-0006 (National Pollutant Discharge Elimination System Permit CA7000001).

The Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) finds the following:

1. California Department of Corrections and Rehabilitation, Centinela State Prison (Discharger) owns and operates a wastewater treatment plant (WWTP) located at 2302 Brown Road, Imperial, California 92251. The WWTP has a designed capacity of 0.96 million gallons per day (MGD), and provides sewerage service to an approximate inmate population of 5,730. Raw sewage flows by gravity through the collection system to the influent wet well. The influent passes through a mechanical screening prior to treatment consisting of four (4) aerated ponds operated in series. The wastewater is then disinfected with chlorine and dechlorinated prior to discharge from Discharge Point 001 to the Dixie Drain 1-C, a tributary to the New River and the Salton Sea. The Dixie Drain 1-C, the New River and the Salton Sea are waters of the United States.
2. The Colorado River Basin Water Board adopted Waste Discharge Requirements Order No. 98-014 on May 14, 1998 and later renewed the permit on March 19, 2009 (R7-2009-0006), to regulate discharges of treated wastewater from the Centinela State Prison Wastewater Treatment Plant. Both Orders include effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
3. Water Code section 13385(h)(1) requires the Colorado River Basin Water Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
4. Water Code section 13385(h)(2) states, in part, the following: “For the purpose of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations...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.”
5. Water Code section 13385.1(a)(1) states in part, “For purposes of subdivision (h) of Section 13385, a ‘serious violation’ also means a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.”

Under this provision of Water Code section 13385.1, a \$3,000 penalty is assessed for each complete period of 30 days following the required deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

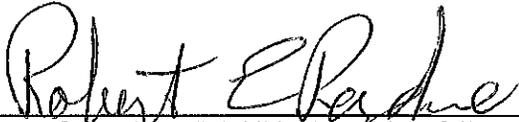
6. Water Code section 13385(i)(1) also requires the Colorado River Basin Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a six-month period (hereafter "chronic violation"):
 - 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; or
 - 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.
7. Water Code section 13385(i)(2) states the following: "For the purpose of this section, a 'period of six consecutive months' means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date."
8. WDRs Order 98-014 required the following:
 - (1) Effluent Limitation A.1, required that the 30-day arithmetic mean effluent 5-day biochemical oxygen demand (BOD) discharged to Dixie Drain 1-C not exceed 45 mg/L.
 - (2) Effluent Limitation A.3, required that the 30-day average percent removal of BOD be not less than 65 percent.
 - (3) Effluent Limitation A.6, required that effluent discharged to Dixie Drain 1-C not have a fecal coliform concentration in excess of 400 MPN per 100 mL in any 30-day period.
9. WDRs Order R7-2009-0006, at Provision VI.B, requires the Discharger to comply with the monitoring and reporting program (MRP) requirements contained in Attachment E to that Order. The MRP, at Reporting Requirement X.B.3, Table E-12, requires that the results of monitoring conducted monthly or more frequently be submitted with a monthly self-monitoring report, and that both monthly and quarterly self-monitoring reports be submitted by the first day of the second month from the end of the monitoring period.
10. On or about and between June 1, 2000 and August 31, 2000, self-monitoring reports submitted by the Discharger show that wastewater discharged from the Centinela State Prison Wastewater Treatment Plant exceeded effluent limitations set forth in WDRs Order 98-014 as follows:
 - (a) 30-day average BOD percent removal on one (1) occasion;
 - (b) 30-day arithmetic mean BOD discharge rate on one (1) occasion; and
 - (c) fecal coliform concentration in excess of 400 MPN per 100 mL in any 30-day period on two (2) occasions.

These effluent limitation exceedances are identified and detailed in Attachment A. Attachment A is attached hereto and incorporated herein by this reference. This Complaint only addresses administrative civil liability for violations specifically identified in Attachment A as subject to mandatory minimum penalty (MMP).

11. The Discharger's March 2012 and the first quarter 2012 self-monitoring reports were both due May 1, 2012. The Discharger exceeded the due date set forth in WDRs R7-2009-0006, as identified in Attachment A. On August 16, 2012, the Discharger was issued a notification of failure to submit the March 2012 and first quarter 2012 monitoring reports. The Discharger submitted the March 2012 and first quarter 2012 reports on September 5, 2012 and September 7, 2012 making these reports 127 and 129 days late, respectively.
12. A summary of each violation of WDRs Orders 97-049 and R7-2007-0036 is contained in Attachment A, which is incorporated in and made part of this ACL Order No. R7-2014-0034 by reference. This Order only addresses administrative civil liability for violations specifically identified in Attachment A as subject to mandatory minimum penalty.
13. The total amount of the MMP for the violations cited in Attachment A is \$27,000.
14. On January 10, 2014, the Colorado River Basin Water Board Assistant Executive Officer issued ACL Complaint No. R7-2014-0019 proposing that the Discharger pay twenty-seven thousand dollars (\$27,000) in mandatory minimum penalties for the violations.
15. The Colorado River Basin Water Board notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under Water Code section 13323(b). The Discharger submitted the signed waiver and payment in full of the civil liability imposed by ACL Complaint R7-2014-0019. Together the signed waiver and payment constitute a settlement of this matter.
16. On March 20, 2014, the Colorado River Basin Water Board considered all comments pertaining to this matter and approved the settlement of this matter at its public meeting held on March 20, 2014 in Brawley, California.
17. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*), in accordance with section 15321(a)(2), Title 14, California Code of Regulations.
18. Any person aggrieved by this action of the Colorado River Basin Water Board may petition the State Water Resources Control 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 no later than 5:00 p.m., thirty (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. Copies will also be provided upon request.

IT IS HEREBY ORDERED THAT, pursuant to Water Code section 13385, the California Department of Corrections and Rehabilitation is assessed administrative civil liability in the amount of twenty-seven thousand dollars (\$27,000) in mandatory minimum penalties for the violations set forth in Attachment A.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 20, 2014.



ROBERT PERDUE, Executive Officer