

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0508

MANDATORY PENALTY
IN THE MATTER OF

CITY OF SHASTA LAKE
CITY OF SHASTA LAKE WASTEWATER TREATMENT FACILITY
SHASTA COUNTY

WDID NO. 5A450105001

This Administrative Civil Liability Order (Order) is issued to the City of Shasta Lake (hereafter Discharger) pursuant to California Water Code (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 Nos. 5-01-217 and R5-2008-0034 (NPDES No. CA0079511).

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. Discharger owns and operates a wastewater collection system and treatment facility in the City of Shasta Lake. Treated wastewater is discharged from Discharge Point D-001 to Churn Creek. Churn Creek is a water of the United States.
2. On 7 September 2001, the Central Valley Water Board issued Waste Discharge Requirements Order No. 5-01-217 (NPDES No. CA0079511), which contained new requirements.
3. On 14 March 2008, the Central Valley Water Board issued Waste Discharge Requirements Order R5-2008-0037 (NPDES No. CA0079511), which contained new requirements and rescinded WDRs Order No. 5-01-217, except for purposes of enforcement.
4. WDRs Order No. 5-01-217 Effluent Limitations (Discharge 001) B. states in part:
 1. Effluent discharge shall not exceed the following limits at the designated sampling point following the treatment processes:

Constituents	Units	Monthly Average	Weekly Average	Monthly Median	Daily Maximum
Chlorine Residual	mg/L	--	0.01	--	0.02 ^d

^d Daily maximum to be ascertained by a 1-hour average. Weekly average to be ascertained by a 4-day average.

5. WDRs Order No. R5-2008-0058 Final Effluent Limitations IV.A. states, in part:
1. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001 and Discharge Point 002, with compliance measured at Monitoring Location EFF-001 and Monitoring Location EFF-002, respectively, as described in the attached MRP (Attachment E):
 - a. The Discharge shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitation				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	Standard units	--	--	--	6.0	9.0

- d. **Total Residual Chlorine.** Effluent total residual chlorine shall not exceed:
 - i. mg/L as a 4-day average;
 - ii. 0.02 mg/L, as a 1-hour average;
 - f. **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed the following for Discharge 001. The following limitations do not apply to Discharge 002:
 - i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
 - ii. 23 MPN/100mL, more than once in any 30-day period; and
 - iii. 240 MPN/100 mL, at any time
6. Water Code section 13385(h) and (i) require assessment of mandatory 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 provisions 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 requirements 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 California Water Code section 13260;
- c) files an incomplete report pursuant to California Water Code section 13260; or
- d) violates a toxicity effluent limitation contained in the applicable waste discharge pollutant-specific effluent limitations for toxic pollutants.

7. 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.

8. On 6 September 2013, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint No. R5-2013-0560 for mandatory minimum penalties in the amount of \$6,000 for effluent violations from 1 January 2004 through 31 January 2004 and from 1 January 2012 through 31 October 2012. On 25 September 2013, the Discharger submitted the Waiver Form with option 2 checked; which waived the 90-day hearing requirement in order to engage in settlement discussions with the Central Valley Water Board.

9. 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.

10. The State Water Resources Control Board has determined that the Discharger's wastewater treatment plant is a publicly owned treatment works serving a small community within the meaning of Water Code section 13385(k)(2).
11. On 5 December 2013, the Discharger submitted a proposed compliance project. The Chlorine Analyzer and Sulfonator Project (Project) includes installing new control screens and programming. The nature of their violations was Total Residual Chlorine in the effluent discharged to the Churn Creek. The new control screens, programming, and alarms will allow operators to respond quickly to excessive chlorine dosing, thereby improving effluent quality prior to being discharged to Churn Creek.
12. On 5 December 2013, the Wastewater Treatment Superintendent, Tom Chism submitted accounting records showing the Discharger has expended approximately \$3,533 on control screens and programming from Automated Direct of Atlanta, Georgia and \$4,300 on installation services associated with the Chlorine Analyzer and Sulfonator Project, which is in excess of the mandatory minimum penalty required by water code sections 13385(h) and (i).
13. The Central Valley Water Board finds that the Compliance Project has been designed to correct the violations that led to the issuance of these Administrative Civil Liabilities and that the project is in accordance with the enforcement policy of the State Water Board. The Central Valley Water Board finds that the Compliance Project will correct the violations that led to the issuance of this Administrative Civil Liability Order. The Compliance Project has been completed in accordance with the Enforcement Policy of the State Water Board and that the Discharger had appropriate financing to complete the project.
14. 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.
15. 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 interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.
16. 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).

IT IS HEREBY ORDERED, pursuant to Water Code sections 13385, that:

1. The City of Shasta Lake, Shasta Lake Wastewater Treatment Facility, its agents, successors and assigns, shall be assessed an Administrative Civil Liability in the amount of **six thousand dollars (\$6,000)**.
2. The entire \$6,000 is treated as a Suspended Administrative Liability as the discharger has submitted proof to the Central Valley Water Board that the money spent toward the Compliance Project detailed in Findings 11 and 12 was equal or greater than the Suspended Administrative Liability.

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 of this Order, except that if the thirtieth day following the date of this Order 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.

This Order is effective immediately upon issuance.



KENNETH LANDAU, Assistant Executive Officer

25 February 2014
(Date)

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2014-508**

**City of Shasta Lake
Wastewater Treatment Facility**

RECORD OF VIOLATIONS (1 January 2004 through 31 January 2004 and 1 January 2012 – 31 October 2012) MANDATORY PENALTIES

Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limit	Analytical Results	Percentage Over	Period	Violation Type	CIWQS Violation	MMP
1/24/2004	D-001	Total Residual Chlorine	mg/L	0.02	2.37	11750	1-hr average	Serious Group II	262995	\$3,000
2/18/2012	D-001	Total Coliform	MPN/100 mL	2.2	3	--	7-day Median	Non-Serious	922027	--
3/10/2012	D-001	Total Coliform	MPN/100 mL	2.2	4	--	7-day Median	Non-Serious	946252	--
4/5/2012	D-001	pH	standard units	6.0 – 9.0	2.2	--	Inst. Min. or Inst. Max	Other Effluent Violation	926256	--
4/5/2012	D-001	Total Residual Chlorine	mg/L	0.02	0.156	678	1-hr Average	Serious Group II	946253	\$3,000
4/5/2012	D-001	Total Residual Chlorine	mg/L	0.02	0.153	664	1-hr Average	Serious Group II	946256	--
4/5/2012	D-001	Total Residual Chlorine	mg/L	0.02	0.108	442	1-hr Average	Serious Group II	946257	--
								Total Assessment		\$6,000

Notes: Serious Group I: any waste discharge that exceeds the effluent limitations for a group I pollutant by 40% or more.
 Serious Group II: any waste discharge that exceeds the effluent limitations for a group II pollutant by 20% or more.
 Non-Serious Violation: A non-serious violation occurs if the discharger does any one of the following four or more times in any period of 180 days:
 (a) violates a WDR effluent limitation;
 (b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
 (c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or
 (d) violates a whole effluent toxicity limitation where the WDRs do not contain pollutant-specific effluent limitations for any toxic pollutants.
 AMEL: Average Monthly Effluent Limitation
 MDEL: Daily Maximum Effluent Limitation
 N/A: Not Applicable