

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION**

In the Matter of:	)	
	)	
Loleta Community Services District	)	Complaint No. R1-2018-0026
Wastewater Treatment Facility	)	for
2656 Eel River Drive	)	Administrative Civil Liability
Loleta, CA 95551	)	
	)	

Attn: Mr. Marcus Drumm General Manager  WDID No. 1B80081OHUM
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The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) hereby gives notice that:

1. This Administrative Civil Liability Complaint (Complaint) is issued under the authority of California Water Code section 13323 to the Loleta Community Services District (hereinafter Discharger) to assess administrative civil liability for discharges from its Wastewater Treatment Facility (WWTF) in violation of provisions of law for which the Regional Water Board is required to impose mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i).
2. This Complaint alleges one hundred eleven (111) effluent limit violations of Waste Discharge Requirements (WDRs) Order No. R1-2014-0013, NPDES Permit No. CA 0023671 and Cease and Desist Order No. R1-2015-0008. The violations cited herein occurred during the period from June 1, 2014, through February 28, 2018, (hereinafter Complaint Period) and are specifically listed in Attachment A, which is incorporated into this Complaint by reference.
3. Unless waived, the Regional Water Board will hold a hearing on this Complaint at the July 11, 2018, Board meeting located at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA or at a location as posted on the Regional Water Board's website (address listed below). The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of the civil liability. Not less than 10 days before the hearing date, an agenda for the meeting will be available on the Regional Water Board's website: [https://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/)

4. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General to have a Superior Court consider civil enforcement. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the MMPs in full or by taking other actions as described in the waiver form. Any such resolution of this Complaint will be subject to approval by the Regional Water Board or its delegee. If this matter proceeds to hearing and the Regional Water Board decides to impose discretionary penalties, the Prosecution Team reserves the right to seek an increase in the civil liability amount.
5. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

The Assistant Executive Officer of the Regional Water Board hereby alleges that:

#### **BACKGROUND**

6. The WWTF is a wastewater collection, treatment, and disposal facility that serves approximately 750 residential customers and three commercial customers. The WWTF treats domestic, commercial, and industrial wastewater. The WWTF has an average dry weather treatment capacity of 0.081 mgd, and an average wet weather treatment capacity of 0.143 mgd. The WWTF includes an aeration basin, clarifier, chlorine contact chamber, and chlorine and sulfur flow-proportioning equipment. Biosolids from the clarifier are stored in a vault at the Facility, which is periodically pumped and the biosolids hauled to an offsite permitted facility for further treatment and disposal. The system is augmented with an emergency alarm system and generator.
7. On May 8, 2014, the Regional Water Board adopted Order No R1-2014-0013, which became effective on June 1, 2014. Order No. R1-2014-0013 regulates discharges from the WWTF, and serves as an NPDES permit under the federal Clean Water Act.
8. On November 20, 2014, the Discharger submitted a statement of noncompliance issues for the WWTF indicating concerns that it is unable to comply with specific discharge prohibitions. The Regional Water Board adopted Cease and Desist Order (CDO) No. R1-2015-0008 on March 12, 2015, which required the Discharger to take action and comply with effluent limitations. CDO No. R1-2015-0008 provided interim effluent limits for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate, and included a compliance schedule for the Discharger to comply with final effluent limits by December 31, 2019.

**REGULATORY AUTHORITY**

9. WDRs Order No. R1-2014-0013 (Effluent Limitations & Discharge Specifications, Section IV.A.1.a.) sets forth limits for BOD<sub>5</sub>, Total Suspended Solids, pH, Settleable Solids, Total Coliform, Total Residual Chlorine, Copper, Carbon Tetrachloride, Chlorodibromomethane, Dichlorobromomethane, Nitrate, BOD % removal, and TSS % removal, summarized as follows:

a. The Permittee shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program, Attachment E:

Parameter	Units	Effluent Limitations				
		Average Monthly <sup>2</sup>	Average Weekly <sup>2</sup>	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD <sub>5</sub> <sup>1</sup>	mg/L	30	45	---	---	---
	lbs/day	36 <sup>3</sup>	543 <sup>3</sup>	---	---	---
Total Suspended Solids	mg/L	30	45	---	---	---
	lbs/day	36 <sup>3</sup>	54 <sup>3</sup>	---	---	---
pH	standard units	---	---	---	6.5	8.5
Settleable Solids	ml/L	0.1	---	0.2	---	---
Total Coliform Bacteria	MPN/100 mL	23 <sup>4</sup>	---	230 <sup>5</sup>	---	---
Total Residual Chlorine	mg/L	---	---	---	---	<0.1
Copper	µg/L	7.6	---	15.3	---	---
Carbon tetrachloride	µg/L	0.25	---	0.50	---	---
Chlorodibromomethane	µg/L	0.40	---	0.80	---	---
Dichlorobromomethane	µg/L	0.56	---	1.12	---	---
Nitrate	mg/L	10	---	20.1	---	---

Table Notes:

- 1 BOD<sub>5</sub> (Biochemical Oxygen Demand 5-day @ 20°).
- 2 See Definitions in Attachment A and Compliance Determination discussion in section of this Order.
- 3 Mass-based effluent limitations apply during periods of allowable discharge to surface waters. Mass-based effluent limitations are based on the Facility wet weather design flow of 0.146 MGD.
- 4 The monthly total coliform bacteria limitation is expressed as the 30-day median – the median of all effluent samples collected in a 30-day calendar period.
- 5 No sample shall exceed an MPN 9 (most probable number) of 230 total coliform bacteria per 100 mL.

b. **Percent Removal:** The average monthly percent removal of BOD<sub>5</sub> and total suspended solids shall not be less than 85%. Percent removal shall be determined from the 30-day average value of influent wastewater concentration in comparison to the 30-day average value of effluent concentration for the same constituent over the same time period.

10. CDO No. 2015-0008, adopted and effective on March 12, 2015, sets forth interim effluent limitations for copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate at Discharge Point 001 (Monitoring Location EFF-001) summarized as follows:

Parameter	Units	Effluent limitations
		Average Monthly (AMEL)
Copper	µg/L	18.4
Carbon tetrachloride	µg/L	1.2
Chlorodibromomethane	µg/L	4.22
Dichlorobromomethane	µg/L	20.8
Nitrate	mg/L	32.6

## VIOLATIONS

11. The Discharger's self-monitoring reports document one hundred eleven (111) violations of effluent limitations. Of these one hundred eleven violations, one hundred ten (110) are subject to MMPs and one (1) is exempt from MMPs. These violations are listed in Attachment A.
  
12. In its monitoring reports submitted for the Complaint Period, the Discharger self-reported one hundred eleven (111) exceedances of the effluent limitations for BOD<sub>5</sub>, Total Suspended Solids, pH, Settleable Solids, Total Coliform, Nitrate Total Residual Chlorine, Copper, Carbon Tetrachloride, Chlorodibromomethane, Dichlorobromomethane, Nitrate, BOD % removal and TSS % removal set forth in Order No. R1-2014-0013 and CDO R1-2015-0008, as identified in Attachment A. BOD<sub>5</sub>, Total Suspended Solids, Settleable Solids, BOD % removal and TSS % removal are Group I pollutants, Total Residual Chlorine, Copper, Carbon Tetrachloride, Chlorodibromomethane, Dichlorobromomethane are Group II pollutants and pH and Total Coliform Bacteria are Over Effluent Violations (OEV). The remaining one exceedance (shown as #1 on the table in Attachment A) is exempt from MMPs, as it was the first of four violations in a six-month period, and was considered chronic, rather than serious, pursuant to Water Code section 13385(h) and (i), as discussed in Findings 13. and 14. below.

## STATUTORY AUTHORITY

13. Water Code section 13385, subdivision (h) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to Water Code section 13385, subdivision (h)(2) a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.
  
14. Water Code section 13385, subdivision (i) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the Discharger does any of the following four or more times in any

period of six consecutive months, except that the requirement 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 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.

### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

15. The Assistant Executive Officer of the Regional Water Board proposes that mandatory minimum penalties be assessed against the Discharger in the amount of \$330,000 for the violations specifically identified in Attachment A of this Complaint.
16. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
17. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

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Joshua Curtis  
Assistant Executive Officer  
Regional Water Board Prosecution Team