

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ACL COMPLAINT NO. R5-2008-0500  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
IN THE MATTER  
OF  
GOLDEN FEATHER MOBILE HOME PARK LLP  
GOLDEN FEATHER MOBILE HOME PARK  
BUTTE COUNTY

This Administrative Civil Liability Complaint is issued to Golden Feather Mobile Home Park, LLP (hereafter Discharger) based on a finding that the Discharger violated monitoring requirements, imposed by the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) under the authority of California Water Code (CWC) Section 13267 and 13268(a)(1), by falsifying numerous reports and failing to submit a separate report. The Regional Water Board is authorized to impose Administrative Civil Liability for these violations pursuant to CWC Section 13267(b)(1) and CWC Sections 13268(a) and (b). Upon adoption by the Regional Water Board, this Complaint will become an effective and final Administrative Civil Liability Order.

The Regional Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. The Discharger owns and operates the Golden Feather Mobile Home Park (Park) in Oroville, in Section 13, T19N, R3E, MDB&M, Assessor Parcel Numbers 030-270-021 and 030-270-026. The Park has approximately 100 mobile spaces with an average occupancy of 85 spaces.
2. The Discharger operates the wastewater collection, treatment, and disposal systems. The wastewater system consists of a pump/lift station, rotating biological contactor, chlorine contact chamber, and percolation bed.
3. Ms. Beverly Collins is a partner of the Golden Feather Mobile Home Park LLP and is the legally responsible official for the Park.
4. Waste Discharge Requirements (WDR) Order No. 91-163, adopted by the Regional Water Board on 26 July 1991, prescribes requirements for the treatment and disposal of domestic wastewater at the Park. Effluent limitations for the Park are prescribed in Discharge Prohibition A.4 as follows:

Table 1. Effluent Limitations

Constituent	Units	Monthly Average	Daily Maximum	Monthly Median
BOD <sub>5</sub>	mg/L	30	90	--
Total Suspended Solids	mg/L	30	90	--
Total Coliform	MPN/100mL	--	500	23

## HISTORY OF VIOLATIONS

5. The Discharger has a long history of violating the terms of the permit issued by the Regional Water Board. Violations include incomplete, late, and non-submittal of self-monitoring reports; chronic effluent violations for total coliform and total suspended solids; and falsification of self-monitoring reports. In order to assess administrative civil liabilities for the effluent violations it must be shown that the Discharger discharged waste, or caused or permitted waste to be deposited where it is discharged, into waters of the State. At this time, Regional Water Board staff cannot show that effluent was discharged into waters of the State. Therefore, this Complaint addresses only the falsification and non-submittal of monitoring reports.
6. On 19 July 2005, Regional Water Board staff issued a Notice of Violation (NOV) summarizing 31 chronic effluent violations from February 2004 through March 2005. The NOV requested that the Discharger submit a time schedule under which it would correct the conditions that contributed to the violations, as required in the standard provisions of the WDR.
7. On 18 August 2005, Regional Water Board staff issued a NOV letter that described 10 effluent violations for exceedance of total coliform and total suspended solids from March 2005 through June 2005. The letter also stated that, pursuant to CWC Section 13267, the Regional Water Board required that the Discharger increase monitoring for total coliform and total suspended solids (twice per week) and flow (daily), and required that the Discharger employ a California registered civil engineer to prepare a report detailing the causes of, and remedies for, the frequent effluent violations. The Regional Water Board also required that the report include a timeline for implementing each proposed remedy, and a comparison between the estimated cost to upgrade the treatment plant and the estimated cost to connect the discharge stream to the public sewer.
8. On 7 November 2005, Regional Water Board staff requested a time schedule for upgrades to the wastewater treatment system pursuant to CWC Section 13300.
9. On 19 January 2006, Regional Water Board staff issued a letter pursuant to CWC Section 13267 that required the Discharger to submit an interim construction report and a final status report, and to certify that the remedial work was complete.
10. On 4 May 2006, Regional Water Board staff contacted Ms. Collins by telephone and inquired about incomplete monitoring reports submitted for March 2006. Ms. Collins stated that she withheld three laboratory reports for March 2006 because results showed an exceedance of effluent limits for total coliform. Ms. Collins submitted the withheld reports at Regional Water Board staff's request. Table 2 contains the March 2006 effluent monitoring data that was withheld by Ms. Collins.

Table 2. Laboratory Results Withheld in March 2006.

Date	Total Coliform (MPN/100mL)	Fecal Coliform (MPN/100mL)	Total Suspended Solids (mg/L)	Biological Oxygen Demand (mg/L)
3/20/2006	>1600	>1600	14	10
3/21/2006	>1600	>1600	22	10
3/27/2006	>1600	>1600	18	10

The original March 2006 self-monitoring report, submitted to the Regional Water Board on 14 April 2006 and certified by Ms. Collins, contained no violations. Upon receipt and review of the withheld data presented in Table 2, the Discharger now has four violations of Discharge Prohibition A.4 for exceedance of total coliform limits during March 2006.

11. On 18 May 2006, Regional Water Board staff inspected the Park and made the following observations: The new flow meter was malfunctioning and later replaced. This malfunction caused improper dosing by the new automated dosage control system for the sodium hypochlorite. During the inspection, Regional Water Board staff discovered four laboratory reports for September and December 2005 that were not submitted to the Regional Water Board with the monthly self-monitoring reports. Table 3 contains the additional monitoring data that was obtained during the 18 May 2006 site inspection.

Table 3. Laboratory Reports Obtained During 18 May 2006 Inspection.

Date	Total Suspended Solids (mg/L)	Total Coliform (MPN/100mL)	Fecal Coliform (MPN/100mL)	Biological Oxygen Demand (mg/L)
12/19/2005	5.8	>1600	>1600	10
12/13/2005	120	>1600	>1600	10
9/23/2005	21	>1600	>1600	40
9/22/2005	15	>1600	>1600	10

Ms. Collins prepared, signed, certified, and submitted the self-monitoring reports for September 2005 and December 2005 but withheld the laboratory results presented in Table 3. The original September 2005 self-monitoring report, submitted to the Regional Water Board on 13 October 2005 and certified by Ms. Collins, contained no violations. The original December 2005 self-monitoring report, submitted to the Regional Water Board on 14 January 2006 and certified by Ms. Collins, contained one effluent violation. The withheld laboratory results presented in Table 3 reveal six additional violations of Discharge Prohibition A.4: two in September 2005 (exceedance of total coliform limits) and four in December 2005 (exceedance of total coliform and total suspended solids limits). Regional Water Board staff requested that the Park manager submit all laboratory reports for December 2004 to February 2006.

12. On 2 June 2006, the Park manager submitted all laboratory reports for December 2004 to February 2006. Table 4 contains eleven laboratory reports (in addition to the withheld reports described in Findings No. 10 and 11) that were not submitted with the monthly self-monitoring reports and were not on site during the 18 May 2006 inspection.

Table 4. Laboratory Results Submitted on 2 June 2006

Sample Date	Total Coliform (MPN/100mL)	Fecal Coliform (MPN/100mL)	Total Suspended Solids (mg/L)	Biological Oxygen Demand (mg/L)
6/30/2005	>1600	>1600	22	10
7/14/2005	>1600	>1600	21	10
8/4/2005	>1600	1600	30	INVALID
9/26/2005	>1600	>1600	11	10
10/27/2005	>1600	30	27	<2
11/3/2005	>1600	30	24	<2
11/10/2005	>1600	4	24	<2
11/15/2005	1600	<2	28	<2
11/17/2005	>1600	7	37	3
12/8/2005	1600	2	55	10
1/12/2006	>1600	300	16	<2

Ms. Collins prepared, signed, and certified the monthly self-monitoring reports for the months and years associated with the sample dates above without the laboratory results presented in Table 4. Upon review of the withheld data, the Discharger has 13 additional violations of Discharge Prohibition A.4 for exceedance of total coliform and total suspended solids limits. Regional Water Board staff also discovered that no self-monitoring report was ever submitted for July 2005. The data submitted on 2 June 2006 is the only information for July 2005.

13. Six of the self-monitoring reports that Ms. Collins certified and submitted contained the following certification statement with her signature:

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*

14. In summary, no self-monitoring report was submitted for July 2005 and a total of 18 laboratory results were withheld and 25 additional effluent violations were discovered. A total of eight monthly self-monitoring reports were falsified.

15. On 26 June 2006, Regional Water Board staff issued a NOV for falsification of self-monitoring reports, withholding of self-monitoring data, effluent violations, and non-submittal of the final construction report for upgrades at the Park.

### **REGULATORY CONSIDERATIONS**

16. By the acts and omissions cited above, the Discharger has violated Provisions of CWC Section 13267(b)(1), which reads, in part, as follows: "...the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires...."
17. CWC Section 13268(a)(1) states: "Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b)."
18. CWC Section 13268(b)(1) states: "Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs."
19. CWC Section 13327 states: "In determining the amount of civil liability, the regional board...shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters as justice may require."
20. CWC Section 13268(b)(1) authorizes Administrative Civil Liability not exceeding one thousand dollars (\$1,000) for each day of failure to submit technical reports required by subdivision (b) of Section 13267, or for falsifying data contained therein. The Discharger submitted eight falsified monthly self-monitoring reports, due to the fact that the Discharger certified these reports as true, accurate, and complete, despite the fact that the portions of the reports containing effluent violations were knowingly withheld. On 4 May 2006, the Discharger submitted the previously withheld data for one of the eight reports. On 18 May 2006, Regional Water Board staff obtained the previously withheld data for two of the eight reports. On 2 June 2006, the Discharger submitted the remaining data that was previously withheld. Therefore, the Regional

Water Board has evidence that the Discharger falsified eight monthly self-monitoring reports. The Discharger did not submit any data or report for July 2005 until 2 June 2006. This report was late by 290 days.

21. The maximum liability that can be imposed administratively by the Regional Water Board for falsification of the eight monthly self-monitoring reports is eight thousand dollars (\$8,000). The maximum liability for the non-submittal of the July 2005 monthly monitoring report is two hundred ninety thousand dollars (\$290,000). Total maximum liability for the violations contained in this Complaint is two hundred and ninety-eight thousand dollars (\$298,000).
22. The Regional Water Board determined, with respect to the factors in Finding No. 19, the following:
  - a. Evaluating the nature of the violations, the Regional Water Board finds that the Discharger knowingly failed to submit complete and accurate self-monitoring reports, as required by the Regional Water Board under the authority of CWC Section 13267. Except for the July 2005 report, which was not submitted at all, the reports that form the basis of this Complaint contained material omissions. With full knowledge that the reports were incomplete, the Discharger certified that the submitted monitoring reports were true, accurate, and complete. Therefore, these reports were falsified. The monthly self-monitoring reports are necessary to evaluate if the treatment system is functioning properly. The circumstances are such that the Discharger was aware of the necessity to provide complete and accurate monitoring reports, but failed to do so. The cornerstone of the Regional Water Board's regulatory programs is the self-monitoring system. Knowingly falsifying or knowingly withholding information that may indicate violations of requirements contained in board orders, plans, and policies erodes the State's regulatory program and places the health of the public and the environment at risk. The Discharger's failure to submit complete and accurate reports are significant violations.
  - b. The extent of the violations covers multiple years and numerous intentional actions in violation of CWC Section 13267.
  - c. The gravity of the violation is significant. The Discharger's non-submitted and falsified monitoring reports did not give an accurate representation of treatment system operation. The Discharger's failure to submit complete and accurate reports prevented Regional Water Board staff from evaluating water quality issues in a timely manner. Therefore, upgrades to the treatment plant were delayed and wastewater of poor quality was discharged for a longer period of time.
  - d. The non-submittal of a report and submittal of falsified reports are not actions that can be subject to voluntary cleanup efforts. However, it is worth noting that the Discharger did not voluntarily come forward with the missing information.

- e. With respect to the Discharger and ability to pay, it has not been demonstrated that there is an inability to pay the liability and continue operating.
  - f. The degree of culpability of the Discharger is high. The Discharger is responsible for the complete and accurate submittal of self-monitoring reports and knowingly shirked this responsibility. The Discharger was well aware of the potential consequences of its actions; Regional Water Board staff repeatedly informed the Discharger that continued noncompliance could result in enforcement action, including administrative penalties.
  - g. There appears to be minimal economic benefit or savings to the Discharger with respect to many of the violations because the violations cited in this Complaint are for the non-submittal of a report and the submittal of falsified reports that have minimal costs associated with them.
  - h. Regional Water Board staff expended approximately 44 hours, or \$3,520, in generation of the ACL Complaint, including site inspections and review of files.
23. A twelve thousand dollar (\$12,000) Administrative Civil Liability is appropriate based on the determinations in Findings No. 19 through 22.
24. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.
25. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 2050 through 2068, Title 23, and California Code of Regulations. The State Water Board must receive the petition within 30 days of the date of the adoption of this Order. Copies of the law and regulations applicable to filing petitions are available at [http://www.swrcb.ca.gov/water\\_laws/cawtrcde/wqpetition\\_instr.html](http://www.swrcb.ca.gov/water_laws/cawtrcde/wqpetition_instr.html) and will also be provided upon request.

**THE GOLDEN FEATHER MOBILE HOME PARK LLP IS HEREBY GIVEN NOTICE THAT:**

- 1. The Executive Officer of the Regional Water Quality Control Board, Central Valley Region, proposes to assess upon the Discharger an administrative civil liability in the amount of \$12,000 in accordance with California Water Code Section 13268 and Section 13323.
- 2. A hearing shall be held on 13 or 14 March 2008, unless the Discharger agrees to waive the hearing and pay the imposed civil liability in full.

3. If a hearing is held, the Regional 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.
4. In lieu of a hearing, the Discharger may waive the right to a hearing. If you wish to waive the right to a hearing, sign the enclosed waiver and return it with the full amount of civil liability (in the form of a certified check made payable to the *State Water Resources Control Board Cleanup and Abatement Account*, the check shall have written upon it the number of this Complaint) to the Regional Water Board's office at 415 Knollcrest Drive, Suite 100, Redding, California, 96002, by 11 February 2008.

I, PAMELA CREEDON, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of a Complaint issued by the California Regional Water Quality Control Board, Central Valley Region, on 7 January 2008.

Issued by:

Original signed by James C Pedri for  
PAMELA C. CREEDON, Executive Officer

10 January 2008

(Date)

JMM: sae  
1/8/2008



**WAIVER OF HEARING FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

- 1 I am duly authorized to represent the Golden Feather Mobile Home Park LLP (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0500 (hereinafter the "Complaint");
- 2 I am informed of the right provided by Water Code Section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of the Complaint;
- 3 I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of issuance of the Complaint; and
- 4 I certify that the Discharger will remit payment for the civil liability imposed in the amount of \$12,000 by check, which contains a reference to "ACL Complaint No. R5-2008-0500" and is made payable to the "*State Water Resources Control Board Cleanup and Abatement Account.*"
- 5 I understand the payment of the above amount constitutes a settlement of the Complaint that will not become final until after a public comment period.
- 6 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 Discharger to further enforcement, including additional civil liability.

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(Name)

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(Title)

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(Date)