

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2006-0078
MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF CALIPATRIA, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
IMPERIAL COUNTY**

This order to assess Administrative Civil Liability pursuant to California Water Code (CWC) Section 13385(h)(1) and 13385(i) is issued to the City of Calipatria (hereinafter Discharger), based on a finding of violations of NPDES Waste Discharge Requirements (WDR) Board Order No. R7-2005-0085 (NPDES Permit No. CA0105015).

The Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. The Discharger owns and operates a sewage collection and treatment system that provides services to the community of Calipatria.
2. The Discharger's wastewater treatment plant (WWTP) is a publicly owned treatment works (POTW) and discharges its effluent into the "G" Drain that flows to the Alamo River, which is a tributary to the Salton Sea. The "G" Drain, Alamo River, and Salton Sea are waters of the United States.
3. California Water Code Section 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a six-month period:
 - a. Violates a waste discharge requirement effluent limitation.
 - b. Fails to file a report pursuant to Section 13260.
 - c. Files an incomplete report pursuant to Section 13260.
 - d. Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
4. California Water Code Section 13385(i)(2) states:

"For the purpose of this Section [13385] a 'period of six consecutive months' means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date."
5. California Water Code Section 13385(k) states:

"In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of Section 79084, the State Water Board or the Regional Board may elect to require the POTW to spend an equivalent amount towards the completion of a compliance project proposed by the POTW, if the State or Regional Board finds all of the following:

- (1) The compliance project is designed to correct the violations within five years.
 - (2) The compliance project is in accordance with the enforcement policy of the State Water Board.
 - (3) The POTW has demonstrated that it has sufficient funding to complete the CP.”
6. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section X of the Policy, among other requirements, Compliance Projects (CPs) proposed by the POTW must be designed to correct the violations in five years and also comply with the general conditions specified for CPs in the Policy.
 7. On June 29, 2005, the Regional Board adopted Waste Discharge Requirements Order No. R7-2005-0085 (NPDES Permit No. CA0105015) for the Discharger’s WWTP.
 8. Waste Discharge Requirements Board Order No. R7-2005-0085 includes the following interim effluent discharge limitations:

Effluent Limitation IV.A.2.a:

“During the period beginning June 29, 2005 and ending before May 18, 2010, the discharge of treated wastewater shall maintain compliance with the following limitations at [Discharge Point] 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E). These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.”

Constituent	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper	µg/L	14	14
	lbs/day	0.20	0.20
Free Cyanide	µg/L	30	30
	lbs/day	0.43	0.43

9. According to monitoring reports submitted by the Discharger, the wastewater discharged from its Municipal Wastewater Treatment Plant was in violation of its waste discharge requirements effluent limitations. A summary of each violation of Board Order No. R7-2005-0085 is contained in Attachment “A”, which is made a part of this Administrative Civil Liability Order by reference.
10. The total amount of the mandatory minimum penalty for the violations cited in Attachment “A” is \$9,000.
11. On August 3, 2006, the Regional Board Executive Officer issued Administrative Civil Liability Complaint (ACLC) No. R7-2006-0065 proposing that the Discharger pay nine thousand dollars (\$9,000) in administrative civil liability (MMP) for the violations.

12. On September 5, 2006, the Discharger proposed the implementation of a CP described in Attachment "B", which is made a part of this Board Order by reference. The Regional Board approves this CP as proposed. The ACLC was rescinded on September 7, 2006.
13. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). The Discharger waived its right to a hearing on this matter as set forth in Attachment "B".
14. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
15. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

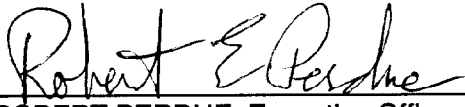
IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed nine thousand dollars (\$9,000) in administrative civil liability (MMP) for the violations set forth in Attachment "A". In lieu of paying an administrative civil liability in the amount of nine thousand dollars (\$9,000), the Discharger shall implement the propose CP described in Attachment "B" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of CPs.
2. The CP shall be implemented in accordance with the time schedule stipulated in Attachment "C", appended to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for each phase of the CP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its Waste Discharge Requirements, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. If the Discharger completes a stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "C" shall be permanently suspended. If, however, the Discharger fails to complete any stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date and the Executive Officer has not approved an extension in the completion date, the corresponding amount of the ACL suspended shall become due and payable to the State Water Pollution Cleanup and Abatement Account within 30 days of being so informed in writing.
4. Previously suspended amounts do not relieve the Discharger of the independent obligation to take necessary actions to achieve compliance.
5. Completion of each stipulated phase of the CP and the entire CP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.

City of Calipatria
Administrative Civil Liability
Order No. R7-2006-0078

6. The Discharger shall implement Monitoring and Reporting Program No. R7-2006-0078 and revisions thereto.
7. The Discharger shall submit all unspent ACL amounts to the State Water Pollution Cleanup and Abatement Account.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 20, 2006.



ROBERT PERDUE, Executive Officer

ATTACHMENT "A"

Summary of Violations of Board Order No. R7-2005-0085 and Mandatory Minimum Penalties

Assessed Violation¹ No.	Date Occurred	Description of Violation	Amount Assessed Dollars (\$)
385686	07/20/2005	Interim Maximum Daily Free Cyanide Limitation is 30 µg/L Reported as 36 µg/L	0 ²
365687	07/31/2005	Interim Average Monthly Free Cyanide Limitation is 30 µg/L Reported as 36 µg/L	0
365346	09/07/2005	Interim Maximum Daily Free Cyanide Limitation is 30 µg/L Reported as 40 µg/L	0
365349	09/30/2005	Interim Average Monthly Free Cyanide Limitation is 30 µg/L Reported as 40 µg/L	\$3,000
365279	10/05/2005	Interim Maximum Daily Copper Limitation is 14 µg/L Reported as 19 µg/L	\$3,000
365282	10/31/2005	Interim Average Monthly Copper Limitation is 14 µg/L Reported as 19 µg/L	\$3,000

Total: \$9,000

¹ California Integrated Water Quality System (CIWQS)

² This is a supporting violation

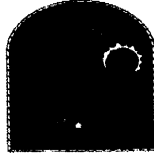
ATTACHMENT "B"

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CITY OF CALIPATRIA

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City of Calipatria



125 North Park Avenue
Calipatria, California 92233
Telephone: (760) 348-4141
Fax: (760) 348-7035

September 5, 2006

Robert Perdue, Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring, Suite 100
Palm Desert, CA 92260

Subject: ACL No. 7-2006-0065

Dear Mr. Perdue:

The City of Calipatria will prepare a Compliance Project in response to ACL No. 7-2006-0065 with the goal of bringing the permit back into compliance in a timely manner and/or prevent future noncompliance. The City is prepared to expend up to \$25,000 implementing the various tasks, purchasing equipment and supplies to achieve the goal of the Compliance Project.

The City has the fiscal resources to providing the necessary funding to implement the Compliance Project. A separate account with a deposit of \$25,000 would be created for this sole purpose. Proof of this account would be submitted to the Board.

The goals of the Compliance Project are to identify the source of cyanide entering the City's sewage collection system by collecting and analyzing samples from users within the City including the Calipatria State Prison. Upon identification of the source of cyanide entering the system, enforcement action would be implemented and City would monitor waste stream of identified user. Concurrent with this action, City would purchase the following equipment and materials: chemical containers for storage of ferric chloride and ferric sulfide, injection pumps, hoses, meters, ferric chloride and ferric sulfide, lab equipment, sampling collection equipment and hire additional staff to perform work.

The milestones of the Compliance Project are (1) identify the source of cyanide entering the system, (2) prevent and/or reduce entry of cyanide into sewage collection system, (3) monitor level of cyanide in sewage collection system, (4) purchase equipment and chemicals to reduce level of cyanide at WWTP, and (5) monitor level of cyanide at WWTP point of discharge.

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CITY OF CALIPATRIA

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If you or your staff have any questions please call (760) 348-4141 or (760) 996-2369.

Sincerely,

Jesse Soriano
City Planner/Public Works Director

cc: Romualdo Medina, City Manager
Eazy Lopez, Finance Officer
Ruben Mirales, WWTP Operator

JS.MW.CRWOCS

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION (R-7)
COMPLIANCE PROJECT INFORMATION SHEET**

The following information is provided for the Compliance project described below.

ACL No.: 7-2006-0065

ACL Amount: \$9,000.00

Name of Discharger Under Permit City of Calipatria

Contact Person: Jesse Soriano

Phone (760) 348-4141 Email jsorianopublicworksplanner@calipatria.com

Name of Project: City of Calipatria CP 7-2006-0065

Project Description: (If necessary, attach additional sheets for project description)

The goal of the Compliance Project would be to bring facility into compliance with permit within one year and to prevent future noncompliance. The City will first conduct a sampling of all users connected to the sewer collection system including the Calipatria State Prison to determine the source of the cyanide entering the system. Once the source is identified, the City will take enforcement action to prevent the illegal entry of cyanide. Concurrent with this effort the City would begin to inject ferric-chloride and ferric-sulfide at WWTP. Level of cyanide will be monitored and amount of ferric-chloride and ferric-sulfide injected into system would be adjusted to achieve desired results. Estimated cost of the Compliance Project could reach up to \$25,000. Project milestones would be identification of source of cyanide entering system, implementation of enforcement measures to prevent or reduce amount of cyanide entering system, purchase necessary equipment and chemicals to reduce level of cyanide at WWTP, monitoring to insure discharge in compliance with permit. Compliance Project would start on November 1, 2006 and be completed by October 31, 2007.

GENERAL CONDITIONS FOR COMPLIANCE PROJECT (Please answer the following questions by circling your response)

1. Is the compliance project designed to bring the permit back into compliance in a timely manner and/or prevent future noncompliance. (YES) NO
2. Is the compliance project otherwise obligated to perform independent of the Administrative Civil Liability itself. (YES) NO
3. The compliance project information sheet has clearly identified project goals, costs, milestones and completion dates. (YES) NO
4. If the project is longer than one year, annual reporting requirements will be provided to the Regional Board. (YES) NO

If project is less than one year please provide the estimated project start date and completion date:

Estimated Project Start Date: November 1, 2006 Estimated Project Completion Date: October 31, 2007

If project is greater than one year please provide the following:

PROJECT GOALS, COSTS , MILESTONES AND COMPLETION DATES

If project is longer than one year please provide the information in Item No. 3 of the General Conditions for Compliance Project: (If necessary, attach additional sheets)

Items to be identified include the following

- | | | |
|--|------------|---|
| 1. Action or Task to be Completed | Start Date | End Date |
| 2. Milestone report due at end of year one | Date Due | Cost (Portion of ACL associated with milestone) |

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION (R-7)**

Total Estimated Project Cost (including funds from other sources): \$ 25,000

SIGNATURE: Jesse Spriano **Date:** September 6, 2006

Name: Jesse Spriano **Position:** City Planner/Public Works Director

(Upon completion of the project, please submit a final report of the project, which includes a certification that this project is complete; provide copies of receipts, invoices, etc. to substantiate the expenses that the proposed administrative penalties have been spent.)

ATTACHMENT "C"

STIPULATED TIME SCHEDULE FOR THE IMPLEMENTATION OF COMPLIANCE PROJECT

Phase No.	Description of CP Phase	Completion Date	Portion of ACL That May Be Suspended
1	a. Survey and identify the sources of contaminants entering the City's sewage collection system. b. Purchase and inject ferric chloride and ferric sulfide to maintain compliance.	October 31, 2007	\$9,000