

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0631

MANDATORY PENALTY
IN THE MATTER OF

QUINCY COMMUNITY SERVICES DISTRICT
QUINCY WASTEWATER TREATMENT PLANT
PLUMAS COUNTY

This Administrative Civil Liability Complaint is issued to the Quincy Community Services District (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2004-0152 (NPDES No. CA0077844).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the towns of Quincy and East Quincy. Treated municipal wastewater may be discharged to Spanish Creek, a water of the United States, from 1 November to 15 May. During the remainder of the year, wastewater is either stored in ponds or used for flood irrigation of a nearby ranch.
2. On 15 October 2004, the Central Valley Water Board issued Waste Discharge Requirements Order R5-2004-0152 (NPDES No. CA0077844), for the Quincy Community Services District, to regulate the discharge of treated municipal wastewater.
3. CWC sections 13385(h) requires assessment of mandatory penalties and states, in part, the following:

CWC 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.

CWC 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.

4. CWC 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.

5. Order R5-2004-0152 includes the following effluent limitations:

2. The effluent discharge to Spanish Creek or Clear Stream shall not exceed the following interim limitations. The interim limitations may supercede the above final limitations as described in this Order in accordance with Provision H.11:

<u>Constituents</u> (Total Recoverable)	<u>Daily Maximum¹</u>		<u>Monthly Average¹</u>	
	<u>Concentration</u> ($\mu\text{g/L}$)	<u>Mass² (lbs/day)</u>	<u>Concentration</u> ($\mu\text{g/L}$)	<u>Mass² (lbs/day)</u>
Copper	56	0.75	18.0	0.24
Lead	2.2	0.029	0.70	0.0093
Silver	2.3	0.031	0.75	0.010

6. According the Discharger's self-monitoring reports, the Discharger committed four serious effluent violations of the above effluent limitation for lead in March 2006, May 2006, and May 2007. Lead is a Group II pollutant. In March 2006, effluent lead was measured at 0.95 ug/L, more than 20 percent above the interim average monthly effluent limitation. In May of 2006 effluent lead was measured at 3.46 ug/L. Since only one sample was obtained for the month, this concentration is two violations, one for an excess of 20 percent over the daily maximum, and one violation for an excess of 20 percent over the monthly average effluent limitation. In May of 2007 effluent lead was measured at 0.9 ug/L, again more than 20 percent over the monthly average effluent limitation.

In November of 2005, copper concentration in the facility's effluent was measured at 24.1 ug/L, which is greater than 20 percent over the monthly average effluent limitation. Copper is a Group II pollutant. The mandatory minimum penalty for these serious violations is **fifteen thousand dollars (\$15,000)**.

7. Issuance of this Administrative Civil Liability Complaint to enforce CWC 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).

THE QUINCY COMMUNITY SERVICES DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of **fifteen thousand dollars (\$15,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **5/6 February 2009**, unless the Discharger does either of the following by **8 January 2009**:
 - a. Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **fifteen thousand dollars (\$15,000)**; or
 - b. Agrees to enter into settlement discussions with the Central Valley Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Central Valley Water Board along with a letter describing issues to be discussed in settlement negotiations, including compliance project proposals.
3. If a hearing on this matter is held, the Regional Water 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.

Signed By

JAMES C. PEDRI, Assistant Executive Officer

9 December 2008

(Date)

RSD: sae

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

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

1. I am duly authorized to represent the Quincy Community Services District (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2008-0631 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and
4. ***(Check here if the Discharger will waive the hearing requirement and will pay the fine)***
 - a. I certify that the Discharger will remit payment for the proposed civil liability in the amount of **fifteen thousand dollars (\$15,000)** by check, which will contain a reference to "ACL Complaint R5-2008-0631" and will be made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Central Valley Water Board by **8 January 2009** or this matter will be placed on the Central Valley Water Board's agenda for adoption at the 5/6 February 2009 Central Valley Water Board meeting.
 - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Central Valley Water Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. 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.

-or-

5. ***(Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time. The Central Valley Water Board must receive information from the Discharger indicating a controversy regarding the assessed penalty at the time this waiver is submitted, or the waiver may not be accepted.)*** I certify that the Discharger will promptly engage the Central Valley Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is *not* waiving its right to a hearing on this matter. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and Central Valley Water Board staff can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. A hearing on the matter may be held before the Central Valley Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability.

(Print Name and Title)

(Signature)

(Date)