

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2012-0547

MANDATORY PENALTY
IN THE MATTER OF

MAXWELL PUBLIC UTILITIES DISTRICT
WASTEWATER TREATMENT FACILITY
COLUSA COUNTY

This Order is issued to the Maxwell Public Utilities District (hereafter Discharger) pursuant to Water Code section 13385, which authorizes the imposition of Administrative Civil Liability (ACL). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2009-0009 (NPDES No. CA0079987).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the community of Maxwell. Treated municipal wastewater is discharged to an unnamed tributary to Lurline Creek, tributary to the Colusa Basin Drain, a water of the United States.
2. On 5 February 2009, effective 27 March 2009, the Central Valley Water Board issued WDRs Order R5-2009-0009 which included new requirements and rescinded Order R5-2002-0022, except for enforcement purposes. The WDRs include effluent limitations and other requirements, including a time schedule to comply with tertiary treatment requirements by 18 May 2010.
3. On 22 June 2007, the Central Valley Water Board issued Time Schedule Order (TSO) R5-2007-0073. The TSO allowed the Discharger until 18 May 2010 to comply with final effluent limitations, and included interim effluent limitations for biochemical oxygen demand (BOD), total suspended solids, and total coliform organisms. The interim effluent limitations remained in effect until 18 May 2010. On 8 October 2009, the Board issued Order R5-2009-0098 (amending TSO R5-2007-0073) to include a time schedule for continuous chlorine and turbidity monitoring and adding an interim effluent limitation for turbidity. This Order considered the interim effluent limitations and the protection from mandatory minimum penalties provided by TSO R5-2007-0073 and Order R5-2009-0098.
4. Compliance with the TSO exempted the Discharger from mandatory minimum penalties for violations of effluent limitations for BOD, total suspended solids, and total coliform organisms in accordance with Water Code section 13385(j)(3) beginning 22 June 2007 and ending 18 May 2010. Because Cease and Desist Order R5-2002-0023 provided the Discharger with five years to comply with effluent limitations for ammonia, the exemption from mandatory minimum penalties pursuant to Water Code section 13385(j)(3) does not apply for this constituent from 1 February 2007 until 10 June 2011.

5. On 10 June 2011, the Central Valley Water Board issued Cease and Desist Order (CDO) R5-2011-0040. The CDO rescinded TSO R5-2007-0073 and Order R5-2009-0098 (amending TSO R5-2007-0073) except for enforcement purposes. The CDO requires the Discharger to complete construction of the land application treatment plant by 30 November 2011, fully operate the land application treatment plant by 31 January 2012, and achieve full compliance with effluent limitations for BOD, TSS, total coliform organisms, ammonia, pH, and the operational specification for turbidity by 31 January 2012. The Discharger has fully complied with the CDO by ceasing discharge to surface water on 3 December 2011.
6. On 18 September 2008, the Executive Officer issued ACL Order R5-2008-0561, assessing \$1,617,000 dollars for mandatory minimum penalties for the period of 1 January 2000 through 30 April 2008. The Order allowed the entire \$1,617,000 penalty to be applied to the land disposal compliance project, and required that the land application wastewater treatment plant be fully operational by 18 May 2010. On 28 December 2010, the Executive Officer modified the time schedule to require that the plant be fully operational by 31 January 2012.
7. On 4 February 2011, the Assistant Executive Officer issued ACL Order R5-2011-0518, assessing \$1,248,000 dollars for mandatory minimum penalties for the period of May to June 2007 and 1 May 2008 through 30 September 2010. The Order allowed the entire \$1,248,000 penalty to be applied to the land disposal compliance project, and required that the land application wastewater treatment plant be fully operational by 31 January 2012.
8. On 24 June 2011, the Assistant Executive Officer issued ACL Order R5-2011-0581, assessing \$441,000 dollars for mandatory minimum penalties for the period of 1 October 2010 through 28 February 2011. The Order allowed the entire \$441,000 penalty to be applied to the land disposal compliance project, and required that the land application wastewater treatment plant be fully operational by 31 January 2012.
9. On 27 March 2012, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 1 February 2010 through 14 May 2010 and 1 March 2011 through 31 December 2011. On 10 January 2012, the Discharger requested that all penalties be applied toward its land disposal compliance project.
10. Water Code section 13385(h) and (i) require assessment of mandatory minimum penalties and state, in part, the following:

Water Code 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.

Water Code 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.

Water Code 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.

11. Water Code 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.

12. WDRs Order R5-2009-0009 Final Effluent Limitations and Discharge Specifications IV.A.1.a. states, in part:

The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6.

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia Nitrogen (Total as N)	mg/L	0.6	--	1.5	--	--
	lbs/day ¹	1.0	--	2.5	--	--
Biochemical Oxygen Demand (5-Day@20°C)	mg/L	10	15	20	--	--
	lbs/day ¹	17	25	33	--	--
Chlorodibromomethane	µg/L	34	--	68	--	--
Dichlorobromomethane	µg/L	46	--	92	--	--

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	standard units	--	--	--	6.5	8.5
Total Coliform	MPN/100 mL	--	--	--	--	240
Total Suspended Solids	mg/L	10	15	20	--	--
	lbs/day ¹	17	25	33	--	--

¹ Based upon an average dry weather flow of 0.2 mgd

13. WDRs Order R5-2009-0009 Final Effluent Limitations and Discharge Specifications IV.A.1.e. states, in part:

- e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:
 - i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
 - ii. 23 MPN/100 mL, more than once in any 30-day period.

14. According to the Discharger’s self-monitoring reports, the Discharger committed eighty-two (82) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2009-0009 during the period 1 February 2010 through 14 May 2010 and 1 March 2011 through 31 December 2011. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for the serious violations is **two hundred forty-six thousand dollars (\$246,000)**.

15. According to the Discharger’s self-monitoring reports, the Discharger committed one (1) serious Group II violation of the above effluent limitations contained in WDRs Order R5-2009-0009 during the period 1 February 2010 through 14 May 2010 and 1 March 2011 through 31 December 2011. The violation is defined as serious because the measured concentration of a Group II constituent exceeded maximum prescribed levels by more than 20 percent on this occasion. The mandatory minimum penalty for this serious violation is **three thousand dollars (\$3,000)**.

16. According to the Discharger’s self-monitoring reports, the Discharger committed sixty (60) non-serious violations of the above effluent limitations contained in WDRs Order R5-2009-0009 during the period 1 February 2010 through 14 May 2010 and 1 March 2011 through 31 December 2011. The non-serious violations are subject to mandatory penalties under Water Code 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 the non-serious violations is **one hundred eighty thousand dollars (\$180,000)**.

17. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred twenty-nine thousand dollars (\$429,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Complaint

addresses administrative civil liability for violations that are specifically identified in Attachment A, incorporated herein by reference.

18. Water Code section 13385 (k) states:

(1) 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.

19. Staff at the State Water Resources Control Board (State Water Board) prepared a memorandum dated 6 March 2008, which determined that the Maxwell Public Utilities District Wastewater Treatment Plant is a publicly owned treatment works serving a small community with a financial hardship within the meaning of Water Code section 13385(k)(2). On 4 August 2008, the Executive Director of the State Water Board confirmed that determination. Central Valley Water Board staff has recently confirmed that the District continues to serve a small community with financial hardship.
20. The Discharger has expended \$10.4 million and completed construction of a new land discharge wastewater treatment plant. The new plant consists of improvements to the existing mechanical headworks, installation of a second aeration lagoon, installation of constructed wetlands after the oxidation ponds, construction of a pump station to move effluent to a storage pond located at the land application site, and installation of a SCADA system to monitor plant processes and performance. The Discharger has constructed a new irrigation system for land application of treated effluent at an agricultural parcel. On 10 January 2012, the Discharger's General Manager certified that surface water discharges had ceased and submitted a detailed listing of project costs.
21. The Central Valley Water Board finds that the compliance project has been designed to correct the violations that have led to the issuance of this Administrative Civil Liability Order

within five years, is as short as possible, and that the project is in accordance with the State Water Board Water Quality Enforcement Policy.

22. Of the \$10.4 million cost for the new treatment plant, \$6.7 million is from a grant and therefore cannot be used to offset the mandatory minimum penalties. The Discharger may apply no more than \$4.84 million in mandatory minimum penalties toward the cost of the project. As described in Findings No. 7, 8, and 9, the Discharger was allowed to apply its previous \$3,306,000 in mandatory penalties toward the compliance project. This Order allows an additional \$429,000 in mandatory penalties to be applied to the same compliance project. Applying a total of \$3,735,000 in mandatory penalties toward the non-grant portion of the project (\$4.8 million) complies with Water Code 13385(k) and the State Water Board Water Quality Enforcement Policy.
23. After this Order has been issued, the Discharger will have spent a total of \$3,735,000 towards the construction of the new treatment plant in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties that occurred prior to the cessation of surface water discharges. The Discharger has spent \$10.4 million on the construction of the new plant, which is an amount in excess of the mandatory minimum penalty that is required to be assessed by Water Code sections 13385(h) and (i).
24. 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 CFR 123.27) has expired. No public comments were received.
25. 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.
26. Issuance of this Administrative Civil Liability Order to enforce Water Code 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).

MAXWELL PUBLIC UTILITIES DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **four hundred twenty-nine thousand dollars (\$429,000)**.
2. The entire \$429,000 penalty in this Order and the \$3,306,000 from ACL Orders R5-2008-0561, R5-2011-0518, and R5-2011-0581 are deemed satisfied by the Central

Valley Water Board through completion of the compliance project and cessation of surface water discharges on 3 December 2011.

3. 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 Water Code 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 (including mandatory furlough days), 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

22 June 2012

DATE

Attachment A: Record of Violations

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2012-0547

**Maxwell Public Utility District
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 February 2010 - 14 May 2010 and 1 March 2011 - 31 December 2011)

MANDATORY PENALTIES

(Data reported under Monitoring and Reporting Program R5-2009-0009)

	<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>
Violations 1-25 were not included in ACLO R5-2011-0018 or ACLO R5-2011-0081								
*	6-Jan-10	pH	SU	8.5	8.6	Instant Max	4*	877227
*	15-Jan-10	pH	SU	8.5	8.6	Instant Max	4*	877228
*	15-Jan-10	Ammonia	mg/L	8	9	Daily	4*	877229
1	10-Feb-10	pH	SU	8.5	8.8	Instant Max	4	877230
2	17-Feb-10	pH	SU	8.5	9.2	Instant Max	4	877231
3	19-Feb-10	pH	SU	8.5	9.2	Instant Max	4	877232
4	24-Feb-10	pH	SU	8.5	8.7	Instant Max	4	877233
5	26-Feb-10	pH	SU	8.5	8.7	Instant Max	4	877234
6	5-Mar-10	pH	SU	8.5	9	Instant Max	4	877235
7	10-Mar-10	pH	SU	8.5	9.1	Instant Max	4	877236
8	12-Mar-10	pH	SU	8.5	9.2	Instant Max	4	877237
9	19-Mar-10	pH	SU	8.5	9.3	Instant Max	4	877239
10	24-Mar-10	pH	SU	8.5	9.4	Instant Max	4	877240
11	26-Mar-10	pH	SU	8.5	9.5	Instant Max	4	877241
12	29-Mar-10	pH	SU	8.5	9.6	Instant Max	4	877242
13	31-Mar-10	pH	SU	8.5	9.6	Instant Max	4	877243
14	7-Apr-10	pH	SU	8.5	9.5	Instant Max	4	877244
15	9-Apr-10	pH	SU	8.5	9.9	Instant Max	4	877246
16	13-Apr-10	pH	SU	8.5	9.9	Instant Max	4	877247
17	16-Apr-10	pH	SU	8.5	10	Instant Max	4	877248
18	21-Apr-10	pH	SU	8.5	9.9	Instant Max	4	877249
19	23-Apr-10	pH	SU	8.5	9.7	Instant Max	4	877250
20	28-Apr-10	pH	SU	8.5	9.8	Instant Max	4	877251
21	30-Apr-10	pH	SU	8.5	9.8	Instant Max	4	877252
22	5-May-10	pH	SU	8.5	9.4	Instant Max	4	877253
23	7-May-10	pH	SU	8.5	9.4	Instant Max	4	877254
24	12-May-10	pH	SU	8.5	9.5	Instant Max	4	877255
25	14-May-10	pH	SU	8.5	9.4	Instant Max	4	877256
**	28-Feb-11	BOD	mg/L	10	29	Monthly Ave	1**	898264
**	28-Feb-11	TSS	mg/L	15	31	Weekly Ave	1**	898267
**	28-Feb-11	TSS	mg/L	10	28	Monthly Ave	1**	898269
26	2-Mar-11	pH	s.u.	8.5	9.4	Instant Max	4	902173
27	4-Mar-11	Ammonia	mg/L	1.5	3.3	Daily Max	1	902174
28	4-Mar-11	Ammonia	lbs/day	2.5	3.6	Daily Max	1	902175
29	4-Mar-11	BOD	mg/L	15	34	Weekly Ave	1	902176
30	4-Mar-11	BOD	lbs/day	25	37	Weekly Ave	1	902177
31	4-Mar-11	BOD	mg/L	20	34	Daily Max	1	902178
32	4-Mar-11	BOD	lbs/day	33	37	Daily Max	4	902179
33	4-Mar-11	TSS	mg/L	15	38	Weekly Ave	1	902180
34	4-Mar-11	TSS	lbs/day	25	41	Weekly Ave	1	902181
35	4-Mar-11	TSS	mg/L	20	38	Daily Max	1	902182
36	4-Mar-11	TSS	lbs/day	33	41	Daily Max	4	902183

ATTACHMENT A
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 MANDATORY PENALTY
 MAXWELL PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT
 COLUSA 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>
37	4-Mar-11	pH	s.u.	8.5	9.2	Instant Max	4	902184
38	9-Mar-11	pH	s.u.	8.5	9.1	Instant Max	4	902185
39	11-Mar-11	Ammonia	mg/L	1.5	2.5	Daily Max	1	902186
40	11-Mar-11	Ammonia	lbs/day	2.5	2.9	Daily Max	4	902188
41	11-Mar-11	pH	s.u.	8.5	9.3	Instant Max	4	902189
42	16-Mar-11	pH	s.u.	8.5	8.6	Instant Max	4	902190
43	18-Mar-11	Ammonia	mg/L	1.5	3.9	Daily Max	1	902191
44	18-Mar-11	Ammonia	lbs/day	2.5	5.5	Daily Max	1	902192
45	18-Mar-11	BOD	mg/L	15	17	Weekly Ave	4	902193
46	23-Mar-11	pH	s.u.	8.5	9	Instant Max	4	902195
47	25-Mar-11	Ammonia	mg/L	1.5	3.4	Daily Max	1	902196
48	25-Mar-11	Ammonia	lbs/day	2.5	10.4	Daily Max	1	902197
49	25-Mar-11	BOD	mg/L	15	16	Weekly Ave	4	902199
50	25-Mar-11	BOD	lbs/day	25	49	Weekly Ave	1	902201
51	25-Mar-11	BOD	lbs/day	33	49	Daily Max	1	902202
52	25-Mar-11	TSS	mg/L	15	32	Weekly Ave	1	902204
53	25-Mar-11	TSS	lbs/day	25	99	Weekly Ave	1	902206
54	25-Mar-11	TSS	mg/L	20	32	Daily Max	1	902208
55	25-Mar-11	TSS	lbs/day	33	99	Daily Max	1	902209
56	25-Mar-11	pH	s.u.	8.5	8.9	Instant Max	4	902215
57	30-Mar-11	pH	s.u.	8.5	8.9	Instant Max	4	902219
58	31-Mar-11	Ammonia	mg/L	0.6	3.3	Monthly Ave	1	902220
59	31-Mar-11	Ammonia	lbs/day	1	5.6	Monthly Ave	1	902224
60	31-Mar-11	BOD	mg/L	10	18	Monthly Ave	1	902226
61	31-Mar-11	BOD	lbs/day	17	29	Monthly Ave	1	902229
62	31-Mar-11	TSS	mg/L	10	23	Monthly Ave	1	902231
63	31-Mar-11	TSS	lbs/day	17	42	Monthly Ave	1	902235
64	1-Apr-11	BOD	mg/L	15	16	Weekly Ave	4	902236
65	1-Apr-11	pH	s.u.	8.5	9	Instant Max	4	902237
66	6-Apr-11	pH	s.u.	8.5	9.4	Instant Max	4	902238
67	8-Apr-11	pH	s.u.	8.5	9.5	Instant Max	4	902239
68	13-Apr-11	pH	s.u.	8.5	9.3	Instant Max	4	902240
69	15-Apr-11	BOD	mg/L	15	16	Weekly Ave	4	902241
70	15-Apr-11	TSS	mg/L	15	17	Weekly Ave	4	902242
71	15-Apr-11	pH	s.u.	8.5	9.5	Instant Max	4	902243
72	18-Apr-11	TSS	mg/L	20	35	Daily Max	1	902244
73	18-Apr-11	TSS	mg/L	15	35	Weekly Ave	1	902245
74	18-Apr-11	TSS	lbs/day	25	26	Weekly Ave	4	902246
75	18-Apr-11	pH	s.u.	8.5	9.2	Instant Max	4	902247
76	20-Apr-11	pH	s.u.	8.5	9.2	Instant Max	4	902248
77	27-Apr-11	pH	s.u.	8.5	9.6	Instant Max	4	902249
78	29-Apr-11	BOD	mg/L	20	28	Daily Max	1	902253
79	29-Apr-11	BOD	mg/L	15	28	Weekly Ave	1	902255
80	29-Apr-11	TSS	mg/L	20	42	Daily Max	1	902256
81	29-Apr-11	TSS	mg/L	15	42	Weekly Ave	1	902257
82	30-Apr-11	BOD	mg/L	10	18	Monthly Ave	1	902258

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 COLUSA 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>
83	30-Apr-11	TSS	mg/L	10	22	Monthly Ave	1	902259
84	30-Apr-11	Dichlorobromomethane	µg/l	46	50	Monthly Ave	4	902260
85	30-Apr-11	Chlorodibromomethane	µg/l	34	42.6	Monthly Ave	2	902261
86	6-May-11	BOD	mg/L	20	50	Daily Max	1	904368
87	6-May-11	TSS	mg/L	20	190	Daily Max	1	904444
88	6-May-11	TSS	lbs/day	33	35	Daily Max	4	904445
89	6-May-11	Ammonia	mg/L	1.5	6.9	Daily Max	1	904498
90	7-May-11	BOD	mg/L	15	50	Weekly Ave	1	904500
91	7-May-11	TSS	mg/L	15	190	Weekly Ave	1	904501
92	7-May-11	TSS	lbs/day	25	35	Weekly Ave	1	904502
93	13-May-11	BOD	mg/L	20	37	Daily Max	1	904515
94	13-May-11	BOD	lbs/day	33	49	Daily Max	1	904517
95	13-May-11	TSS	mg/L	20	132	Daily Max	1	904518
96	13-May-11	TSS	lbs/day	33	174	Daily Max	1	904520
97	13-May-11	Ammonia	mg/L	1.5	21.3	Daily Max	1	904522
98	13-May-11	Ammonia	lbs/day	2.5	28.1	Daily Max	1	904526
99	14-May-11	BOD	mg/L	15	37	Weekly Ave	1	904527
100	14-May-11	BOD	lbs/day	25	49	Weekly Ave	1	904528
101	14-May-11	TSS	mg/L	15	132	Weekly Ave	1	904529
102	14-May-11	TSS	lbs/day	25	174	Weekly Ave	1	904530
103	20-May-11	BOD	mg/L	20	37	Daily Max	1	904531
104	20-May-11	BOD	lbs/day	33	41	Daily Max	4	904532
105	20-May-11	TSS	mg/L	20	70	Daily Max	1	904533
106	20-May-11	TSS	lbs/day	33	78	Daily Max	1	904534
107	20-May-11	Coliform	MPN/100 mL	240	>1600	Instant Max	4	904541
108	20-May-11	Ammonia	mg/L	1.5	11.2	Daily Max	1	904542
109	20-May-11	Ammonia	lbs/day	2.5	12.5	Daily Max	1	904543
110	20-May-11	pH	s.u.	8.5	8.6	Instant Max	4	904544
111	21-May-11	BOD	mg/L	15	37	Weekly Ave	1	904545
112	21-May-11	BOD	lbs/day	25	41	Weekly Ave	1	904546
113	21-May-11	TSS	mg/L	15	70	Weekly Ave	1	904547
114	21-May-11	TSS	lbs/day	25	78	Weekly Ave	1	904548
115	25-May-11	pH	s.u.	8.5	8.8	Instant Max	4	904549
116	27-May-11	BOD	mg/L	20	38	Daily Max	1	904550
117	27-May-11	BOD	lbs/day	33	43	Daily Max	4	904551
118	27-May-11	TSS	mg/L	20	94	Daily Max	1	904552
119	27-May-11	TSS	lbs/day	33	107	Daily Max	1	904553
120	27-May-11	Ammonia	mg/L	1.5	5.4	Daily Max	1	904554
121	27-May-11	Ammonia	lbs/day	2.5	6.1	Daily Max	1	904555
122	27-May-11	pH	s.u.	8.5	8.6	Instant Max	4	904556
123	28-May-11	BOD	mg/L	15	38	Weekly Ave	1	904557
124	28-May-11	BOD	lbs/day	25	43	Weekly Ave	1	904559
125	28-May-11	TSS	mg/L	15	94	Weekly Ave	1	904561
126	28-May-11	TSS	lbs/day	25	107	Weekly Ave	1	904562
127	31-May-11	BOD	mg/L	10	41	Monthly Ave	1	904563
128	31-May-11	BOD	lbs/day	17	36	Monthly Ave	1	904564

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2012-0547
 MANDATORY PENALTY
 MAXWELL PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT
 COLUSA 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>
129	31-May-11	Ammonia	mg/L	0.6	11.2	Monthly Ave	1	904565
130	31-May-11	Ammonia	lbs/day	1	12.0	Monthly Ave	1	904566
131	1-Jun-11	pH	s.u.	8.5	8.8	Instant Max	4	908603
132	3-Jun-11	Ammonia	mg/L	1.5	3.9	Daily Max	1	908604
133	3-Jun-11	Ammonia	lbs/day	2.5	5.2	Daily Max	1	908605
134	3-Jun-11	pH	s.u.	8.5	8.7	Instant Max	4	908606
135	3-Jun-11	BOD	mg/L	20	37	Daily Max	1	908607
136	3-Jun-11	BOD	lbs/day	33	49	Daily Max	1	908608
137	3-Jun-11	TSS	mg/L	20	108	Daily Max	1	908609
138	3-Jun-11	TSS	lbs/day	33	144	Daily Max	1	908610
139	4-Jun-11	BOD	mg/L	15	37	Weekly Ave	1	908612
140	4-Jun-11	BOD	lbs/day	25	49	Weekly Ave	1	908615
141	4-Jun-11	TSS	mg/L	15	108	Weekly Ave	1	908616
142	4-Jun-11	TSS	lbs/day	25	144	Weekly Ave	1	908617
143	8-Jun-11	Coliform	MPN/100 mL	2.2	5	7-Day Median	1	908618

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>12/31/11</u>
Group I Serious Violations:		82
Group II Serious Violations:		1
Non-Serious Violations Not Subject to MMPs:		0
Non-serious Violations Subject to MMPs:		60
<u>Total Violations Subject to MMPs:</u>		<u>143</u>

Mandatory Minimum Penalty = (83 serious Violation + 60 Non-Serious Violations) x \$3,000 = \$429,000

* Supporting Violations addressed in ACL Order R5-2011-0518

** Supporting Violations addressed in ACL Order R5-2011-0581