

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

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2023-0032**

**IN THE MATTER OF  
PENINSULA COMMUNITY SERVICES DISTRICT AND  
SAMOA PACIFIC GROUP LLC  
TOWN OF SAMOA WASTEWATER TREATMENT FACILITY  
HUMBOLDT COUNTY**

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) to Samoa Pacific Group LLC and Peninsula Community Services District (collectively hereinafter, Dischargers) for violations of effluent limitations and discharge monitoring reporting requirements contained in Waste Discharge Requirements (WDRs) Order No. R1-2020-0005, National Pollutant Discharge Elimination System (NPDES) Permit No. CA1000001 (the 2020 Order), for which the Regional Water Board may impose civil liability pursuant to Water Code section 13385. The Regional Water Board's Executive Officer has delegated their authority under Water Code section 13323 to issue this Complaint to the Assistant Executive Officer.

1. The Town of Samoa Wastewater Treatment Facility (Facility), located at 3 North Bay View Road, Samoa, CA is owned by Samoa Pacific Group LLC and operated by Peninsula Community Services District. The Facility is regulated under the 2020 Order, which serves as both an NPDES permit and WDRs for discharges from the facility.
2. The Regional Water Board adopted the 2020 Order on April 16, 2020, and it became effective on June 1, 2020. The 2020 Order requires, among other things, compliance with effluent limitations at Discharge Point 001 and monitoring and reporting requirements.
3. The Monitoring and Reporting Program, Attachment E, Section X, Table E-4 of the 2020 Order contains, in part, the following monitoring periods and reporting schedule with which the Dischargers are required to maintain compliance:

<b>Sampling Frequency</b>	<b>Monitoring Period Begins On...</b>	<b>Monitoring Period</b>	<b>SMR Due Date</b>
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	First day of second calendar month following the end of each quarter (February 1, May 1, August 1, November 1)

Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	First day of calendar month through last day of calendar month	First day of second calendar month following the end of each quarter (February 1, May 1, August 1, November 1)
Once per permit term	Permit effective date	All	March 1 following the year that monitoring is completed (with annual report) and at least 180 days prior to permit expiration
Twice per permit term	Permit effective date	All	March 1 following the year that monitoring is completed (with annual report) and at least 180 days prior to permit expiration
<p>Table Note:</p> <p>1. Quarterly monitoring periods are as follows: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.</p>			

4. Section IV.A.1.b of the 2020 Order contains, in part, the following effluent limitations expressed as percent removal for Total Suspended Solids (TSS) and Biochemical Oxygen Demand 5-day @ 20 Deg. C (BOD<sub>5</sub>), with which the Dischargers are required to maintain compliance at Discharge Point 001:

The average monthly percent removal of BOD<sub>5</sub> and TSS shall not be less than 85 percent. Percent removal shall be determined from the monthly average value of influent wastewater concentration in comparison to the monthly average value of effluent concentration for the same constituent over the same time period, as measured at Monitoring Locations INF-001 and EFF-001, respectively.

**ALLEGATIONS:**

5. Self-monitoring reports submitted by the Dischargers between December 30, 2020, and December 30, 2022, show that the Dischargers violated the above-referenced Total Suspended Solids effluent limitation on three (3) occasions and BOD<sub>5</sub> effluent limitation on one (1) occasion as identified in Exhibit A, one (1) of which is not exempt from Mandatory Minimum Penalties (MMPs). Additionally, the Dischargers failed to file six (6) discharge monitoring reports within 30 days of the deadline for submitting the reports as specified in the 2020 Order and identified in Exhibit A. Each of the six (6) late reports were submitted between 49 to 414 days late, which subjects the Dischargers to a mandatory minimum penalty of \$3,000 per each complete period of 30 days pursuant to Water Code section 13385.1, subdivision (a)(1). Exhibit A is attached, hereto, and is

incorporated, herein, by this reference. This Complaint only addresses administrative civil liability for the violations specifically identified in Exhibit A, which are subject to mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and/or (i).

**LEGAL PROVISIONS UPON WHICH LIABILITY IS BASED:**

6. Water Code section 13376 prohibits the discharge of pollutants in violation of effluent limitations set forth in WDRs.
7. Water Code section 13385, subdivision (h)(1), requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each serious violation.
8. Water Code section 13385, subdivision (h)(2), defines a “serious violation” as “any waste discharge that violates the effluent limitations contained in the applicable [WDRs] 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.”
9. Water Code section 13385, subdivision (i)(1), also requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three (3) violations, if the Discharger does any of the following four (4) or more times in a period of six (6) consecutive months:
  - 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; or
  - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
10. Water Code section 13385, subdivision (i)(2), defines a “period of six consecutive months” to mean “the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”
11. Water Code section 13385.1, subdivision (a)(1) also defines a “serious violation” as a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in WDRs that contain effluent limitations.

**PROPOSED ADMINISTRATIVE CIVIL LIABILITY ASSESSMENT:**

12. The Assistant Executive Officer proposes that the Discharger be assessed an MMP of one hundred and twenty-three thousand dollars (\$123,000) for

exceeding the effluent limitation for TSS and late submittals of discharge monitoring reports specifically identified in Exhibit A.

**THE DISCHARGERS ARE HEREBY GIVEN NOTICE THAT:**

13. The Regional Water Board will hold a hearing on this Complaint on a date proposed by the Regional Water Board Advisory Team, likely on August 3-4, 2023. The meeting is tentatively scheduled to take place in the town of Santa Rosa in Sonoma County, California, at a location to be announced, or at a location posted on the Regional Water Board's website, unless the Dischargers do one of the following by the deadline to submit the Waiver Form (Attachment B), which will be specified in the Notice of Public Hearing and Hearing Procedures that will subsequently be issued by the Advisory Team:
  - a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of **\$123,000** in full;
  - b. Waive the right to a hearing-within-90-days before the Regional Water Board after service of this Complaint to engage the Regional Water Board Prosecution Team in settlement negotiations; or
  - c. Waive the right to a hearing-within-90-days before the Regional Water Board after service of this Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.
14. To select one of the waiver options identified above, the Dischargers must complete the enclosed Waiver Form and submit it to the Regional Water Board Advisory Team. If the Dischargers have questions about the Waiver Form or wish to request an extension to the deadline, they should contact the Regional Water Board Advisory Team.

All submittals and communications to the Advisory Team shall be sent to:

**Advisory Team**

Valerie Quinto  
Executive Officer  
Regional Water Quality Control Board  
North Coast Region  
[Valerie.Quinto@waterboards.ca.gov](mailto:Valerie.Quinto@waterboards.ca.gov)

Nathan Jacobsen  
Attorney IV  
Office of Chief Counsel  
State Water Resources Control Board  
(916) 341-5181  
[Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov)

15. If a hearing is held, it will be governed by the Notice of Public Hearing and Hearing Procedures that will be provided by the Regional Water Board Advisory Team.
16. During the hearing, the Regional Water Board will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
17. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources and Code section 21000 *et seq.*), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

Claudia E. Villacorta, P.E.  
Assistant Executive Officer

Attachments:

- A. Exhibit A: List of Violations Requiring Mandatory Minimum Penalties
- B. Hearing Waiver Form for Administrative Civil Liability Complaint

Mandatory Penalty Administrative Civil Liability

Samoa Pacific Group LLC

Peninsula Community Services District

Samoa Pacific WWTP (Samoa Town Site)

WDID No. 1B85017RHUM NPDES No. CA1000001

EXHIBIT "A"

**Effluent Limitations/Late Reporting Violations Requiring Mandatory Minimum Penalties**

#	Violation Number	Violation Date	Constituent/Description	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit/Days late	No. of Serious Violations	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1107554	12/30/2020	BOD5 @ 20 Deg. C,	Group 1	Monthly Average	85	61	%	N	Y (b)	-28%	N/A	07/03/2020	N/A	Ct. 1	N		\$ 0
2	1103217	02/28/2021	Total Suspended Solids	Group 1	30-Day Average	85	81	%	N	Y (b)	-5%	N/A	09/01/2020	N/A	Ct. 2	N		\$ 0
3	1103218	03/30/2021	Total Suspended Solids	Group 1	Monthly Average	85	84	%	N	Y (b)	-1%	N/A	10/01/2020	N/A	Ct. 3	N		\$ 0
4	1103219	05/31/2021	Total Suspended Solids	Group 1	30-Day Average	85	74	%	N	N (b)	-13%	N/A	12/02/2020	C	Ct. 4	Y	13385(i)	\$ 3,000
5	1109825	03/02/2021	2020 Annual Report was due on March 1, 2021, and was submitted on April 19, 2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	414 Days	13 (a)	09/03/2020	S	Ct. 5	Y	13385.1	\$ 39,000
6	1109826	05/02/2021	Q1 2021 Quarterly SMR was due 5/01/2021 and was submitted 4/20/2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	353 Days	11 (a)	11/03/2020	S	Ct. 6	Y	13385.1	\$ 33,000
7	1109828	08/02/2021	Q2 2021 SMR was submitted late. Was due 8/01/2021 and was submitted on 4/20/2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	262 Days	8 (a)	02/03/2021	S	Ct. 7	Y	13385.1	\$ 24,000
8	1109829	11/02/2021	Q3 2021 SMR was due on 11/01/2021 and was submitted on 4/20/2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	170 Days	5 (a)	05/06/2021	S	Ct. 8	Y	13385.1	\$ 15,000
9	1109830	02/02/2022	Q4 2021 SMR was due on 2/01/2022 and was submitted on 4/20/2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	78 Days	2 (a)	07/06/2021	S	Ct. 9	Y	13385.1	\$ 6,000
10	1109831	03/02/2022	2021 Annual Report was due 3/01/2022 and was submitted on 4/20/2022	N/A	N/A	N/A	N/A	N/A	N	N (c)	49 Days	1 (a)	08/03/2021	S	Ct. 10	Y	13385.1	\$ 3,000

**Total Penalty: \$ 123,000**

**Legend of Table**

- Water Code section 13385.1. [Definitions of "serious violation" and "effluent limitation"] (a) (1) For the purposes of subdivision (h) of Section 13385, a "serious violation" also means a failure to file a discharge monitoring report required pursuant to Section 13383 for **each complete period of 30 days** following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
- The first three violations in a 180-day period shall not receive MMP assessment unless serious.
- WC sections 13385.1(a)(2) and (b) specify conditions where violations associated with a report more than 30 days past due will not be considered "serious," and subject to Mandatory Minimum Penalties. Applicable conditions have not been met for any of the violations cited herein.

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more  
 - For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

**Violation Period Between December 30, 2020, and December 30, 2022**

Group I Violations Assessed MMP:	1
Group II Violations Assessed MMP:	0
Other Effluent Violations Assessed MMP:	0
Late Reporting Violations Assessed MMP:	40
Violations Exempt from MMP:	3
Total Violations Assessed MMP:	41

**Mandatory Minimum Penalty = (40 Serious Violations + 1 Non-Serious Violations) x \$3,000 = \$123,000**

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## North Coast Regional Water Quality Control Board

### WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Samoa Pacific Group LLC and Peninsula Community Services District (collectively hereinafter, Dischargers) in connection with Administrative Civil Liability Complaint No. R1-2023-0032 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, “a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing.”

- OPTION 1: Check here if the Dischargers waive the hearing requirement and will pay the liability in full.**
- a. I hereby waive any right the Dischargers may have to a hearing before the North Coast Regional Water Quality Control Board (Regional Water Board).
  - b. I certify that the Dischargers will remit payment for the proposed civil liability in the full amount of **one hundred and twenty-three thousand dollars (\$123,000)** by submitting a check that references “ACL Complaint No. R1-2023-0032” made payable to the Accounting Office, Attn: ACL Payment Accounting Office, PO Box 1888, Sacramento, California, 95812-1888, and a copy of the check to the Regional Water Board within 30 days from the date on which this waiver is executed.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board’s Prosecution Team) during this comment period, the Regional Water Board’s Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Dischargers having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

**OPTION 2: Check here if the Dischargers waive the 90-day hearing requirement in order to engage in settlement discussions.**

- a. I hereby waive any right the Dischargers may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Dischargers will promptly engage the Regional Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violations. By checking this box, the Dischargers request that the Regional Water Board delay the hearing so that the Dischargers and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1." In these discussions, the Dischargers may raise settlement options, including a Supplemental Environmental Project(s), that meet the State Water Resources Control Board's requirements. Copies of the State Water Resources Control Board's 2017 Water Quality Enforcement Policy and 2018 Policy on Supplemental Environmental Projects, are available at:  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2017/040417\\_9\\_final%20adopted%20policy.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf)  
and  
[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/seps/20180503\\_sep\\_policy\\_amd.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/seps/20180503_sep_policy_amd.pdf)

**OPTION 3: Check here if the Dischargers waive the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.**

- a. I hereby waive any right the Dischargers may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Dischargers request that the Regional Water Board delay the hearing and/or hearing deadlines so that the Dischargers may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board to approve the extension.

**SAMOA PACIFIC GROUP, LLC**

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(Print Name and Title)

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(Signature)

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(Date)

**PENINSULA COMMUNITY SERVICES DISTRICT**

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(Print Name and Title)

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(Signature)

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(Date)