

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ACL COMPLAINT NO. R5-2004-0521

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF
LAKE COUNTY SANITATION DISTRICT
SOUTHEAST REGIONAL WASTEWATER SYSTEM
LAKE COUNTY

This Administrative Civil Liability Complaint (hereafter Complaint) is issued to Lake County Sanitation District (hereafter Discharger) based on failure to comply with Section 13376 of the California Water Code (CWC). This Complaint is issued pursuant to CWC Section 13385, which authorizes the imposition of administrative civil liability.

The Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Board) finds, with respect to the Discharger's acts, or failure to act, the following:

1. Waste Discharge Requirements (WDRs) Order No. 96-166, adopted by the Regional Board on 6 December 1996, prescribes requirements for the Lake County Sanitation District (hereafter referred to as "Discharger") and its Southeast Regional Wastewater System.
2. The Discharger owns and operates the wastewater collection, treatment and disposal system that serves Clearlake and surrounding communities of Pirates Cove and Lower Lake.
3. The treatment facility is located in Sections 9, 10, 15, and 16, T13N, R7W, MDB&M.
4. WDRs Order No. 96-166 prescribes requirements for secondary treatment of 4.2 million gallons per day (mgd) of domestic wastewater with discharge to a 176 million gallon effluent storage reservoir. The waste is subsequently pumped into the Southeast Geyser Pipeline for transport to the geysers area and injection into the geothermal resource.

Previous Enforcement

5. The Discharger has had a long history of sewage spills and overflows at this facility. On 22 March 1991, the Regional Board adopted Cease and Desist Order (CDO) No. 91-084 to establish a time schedule for the Discharger to achieve compliance with WDRs Order No. 88-009 and to impose a connection restriction. Following requests by the Discharger for a time extension, on 22 November 1991 the Regional Board adopted CDO No. 91-202 which allowed the Discharger an extended time schedule for the construction of projects to eliminate sewage overflows and spills. The Regional Board also imposed a prohibition on additional discharges to the sewage system.
6. On 6 December 1996, the Regional Board adopted Amended CDO No. 91-202, which extended the schedule for completion of the treatment plant expansion and reconstruction of the main lift stations. Following compliance, the Regional Board rescinded CDO No. 91-202 on 28 January 2000 by Order No. 5-00-006.

Recent Violations of WDRs Order No. 96-166

7. Between March 2002 and April 2004, the Discharger has reported 33 spills of raw sewage from its collection system and two spills of treated wastewater from the Southeast Geyser Pipeline, as summarized below and as described in Findings No. 8 through 19.

<u>Date of Spill</u>	<u>Volume Discharged (Gallons)</u>	<u>Discharge to Surface Water Drainage Course?</u>	<u>Type of Waste</u>	<u>Cause of Spill</u>
22 March 02	12,000	Yes	Treated	Southeast Geyser Pipeline break
10 July 02	400	Yes	Raw sewage	Debris blockage in sewer line
14 Dec 02	9,600	Yes	Raw sewage	I/I problems caused by heavy rains
16 Dec 02	10,500	Yes	Raw sewage	Pipe wall deterioration in force main
20 Dec 02	2,025	Yes	Raw sewage	I/I problems from heavy rains
31 Dec 02	1,125	Yes	Raw sewage	I/I problems caused by heavy rains
20 Feb 03	150	Yes	Raw sewage	Grease blockage collection line
23 Feb 03	60	Yes	Raw sewage	Grease blockage collection line
3 Mar 03	500	No	Raw sewage	Blockage in service lateral
10 Mar 03	1,000	Yes	Raw sewage	Blockage in manhole from vandalism
17 Mar 03	198	Yes	Raw sewage	Roots and grease blockage
24 Mar 03	27	Yes	Raw sewage	Roots and grease blockage
16 Jan-11 Apr 03	371,790	Yes	Treated	Southeast Geyser Pipeline leak
27 Apr 03	800	Yes	Raw sewage	Blockage in sewer line
8 May 03	1,880	Yes	Raw sewage	Grease blockage in collection system
20 May 03	300	Yes	Raw sewage	Pump station failure
23 May 03	300	Yes	Raw sewage	Pump station failure
23 July 03	1,000	Yes	Raw sewage	Grease blockage in sewer collector
4 Aug 03	180	No	Raw sewage	Grease blockage in sewer collector
11 Aug 03	130	Yes	Raw sewage	Grease blockage in sewer collector
16 Aug 03	12,765	No	Raw sewage	Underground surge tank failure
15 Oct 03	595	Yes	Raw sewage	Grease blockage in collection system
9 Nov 03	600	No	Raw sewage	Grease blockage in main collector
6 Dec 03	1200	No	Raw sewage	Grease blockage in main collector
14 Dec 03	444,000	No	Raw sewage	Two broken force mains
17 Dec 03	1,130	Yes	Raw sewage	Grease blockage in collection line
24 Dec 03	144,000	Yes	Raw sewage	Pump malfunction at pump station.
24 Dec 03	9,000	Yes	Raw sewage	I/I problems caused by heavy rains
29 Dec 03	27,000	Yes	Raw sewage	I/I problems caused by heavy rains
16,18 Feb 04	107,925	Yes	Raw sewage	I/I problems caused by heavy rains
25 Feb 04	6,480	Yes	Raw sewage	Pump Station No. 2 malfunction
25,26 Feb 04	75,600	Yes	Raw sewage	I/I problems caused by heavy rains
16 Apr 04	210	No	Raw sewage	Grease blockage in lateral

8. On 22 March 2002, a spill of treated effluent from the Southeast Wastewater Treatment Plant and make-up water from Clear Lake, estimated at 12,000 gallons, was discharged from the Southeast

Geysers Pipeline to a local drainage tributary to Putah Creek. The spill occurred in a section of pipeline located near Middletown.

9. On 10 July 2002, a spill of raw sewage estimated at 400 gallons overflowed from two manholes at 6815 Meadowbrook Drive, in Clearlake. The spill entered into a drainage ditch with no flowing water and a tributary to Anderson Marsh on Clear Lake. The cause of the spill was accumulated debris in the sewer line.
10. On 17 January 2003, the Discharger was issued a Notice of Violation (NOV) for four separate sewer overflows that occurred in December 2002 at Highlands Harbor Subdivision near Meadowbrook Drive in Clearlake. Three of the discharges consisted of raw sewage spilling from surcharged manholes and were due to periods of extremely heavy rainfall and flooding when the sewer collection system could not handle the increase in flows. The fourth spill was the result of a broken force main located in a side yard of a private residence at 15040 Highlands Harbor Drive. Each of the discharges flowed into a drainage ditch that is a tributary to Anderson Marsh, which is at the headwaters of Cache Creek. The estimated total volume of raw sewage spilled during these four events was approximately 23,250 gallons.
11. On 11 April 2003, a NOV was issued to the Discharger for six separate raw sewage spills that occurred during February and March 2003 from manholes in Clearlake. These spills totaled approximately 1,935 gallons, and with the exception of one 500-gallon spill, all entered a tributary that eventually drains to Cache Creek. One of these spills was caused by a blockage in a manhole due to vandalism, while the remaining spills were caused by blockages of grease and roots in the collection system.
12. On 6 June 2003, a NOV was issued to the Discharger for three separate raw sewage spills of 800, 1,880, and 300 gallons that occurred from overflowing manholes during April and May 2003 in the town of Clearlake. Two of the spills were caused by grease and root blockages in the sewer line and one was the result of a failure at Lift Station No. 5. Each of the spills entered a tributary to Clear Lake.
13. On 12 June 2003, the Discharger was issued an NOV for a spill of treated effluent from the Southeast Wastewater Treatment Plant and make-up water from Clear Lake, estimated at 371,790 gallons. The spill occurred between 16 January 2003 and 11 April 2003 at Riata Road near Spruce Road, approximately three miles south of Lower Lake was caused by a leak in the Southeast Geysers Pipeline. The overflow discharged into a pipe trench and then into a culvert that is connected to Copsy Creek, which is a tributary to Cache Creek.
14. On 21 August 2003, an NOV was issued to the Discharger for three separate raw sewage spills, totaling 1,480 gallons that occurred within Clearlake during the months of May, July, and August. Of these spills, two (180 and 1,000 gallons) were the result of grease blockages in the sewer collection system, and one spill (300-gallons) was caused by another malfunction at Lift Station No. 5. The 1,000-gallon spill entered a dry drainage ditch that eventually enters Clear Lake, and

the 300-gallon spill directly entered Clear Lake via surface flow and a storm drain drop inlet. The 180-gallon spill did not reach a water body.

15. Two additional spills totaling 12,895 gallons occurred during August 2003. One of the spills (130 gallons) occurred on 11 August 2003 on Palmer Avenue in Clearlake and was the result of a grease blockage in the sewer collector cleanout. The spill report indicated that the discharge flowed into a dry drainage ditch and a small amount of the sewage may have entered Clear Lake. The other spill occurred on 16 August 2003 along Burns Valley Road in Clearlake and was estimated at 12,765 gallons. The spill was the result of a coupling failure in the underground surge tank at Pump Station No. 1. The spill report indicated that staff from Lake County Environmental Health were onsite following the spill and confirmed that raw sewage did not reach a watercourse.
16. In October and November 2003, two separate raw sewage spills totaling 1,195 gallon occurred in Clearlake. Both of the spills were the result of grease blockages in the collection system. While the 600-gallon spill was confined to land, the 595-gallon spill entered an unnamed dry drainage tributary of Cache Creek.
17. During the month of December 2003, a total of six separate raw sewage spills totaling 626,330 gallons were reported within Clearlake. The spills included (a) a 444,000 gallon spill caused by a broken force main in the collection system between Pump Station No. 1 and the Treatment Plant, (b) a 144,000 gallon spill caused by a pump malfunction at Pump Station No. 1, (c) two spills totaling 2,330 gallons that were the result of grease blockages in collection lines, and (d) two spills totaling 36,000 gallons that were due to inflow/infiltration problems associated with heavy rains. Of these spills, the 144,000-gallon spill entered a drop inlet that eventually drains to Clear Lake, and the three spills totaling 37,130 gallons flowed into a drainage ditch that leads to Cache Creek. The other two spills were confined to land.
18. During the month of February 2004, the Discharger reported five spills totaling 190,005 gallons from the Clearlake collection system. Four of the spills, totaling an estimated 183,525 gallons, occurred from three surcharging manholes located along Meadowbrook Drive on 16 and 18 February, and again on 25 and 26 February. These spills were the result of heavy rains and inflow/infiltration. A portion of the raw sewage entered a tributary of Cache Creek. The other spill, estimated at 6,480 gallons, occurred on 25 February from three surcharging manholes located along Lakeshore Drive. This spill was related to the heavy rains and a malfunction at Pump Station No. 2. The sewage entered a storm drain inlet that leads to Clear Lake.
19. On 16 April 2004, a raw sewage spill estimated at 210 gallons occurred along the main sewer line serving 34th Avenue in Clearlake. The spill was the result of a grease blockage and did not enter a surface water drainage course.
20. To summarize, from March 2002 through April 2004 the Discharger has reported that 860,680 gallons of raw sewage has spilled from the southeast collection system and 383,790 gallons of

treated wastewater spilled from the Southeast Geyser Pipeline. The total amount of raw sewage and treated wastewater spilled is 1,244,470 gallons.

REGULATORY CONSIDERATIONS

21. Discharge Prohibition A.1 of Order No. 96-166 states: *“Discharge of wastes, effluent, recycled water or injection water to surface waters or surface water drainage courses is prohibited.”*
22. Discharge Prohibition A.2 of Order No. 96-166 states: *“Bypass or overflow of untreated or partially treated effluent is prohibited.”*
23. As described in the above Findings, the Discharger has violated WDRs Order No. 96-166, specifically, Discharge Prohibitions A.1 and A.2, by discharging wastes and effluent to surface waters or surface water drainage courses and by the bypass of untreated or partially treated effluent.
24. Section 301 of the Clean Water Act and Section 13376 of the CWC prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.
25. CWC Section 13376 states, in part: *“Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States ... shall file a report of the discharge in compliance with the procedures set forth in Section 13260...”* and *“The discharge of pollutants...except as authorized by waste discharge requirements [NPDES permit] ...is prohibited.”*
26. The Discharger, by failing to file a report of waste discharge as set forth in CWC section 13260 and failing to obtain an NPDES permit prior to the discharges described in the above Findings, has violated CWC section 13376. WDRs Order No. 96-166 is not an NPDES permit.
27. CWC Section 13385 states, in part:
“(a) Any person who violates any of the following shall be liable civilly in accordance with subdivisions (b), (c), (d), (e), and (f):
 - (1) *Section 13375 or 13376.*
 - (c) *Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both the following:*
 - (1) *Ten thousand dollars (\$10,000) for each day in which the violation occurs.*
 - (2) *Where there is a discharge, any portion of which is not susceptible to cleanup or is not*

cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.”

25. For discharging waste in violation of the WDRs and without obtaining an NPDES permit, the Regional Board may assess administrative civil liability based on CWC section 13385. The maximum administrative civil liability which can be imposed by the Regional Board under CWC Section 13385 is \$10,000 per day of discharge plus \$10 per gallon discharged in excess of 1,000 gallons. As stated in Findings No. 7 and 20, 1,244,470 gallons were discharged over a period of 120 days. Of this, a total of 1,221,020 gallons were discharged in excess of 1,000 gallons per spill event. Therefore, the maximum administrative civil liability is \$1,200,000 (120 days times \$10,000 per day) plus \$12,210,200 (1,244,470 gallons minus 1000 gallons per event times \$10 per gallon), for a total liability of \$13,410,200.
26. CWC Section 13385(e) of the CWC states:
“In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.”
27. Pursuant to CWC Section 13385(e), the minimum administrative civil liability is equivalent to the economic benefit accrued by the Discharger in not implementing the management and/or physical improvements necessary to prevent the discharges. In general, the discharges are due to inflow/infiltration within the collection system; grease blockages; an inadequate maintenance/replacement schedule for the collection system, including the lift stations; and an inadequate inspection/repair program for the Southeast Geysers Pipeline. It is estimated that since 1994, the Discharger has saved at least \$184,500 in not taking actions to prevent the violations described in this Complaint.
28. Issuance of this Complaint 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, of the California Code of Regulations.

LAKE COUNTY SANITATION DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed Administrative Civil Liability in the amount of three hundred thousand dollars (\$300,000). The

amount of the liability proposed is based upon a review of the factors set forth in CWC Section 13385 cited in Finding No. 26 above, and includes consideration of the economic benefit or savings resulting from the violations.

2. A hearing shall be held on **8/9 July 2004** unless the Discharger agrees to waive the hearing and pay the imposed civil liability in full.
3. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. In lieu of a hearing, the Discharger may waive the right to a hearing. If you wish to waive the right to a hearing, sign the enclosed waiver and return it with the full amount of civil liability (in a check made payable to the *State Water Resources Control Board*), to the Regional Board's office at 11020 Sun Center Drive, Rancho Cordova, Sacramento, CA 95670, by **7 June 2004**.

Original signed by

THOMAS R. PINKOS, Executive Officer

(Date)

**WAIVER OF HEARING FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent the Lake County Sanitation District (hereinafter “Discharger”) in connection with Administrative Civil Liability Complaint No. R5-2004-0521 (hereinafter the “Complaint”);
2. I am informed of the right provided by Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of the Complaint;
3. I hereby waive the Discharger’s right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of issuance of the Complaint; and
4. Without admitting liability for the matters alleged in the Complaint, I otherwise agree to remit payment for the civil liability imposed in the amount of three hundred thousand dollars (\$300,000) by check, which contains a reference to “ACL Complaint No. R5-2004-0521” and is made payable to the “*State Water Resources Control Board Cleanup and Abatement Account.*”
5. I understand the payment of the above amount constitutes a settlement of the Complaint that will not become final until after a public comment period.
6. I understand that the Executive Officer has complete discretion to modify or terminate this settlement during the 30-day public comment period, which began on the date of the Complaint.
7. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

(Name)

(Title)

(Date)