

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

COMPLAINT NO. R5-2007-0512

MANDATORY PENALTY
IN THE MATTER OF
THE CITY OF CHICO WASTEWATER TREATMENT FACILITY
BUTTE COUNTY

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385 (h) is issued to the City of Chico (hereafter Discharger) based on a finding of violation of Waste Discharge Requirements Order No. R5-2004-0073 (NPDES No. CA0079081).

The Executive Officer finds the following:

1. On 4 June 2004, the Regional Water Quality Control Board, Central Valley Region, (Regional Water Board) adopted Waste Discharge Requirements Order No. R5-2004-0073 (NPDES No. CA0079081), for the City of Chico, to regulate discharges of waste from its wastewater treatment facility.
2. Order No. R5-2004-0073 included the following effluent limitation:

B. Effluent Limitations

1. Effluent shall not exceed the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>4-day Average</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	0.01	0.02 ^c

^c1-hour average"

3. Water Code section 13385(h)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation.
4. On 9 December 2006 an effluent chlorine residual concentration was measured at 2.48 mg/L, or 12,300% greater than the allowed daily maximum of 0.02 mg/L in affect at the time. The violation apparently resulted from an internal plant electrical breaker, which switched off. The breaker controls all of the equipment in Plant 1, which consists of the chlorine chemical feed system, the dechlorination chemical feed system, and the chlorine residual monitoring system. This loss of electrical power caused the control system to halt the control of the chemical feed systems resulting in excess chlorine discharge due to the lack of dechlorination. Approximately 388,180 gallons of effluent discharged to the Sacramento River was not properly chlorinated and/or dechlorinated.
5. Water Code Section 13385(h)(2) defines a serious violation as an exceedance of 40% or more of a group I pollutant as defined in 40 CFR 123.45 or an exceedance by 20% or more of a group II pollutant as defined in 40 CFR 123.45. Chlorine residual is a group II

pollutant under 40 CFR 123.45, and the measured exceedances are therefore serious violations under Water Code section 13385 (h), and are subject to a mandatory minimum penalty of \$3,000 each. The total amount of the mandatory minimum penalty for the serious violation on 9 December 2006 is \$3,000.

6. The Discharger has submitted a report on the effluent chlorine residual violation, and will undertake the following actions to avoid a similar violation in the future:
 - a. The electrical breaker will be inspected and tested to determine if the breaker is in need of repair/replacement.
 - b. A regular breaker inspection and replacement schedule will be developed for all of the plant electrical breakers..
 - c. A device to close the effluent gates and divert to the ponds, in case of chlorine residual violations will be incorporated into the new design for future plant expansion activities.
 - d. A separate electrical generator will be provided and wired into the chemical building's main circuit panel, during the future plant expansion activities.

7. The Chico WWTP has experienced several effluent residual chlorine violations in the past. There have been two mandatory penalties for the Chico WWTP on 19 March 2004 (\$15,000) and 19 July 2005 (\$9,000), which included the following:

Date	Chlorine Residual (mg/L)	Cause of Chlorine Residual Violation
16 October 2002	2.4	The violation was apparently caused by a momentary electric utility power outage causing failure of the Programmable Logic Controller (PLC) that controls the chlorination and dechlorination systems. With no control system the chemical pumps stopped.
5 April 2003	1.6	The violation apparently resulted from a momentary electrical utility power spike causing an Un-interruptable Power Supply (UPS) that powers the chlorination and dechlorination systems, to enter battery operation mode. When this battery powered down the chemical pumps stopped.
1 May 2003	1.4	The violation apparently resulted from the failure of a coupling on a portion of the sodium hypochlorite pump resulting in excess chlorine dosage beyond the capacity of the dechlorination system.
7 November 2003	2.2	The violation apparently resulted from the control system going into a program mode which halted the control of the chemical feed systems resulting in excess chlorine discharge due to the lack of dechlorination

Date	Chlorine Residual (mg/L)	Cause of Chlorine Residual Violation
29 January 2004	1.5	The violation occurred during a power outage at the plant when the emergency power generator system failed
14 March 2004	1.85	The violation apparently resulted from a Programmable Logic Controller (PLC) malfunction causing the control system to go into program mode, which halted the control of the chemical feed systems resulting in excess chlorine discharge due to the lack of dechlorination.
24 July 2004	2.39	The violation apparently resulted from a failure of a circuit breaker in the emergency power generator system during a utility power outage causing subsequent loss of dechlorination chemical feed pump operation
16 March 2005	3.69	The violation apparently resulted from the failure of a tachometer on the sodium hypochlorite pump resulting in excess chlorine dosage beyond the capacity of the dechlorination system.

8. There are no other violations pertinent to Water Code Section 13385 (h) at this time and the total amount of the mandatory penalty is therefore \$3,000.

THE CITY OF CHICO IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Water Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$3,000.
2. A hearing shall be held by the Regional Water Board on **2 or 3 August 2007** unless the Discharger agrees to waive the hearing and pay in full the mandatory penalty of \$3,000.

The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check 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 Water Board's office at the letterhead address, by **15 June 2007**.

Signed by James C. Pedri

PAMELA C. CREEDON
Executive Officer

15 May 2007

Date

WAIVER

The Executive Officer has issued to the City of Chico (Discharger) a complaint for a mandatory penalty pursuant to Water Code section 13385. The Discharger may waive its right to a hearing and pay the mandatory penalty specified in the complaint.

By signing this waiver, the City of Chico agrees to waive its right to a hearing before the Central Valley Regional Water Quality Control Board and to remit three thousand dollars (\$3,000) by check for the mandatory penalty imposed. The check must also contain a reference to ACL Complaint No. R5-2007-0512. If the City of Chico wishes to waive its right to a hearing, an authorized person must sign below and return this waiver and a check made payable to the *State Water Resources Control Board Cleanup and Abatement Account* in the amount of the mandatory penalty to the Executive Officer by **15 June 2007**. Otherwise a hearing on this matter will be scheduled and held before the Regional Water Board.

The waiver will not be effective until 30 days from the date of this complaint to allow interested persons an opportunity to comment on this action. The City of Chico understands that it is giving up its rights to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the mandatory penalty imposed.

Signature

Title

Date