

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0507

MANDATORY PENALTY  
IN THE MATTER OF

SHASTA COUNTY CSA NO. 17  
COTTONWOOD WASTEWATER TREATMENT PLANT  
SHASTA COUNTY

WDID NO. 5A450001005

This Administrative Civil Liability Complaint (Complaint) is issued to the Shasta County CSA No. 17 (Discharger), Cottonwood Wastewater Treatment Plant (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 Assistant Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2010-0044 (NPDES No. CA0081507).

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 Cottonwood Wastewater Treatment Plant. Treated wastewater is discharged from Discharge Point D-001 to Cottonwood Creek, a water of the United States.
2. On 27 May 2010, the Central Valley Water Board issued WDRs Order R5-2010-0044, which contained new requirements and rescinded WDRs Order R5-2005-0037, except for enforcement purposes. WDRs Order R5-2010-0044 was effective on 16 July 2010.
3. This Complaint addresses administrative civil liability for effluent violations that occurred from Discharge Point D-001 during the period from 16 December 2013 through 23 May 2015. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum penalties. Attachment A to this Complaint is attached hereto and incorporated herein by this reference.
4. On 31 August 2015 Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 16 December 2013 through 23 May 2015.
5. 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.

6. 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.

7. WDR Order R5-2010-0044 Final Effluent Limitations IV.A.1.a. states the Discharger shall maintain compliance with the effluent limitations specified in Table 6:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	Standard Units (SU)	--	--	--	6.5	8.5
Total Coliform Organisms	MPN/100mL	--	23 <sup>3</sup>	500	--	240 <sup>4</sup>

<sup>3</sup> Applied as a 7-day median effluent limitation.

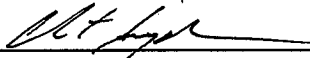
<sup>4</sup> Effluent total coliform organisms are not to exceed 240 MPN/100mL more than once in any 30-day period.

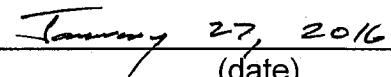
8. According to the Discharger's self-monitoring reports, the Discharger committed fifteen (15) non-serious violations of the effluent limitations contained in WDRs Order R5-2010-0044, as shown in Attachment A. The violations are defined as non-serious because measured concentrations of constituents exceeded prescribed levels in the WDRs, but not by the percentages necessary to qualify as a serious violation in accordance with the State Water Board's Enforcement Policy. Additionally, not all violations were subject to MMPs.
9. The total amount of the mandatory penalties assessed for the alleged effluent violations is **eighteen thousand dollars (\$18,000)**. 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.
10. 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 SHASTA COUNTY CSA NO.17, COTTONWOOD WASTEWATER TREATMENT PLANT 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 **eighteen thousand dollars (\$18,000)**.
2. A hearing on this matter will be conducted at the Central Valley Water Board meeting scheduled **on 21/12 April 2016**, unless either of the following occurs by **21 February 2016**:
  - 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 **eighteen thousand dollars (\$18,000)**; 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.

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

  
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(date)

Attachment A: Record of Violations