

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2015-0546

MANDATORY PENALTY
IN THE MATTER OF

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

WDID NO. 5A450405001

This Administrative Civil Liability Complaint (Complaint) is issued to the City of Shasta Lake (Discharger), City of Shasta Lake Wastewater Treatment Facility (Facility) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. R5-2014-0052 (NPDES No. CA0079511) and Time Schedule Order (TSO) No. R5-2014-0053.

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

1. The Discharger owns and operates the City of Shasta Lake Wastewater Treatment Facility. Treated wastewater is discharged from Discharge Point D-001 to Churn Creek, a water of the United States.
2. On 28 March 2014, the Central Valley Water Board issued WDRs Order No. R5-2014-0052, which contained new requirements and rescinded WDRs Order No. R5-2008-0037, except for enforcement purposes. WDRs Order No. R5-2014-0052 was effective on 1 May 2014.
3. On 28 March 2014, the Board issued TSO No. R5-2014-0053. TSO Order No. R5-2014-0053 required the Discharger to comply with interim effluent limitations for ammonia nitrogen (as N), total recoverable copper, dichlorobromomethane, nitrate plus nitrite (as N), pH, and total recoverable zinc.
4. This Complaint addresses administrative civil liability for effluent violations that occurred from Discharge Point D-001 during the period from 14 November 2014 through 31 December 2014. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum penalties. Attachment A to this Complaint is hereto and incorporated herein by this reference.

5. On 17 August 2015 Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 14 November 2014 through 31 December 2014.
6. Water Code sections 13385(h) and (i) require the 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. TSO No. R5-2014-0053, item 2 states that discharge from both Discharge Points D-001 and D-002 shall not exceed the following interim limitations:

Parameter	Units	Interim MDEL	Interim AMEL
pH	s.u.	1	
Zinc, Total Recoverable	µg/L	59.2	48

¹ Between 6.0 and 9.0 s.u. at all times.

9. WDR Order No. R5-2014-0052 Final Effluent Limitations IV.A.1.a. states the Discharger shall maintain compliance with the effluent limitations specified in Table 4:

Table 4. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	standard units	--	--	--	6.5	8.5
Zinc, Total Recoverable	µg/L	12	--	22	--	--

10. According to the Discharger's self-monitoring reports, the Discharger committed one (1) non-serious violation above the effluent limitations contained in WDRs Order R5-2014-0052, as shown in Attachment A. This violation is defined as non-serious because measured concentrations of constituents exceeded minimum prescribed levels in the WDRs.
11. According to the Discharger's self-monitoring reports, the Discharger committed two (2) serious Group II violations of the above effluent limitations contained in WDR Order No. R5-2014-0052, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels in the WDRs by 20 percent or more. Per 13385(h), the mandatory penalty for these serious violations is three thousand (\$3,000) per violation.
12. The total amount of the mandatory penalties assessed for the alleged effluent violations is **six thousand dollars (\$6,000)**. As stated herein, a detailed list of the alleged effluent violations is included in Attachment A. The Complaint addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties.
13. Issuance of this Administrative Civil Complaint to enforce Water Code Division 7, Chapter 5.5 is exempt from 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 subsection (a)(2).

THE CITY OF SHASTA LAKE, CITY OF SHASTA LAKE WASTEWATER TREATMENT FACILITY IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **six thousand dollars (\$6,000)**.
2. A hearing on this matter will be conducted at the Central Valley Water Board meeting scheduled on **18/19 February 2016**, unless either of the following occurs by **21 December 2015**:
 - a) The Discharger waives the hearing by completing the attached form (checking off the box next to Option #1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **six thousand dollars (\$6,000)**; or
 - b) The Central Valley Water Board agrees to postpone the hearing after the Discharger waives its right to a hearing within 90-days of the date of this complaint and requests to engage in settlement discussions by checking off the box next to Option #2 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed; or
 - c) The Central Valley Water Board agrees to postpone the hearing after the Discharger waives its right to a hearing within 90-days of the date of this Complaint and requests a continuance checking off the box next to Option #3 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed.
3. If a hearing on this matter is conducted, the Central Valley 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.



CLINT E. SNYDER, P.G.
Assistant Executive Officer



(date)

Attachment A: Record of Violations

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2015-0546

City of Shasta Lake

City of Shasta Lake Wastewater Treatment Facility

CALCULATION OF MANDATORY MINIMUM PENALTIES

RECORD OF VIOLATION (14 November 2014 – 31 December 2014) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program No. R5-2014-0052)

Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limitation	Analytical/Calculated Result	Percentage Over	Period	Violation Type	CIWQS Violation ID	MMP Amount
11/14/2014	D-001	pH	standard units	6.5	5.7	--	Instantaneous Minimum	Non-Serious	993536	--
12/10/2014	D-002	Zinc, Total Recoverable	µg/L	22	59.6	171%	Final MDEL	Serious	993369	\$3,000
12/31/2014	D-002	Zinc, Total Recoverable	µg/L	12	59.6	397%	Final AMEL	Serious	993370	\$3,000
									TOTAL:	\$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 will be subject to MMPs 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.

Final MDEL: Final maximum daily effluent limitation

Final AMEL: Final average monthly effluent limitation