

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-078

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF PETALUMA WATER POLLUTION CONTROL PLANT
SONOMA COUNTY**

This complaint to assess Mandatory Minimum Penalties pursuant to Water Code section 13385(h) and/or (i) is issued to the City of Petaluma Water Pollution Control Plant (hereafter Discharger) based on a finding of violations of Waste Discharger Requirements Order No. 98-076 (NPDES No. 0037810).

The Executive Officer finds the following:

1. On July 15, 1998, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 98-076 (NPDES No. 0037810), for the City of Petaluma, to regulate discharges of waste from the City of Petaluma Water Pollution Control Plant.
2. Water Code section 13385(i)(2) requires the Regional Board to assess a mandatory penalty 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 any six-month period:
 - a. Exceeds 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. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
3. Order No. 98-076 includes the following effluent limitations:

B. EFFLUENT LIMITATIONS

"1. The term "effluent" in the following limitations means the fully treated wastewater effluent from the discharger's wastewater treatment facility, as discharged to the Petaluma River. The effluent discharged to the Petaluma River during the wet weather period shall not exceed the following limits:

Conventional Pollutants Effluent Limitations

<i>Constituent</i>	<i>Units</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	mg/L	45	65	70	--
Chlorine Residual ¹	mg/L	--	--	--	0.0

¹ Requirement defined as below the limit of detection in standard test methods defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

- 3. Coliform Bacteria: The treated wastewater, at some point in the treatment process prior to discharge, shall meet the following limits of bacteriological quality:
 - a. The moving median value for the MPN of total coliform bacteria in any seven consecutive samples shall not exceed 23 MPN/100 mL; and
 - b. Any single sample shall not exceed 240 MPN/100 mL.
- 4. 85 Percent Removal, BOD and TSS: The arithmetic mean of the biochemical oxygen demand (Five-day, 20°C) and total suspended solids values, by weight, for effluent samples collected in each calendar month shall not exceed 15 percent of the arithmetic mean of the respective values, by weight, for influent samples collected at approximately the same times during the same period."
- 4. According to monitoring reports submitted by the Discharger, the Discharger had a total of 15 chronic violations during the first 6 months of 2000. The Discharger exceeded Effluent Limitation B.1, TSS monthly average and chlorine residual, four times; B.3.a, 7-sample moving median total coliform, eight times; Effluent Limitation B.3.b, single sample maximum, one time; and Effluent Limitation 4, 85% Removal of TSS, two times during the six-month period beginning January 1, 2000 and ending on June 30, 2000.

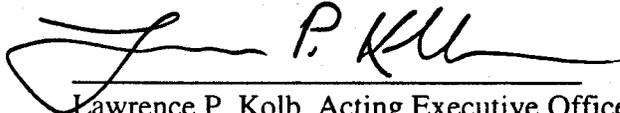
To itemize these violations by types, on February 2, 8, and 15, chlorine residuals of 4.6, 0.6, and 1.4 mg/L, respectively, were measured in the effluent prior to discharge. In February and May the TSS% removal was 84 and 79%, respectively. In May the monthly average for TSS was 52 mg/L, which exceeded the TSS monthly limit of 45 mg/L. On April 3, 2000 the total coliform count was 1,600 MPN/100 ml, which exceeded the 240 MPN/100 ml limit. For eight (8) days between April 6 and 16, 2000 the 7-sample moving median total coliform counts were as follows: 50 MPN/100 ml on April 6, 2000; 80 MPN/100 ml on three days from April 7 through 9, 2000; 59 MPN/100 ml on April 10 and 11, 2000, and 30 MPN/100 ml on April 12 and 15, 2000. Therefore, a total of eight (8) 7-sample median values exceeded the moving median maximum of 23 MPN/100 ml, for a total of nine (9) coliform violations. With the TSS and chlorine

residual violations, the total number of chronic violations is fifteen (15). Penalties will be assessed for the fourth and subsequent chronic violations. Therefore, the amount of the mandatory penalty for each of twelve (12) violations is \$3,000 for a total of \$36,000.

5. The total amount of the mandatory penalty is \$36,000.

THE CITY OF PETALUMA WATER POLLUTION CONTROL PLANT IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$36,000.
2. The Regional Board shall hold a hearing on October 18, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$36,000 in full.
3. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check the box and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, by September 29, 2000.



Lawrence P. Kolb, Acting Executive Officer

9/12/2000

Date

WAIVER

[] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-078 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed under Complaint No. 00-078 by September 29, 2000.

Name (print)

Signature

Date

Title/Organization



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

TO: Lawrence Kolb
Acting Executive Officer

FROM: Tobi Tyler
Water Resource Control Engineer

DATE: September 11, 2000

SUBJECT: MANDATORY MINIMUM PENALTIES FOR CITY OF PETALUMA

On February 2, 8, and 15, the City of Petaluma (discharger) exceeded their instantaneous maximum chlorine residual limit. In February and May, the City of Petaluma exceeded their TSS% removal limit, and in May exceeded the monthly average TSS limit. On April 3, the City of Petaluma exceeded their single sample total coliform maximum limit of 240 MPN/100 ml and on April 6 through 12 and April 15, the City exceeded their maximum 7-sample median total coliform limit. Thus, the plant is subject to penalties required under Water Code Section 13385 for twelve chronic violations. For the following reasons I recommend we impose only the minimum penalty of \$36,000 for these permit violations:

1. There definitely were 15 non-serious violations during the period from January through June 2000 (3 chlorine residual, 2 TSS% removals, 1 TSS monthly average, and 9 total coliform violations). The one violation of the single-sample total coliform limit and eight violations of the 7-sample median total coliform limit occurred during the first half of April. This was not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention regarding the violations.
2. There were no serious violations, as defined under Water Code section 13385(h), during the first six months of 2000.
3. There have been no other 7-sample median total coliform violations since January of 1998, and there has only been one other single sample daily maximum total coliform violation that occurred in April 1999. The chlorine residual violations occurred due to problems with the new sodium bisulfite disinfection system. TSS% removals are difficult to achieve in winter when rain-related inflow and infiltration dilute the influent. Thus, the plant is normally able to meet effluent limits under operating conditions within the control of the plant.

4. The cause or causes of the violations were not determined. The chlorine residual was raised during the period of the violations and the coliform results were back to normal by April 17, 2000.

If you have any questions please call me at 622-2431.

Concurred by Shin-Roei Lee
Shin-Roei Lee, Section Leader

9/12/00
Date

Concurred by Teng-Chung Wu
for Teng-Chung Wu, Division Chief

9/12/00
Date

City of Petaluma - Basis for Mandatory Minimum Penalty for Jan - June, 2000

Parameter	Permit limit	Violation Date	Reported value	Serious/Chronic	Mandatory fine	comment
CR	0.0 mg/L	2/2/00	4.61 mg/L	c	None	1st chronic
CR	0.0 mg/L	2/8/00	0.6 mg/L	c	None	2nd chronic
CR	0.0 mg/L	2/15/00	1.4 mg/L	c	None	3rd chronic
TSS	min 85%	2/29/00	84%	c	\$3,000	
Coli	240 MPN	4/3/00	1,600 MPN	c	\$3,000	
Coli	23 MPN	4/6/00	50 MPN	c	\$3,000	
Coli	23 MPN	4/7/00	80 MPN	c	\$3,000	
Coli	23 MPN	4/8/00	80 MPN	c	\$3,000	
Coli	23 MPN	4/9/00	80 MPN	c	\$3,000	
Coli	23 MPN	4/10/00	59 MPN	c	\$3,000	
Coli	23 MPN	4/11/00	59 MPN	c	\$3,000	
Coli	23 MPN	4/12/00	30 MPN	c	\$3,000	
Coli	23 MPN	4/15/00	30 MPN	c	\$3,000	
TSS	min 85%	5/31/00	80%	c	\$3,000	
TSS m avg	45 mg/L	5/31/00	52 mg/L	c	\$3,000	
Total =					\$36,000	

Petaluma's April Coliform Violations

Date	Coli count	7-smpl median	Median limit (23) exceedances	Max limit (240) exceedances
3/25/00	13			
3/26/00	50			
3/27/00	30			
3/28/00	12			
3/29/00	9			
3/30/00	23			
3/31/00	11	13		
4/1/00				
4/2/00				
4/3/00	1600	23		1
4/4/00	50	23		
4/5/00	130	23		
4/6/00	170	50	1	
4/7/00	80	80	2	
4/8/00	59	80	3	
4/9/00	22	80	4	
4/10/00	30	59	5	
4/11/00	30	59	6	
4/12/00	8	30	7	
4/13/00				
4/14/00				
4/15/00	23	30	8	
4/16/00	8	23		