

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.

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> (µg/L)	<u>Mass² (lbs/day)</u>	<u>Concentration</u> (µg/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. This reported concentration results in two violations, one for an excess of 20 percent over the daily maximum, and one 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 the four lead and one copper serious violation is **fifteen thousand dollars (\$15,000)**.

7. CWC 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.

8. On 9 February 2009, the Executive Director of the State Water Resources Control Board confirmed that the Quincy Community Services District Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2). The Water Quality Enforcement Policy lists Plumas County as a rural county with financial hardship. Quincy is on the State Water Board's previous list of small communities with a financial hardship.
9. On 18 December 2008, the Discharger requested to complete a Compliance Project in lieu of payment of the ACL. The Discharger proposes to convert a 30-acre parcel adjacent to emergency overflow pond into constructed wetlands, 10 acres of which is to be permanent riparian habitat. In addition the Discharger is purchasing 80 acres of adjacent land that will add further treatment possibilities to reduce levels of lead and copper. The wetlands will provide polishing treatment for removal of effluent metals, including copper and lead. The Discharger also proposes to install a Solar Powered Ultraviolet Disinfection system. The goal of this project is to eliminate toxic discharges by replacing liquid chlorine and liquid sodium bisulfite disinfection with a solar powered ultraviolet disinfection system.
10. 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 one year, that the project is in accordance with the enforcement policy of the State Water Board, and that the Discharger has appropriate financing to complete the project.
11. Issuance of this Administrative Civil Liability Order 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).
12. On 15 March 2007, the Central Valley Water Board explicitly delegated to the Executive Officer the authority to issue orders to assess administrative civil liability where the matter is not contested by the discharger. (Resolution R5-2007-0009).

IT IS HEREBY ORDERED, pursuant to CWC section 13385, that

1. The Discharger shall be assessed a Mandatory Penalty in the amount of **fifteen thousand dollars (\$15,000)**.
2. The entire \$15,000 penalty shall be permanently suspended if the discharger complies with the following time schedule to complete the compliance project:

	<u>Task</u>	<u>Compliance Date</u>
	Achieve full compliance with effluent limitations for discharges to surface waters	1 April 2010
	Submit documentation of Compliance Project costs	1 April 2010
3.	The Executive Officer may extend the abovementioned deadlines if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The discharger shall make any deadline extension request in writing. Under no circumstances may the completion of the Compliance Project extend past five (5) years from the issuance of this Order	
4.	The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project proposed by the District manager on 18 December 2008. Failure to obtain approval for any significant departures will result in the assessment of the full amount of the suspended mandatory minimum penalty.	
5.	If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance project in accordance with the specified time schedule or fails to construct the compliance project in accordance with the project proposal without obtaining Central Valley Water Board approval, the suspended mandatory minimum penalty (\$15,000) must be paid within 30 days of notification by the Executive Officer of such failure.	
6.	This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, in a newspaper of general circulation in the community, and was provided to all interested parties on 27 March 2009. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.	

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 CWC 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 of 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, 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)

PAMELA C. CREEDON, Executive Officer

28 April 2009

(Date)