

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0581

MANDATORY PENALTY  
IN THE MATTER OF

MAXWELL PUBLIC UTILITIES DISTRICT  
WASTEWATER TREATMENT FACILITY  
COLUSA COUNTY

This Order is issued to the Maxwell Public Utilities District (hereafter referred to as Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2009-0009 (NPDES No. CA0079987) and Time Schedule Order (TSO) R5-2007-0073.

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the community of Maxwell. Treated municipal wastewater is discharged to an unnamed tributary to Lurline Creek, tributary to the Colusa Basin Drain, a water of the United States.
2. On 5 February 2009, effective 27 March 2009, the Central Valley Water Board issued WDRs Order R5-2009-0009 which included new requirements and rescinded Order R5-2002-0022, except for enforcement purposes. The WDRs include effluent limitations and other requirements, including a time schedule to comply with tertiary treatment requirements by 18 May 2010.
3. On 22 June 2007, the Central Valley Water Board issued Time Schedule Order (TSO) R5-2007-0073. The TSO allowed the Discharger until 18 May 2010 to comply with final effluent limitations, and included interim effluent limitations for BOD, total suspended solids, and total coliform organisms. The interim effluent limitations remained in effect until 18 May 2010. On 8 October 2009, the Board issued Order R5-2009-0098 amending TSO R5-2007-0073 to include a time schedule for continuous chlorine and turbidity monitoring and adding an interim effluent limitation for turbidity. This Order considered the interim effluent limitations and the protection from mandatory minimum penalties provided by TSO R5-2007-0073 and Order R5-2009-0098.
4. Compliance with the TSO exempted the Discharger from mandatory minimum penalties for violations of effluent limitations for BOD, total suspended solids, and total coliform organisms in accordance with CWC section 13385(j)(3) beginning 22 June 2007 and ending 18 May 2010. Because Cease and Desist Order R5-2002-0023 provided the Discharger with five years to comply with effluent limitations for ammonia, the exemption from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for this constituent after 1 February 2007.

5. The Discharger submitted a Wastewater Facilities Plan describing construction of a new wastewater treatment facility. Treated wastewater will be discharged to agricultural land instead of surface waters. TSO R5-2007-0073 allows the Discharger until 18 May 2010 to complete the land discharge facility. However, the project was slowed down due to wetlands and endangered species issues. By letters dated 10 December 2009, 26 March 2010, and 8 November 2010, the Discharger has requested an extension of the compliance time schedule. The new facility is scheduled to be in operation by 31 November 2011.
6. On 18 September 2008, the Executive Officer issued ACL Order R5-2008-0561, assessing \$1,617,000 dollars for mandatory minimum penalties for the period of 1 January 2000 through 30 April 2008. The Order allowed the entire \$1,617,000 penalty to be applied to the land disposal compliance project, and required that the land application wastewater treatment plant be fully operational by 18 May 2010. Due to "unforeseeable contingencies," on 28 December 2010, the Executive Officer modified the time schedule to require that the plant be fully operational by 31 January 2012.
7. On 4 February 2011, Assistant Executive Officer Kenneth Landau issued ACL Order R5-2011-0518, assessing \$1,248,000 dollars for mandatory minimum penalties for the period of May to June 2007 and 1 May 2008 through 30 September 2010. Order R5-2011-0518 allowed the entire \$1,248,000 penalty to be applied to the land disposal compliance project, and required that the land application wastewater treatment plant be fully operational by 31 January 2012. This Order contains the same compliance schedule as ACL Orders R5-2008-0561 and R5-2011-0518.
8. On 1 April 2011, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 1 October 2010 through 31 December 2010. On 21 April 2011, the Discharger responded, agreeing with the violations and requesting that all penalties be applied toward its land disposal compliance project. The final ROV has been extended by two months and additional violations have been added.
9. CWC section 13385(h) and (i) require assessment of mandatory minimum penalties and state, in part, the following:

CWC 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.

CWC 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.

CWC section 13385(i)(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 violation whenever the person 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.

10. CWC 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.

11. WDRs Order R5-2009-0009 Final Effluent Limitations and Discharge Specifications IV.A.1.a. states, in part:

The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

**Table 6.**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia Nitrogen (Total as N)	mg/L	0.6	--	1.5	--	--
	lbs/day <sup>1</sup>	1.0	--	2.5	--	--
Biochemical Oxygen Demand (5-Day@20°C)	mg/L	10	15	20	--	--
	lbs/day <sup>1</sup>	17	25	33	--	--
pH	standard units	--	--	--	6.5	8.5
Total Coliform	MPN/100 mL	--	--	--	--	240
Total Suspended Solids	mg/L	10	15	20		
	lbs/day <sup>1</sup>	17	25	33		

<sup>1</sup> Based upon an average dry weather flow of 0.2 mgd

12. WDRs Order R5-2009-0009 Final Effluent Limitations and Discharge Specifications IV.A.1.e. states, in part:

- e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:
  - i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
  - ii. 23 MPN/100 mL, more than once in any 30-day period.
  
- 13. According to the Discharger's self-monitoring reports, the Discharger committed seventy-eight (78) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2009-0009 during the period beginning 1 October 2010 and ending 28 February 2011. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for the serious violations is **two hundred thirty-four thousand dollars (\$234,000)**.
  
- 14. According to the Discharger's self-monitoring reports, the Discharger committed sixty-nine (69) non-serious violations of the above effluent limitations contained in WDRs Order R5-2009-0009 during the period beginning 1 October 2010 and ending 28 February 2011. The non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for the non-serious violations is **two hundred seven thousand dollars (\$207,000)**.
  
- 15. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred forty-one thousand dollars (\$441,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Complaint addresses administrative civil liability for violations that are specifically identified in Attachment A, incorporated herein by reference.
  
- 16. CWC section 13385 (k) states:
  - (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:
    - (A) The compliance project is designed to correct the violations within five years.
    - (B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.
    - (C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.
  
  - (2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 10,000 persons or

fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

17. Staff at the State Water Resources Control Board (State Water Board) prepared a memorandum dated 6 March 2008, which determined that the Maxwell Public Utilities District Wastewater Treatment Plant is a publicly owned treatment works serving a small community with a financial hardship within the meaning of CWC section 13385(k)(2). On 4 August 2008, the Executive Director of the State Water Board confirmed that determination.
18. The Discharger is in the process of spending an estimated \$11.7 million on the construction of a new land discharge wastewater treatment plant, thereby correcting the violations that led to the assessment of the ACL penalty. Of this amount, \$6.7 million of revenue is from a grant and cannot be used to offset the mandatory minimum penalties. The new plant will consist of improvements to the existing mechanical headworks, installation of a second aeration lagoon, installation of constructed wetlands after the oxidation ponds, construction of a pump station to move effluent to a storage pond located at the land application site, and installation of a SCADA system to monitor plant processes and performance. The Discharger will construct a new irrigation system for land application of treated effluent at an agricultural parcel. On 11 January 2008, the Discharger's General Manager submitted a detailed outline of the project, the construction schedule, and a listing of project costs. On 8 November 2010, the Discharger's General Manager submitted an updated schedule stating that the new facility is scheduled to be in operation by 31 November 2011.
19. As described in Findings No. 6 and 7, the Discharger was allowed to apply its previous \$2,865,000 in mandatory penalties toward the above compliance project. This Order allows an additional \$441,000 in mandatory penalties to be applied to the same compliance project. Because the Discharger has secured \$5 million in loan funding, applying a total of \$3,306,000 in mandatory penalties toward the \$11.7 million cost of the project complies with CWC 13385(k) and the State Water Board Water Quality Enforcement Policy.
20. The Central Valley Water Board finds that the compliance project has been designed to correct the violations that have led to the issuance of this Administrative Civil Liability Order within five years, is as short as possible, and that the project is in accordance with the State Water Board Water Quality Enforcement Policy. The Discharger plans to expend on the compliance project an amount in excess of the mandatory minimum penalty that is required by CWC sections 13385(h) and (i).
21. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, and was provided to all interested parties. The 30-day public notice and comment period mandated by federal regulations (40 CFR 123.27) has expired. No public comments were received.
22. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to

the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Executive Officer Pamela Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore, Assistant Executive Officer Kenneth Landau has the authority to issue this Order.

23. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the 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(a)(2).

**MAXWELL PUBLIC UTILITIES DISTRICT IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **four hundred forty-one thousand dollars (\$441,000)**.
2. The entire \$441,000 penalty shall be deemed satisfied by the Central Valley Water Board through completion of the compliance project, as long as the Discharger completes the project by the schedule below:

<u>Task</u>	<u>Compliance Date</u>
Complete Construction of the Land Application Wastewater Treatment Plant	30 November 2011
Full Operation of the Land Application Wastewater Treatment Plant	31 January 2012
Submit final project report describing whether the project goals, costs, milestones, and completion dates have been met. The final accounting shall detail describe the funds spent for this particular project.	1 April 2012

3. The District shall continue to submit monthly reports regarding the progress of construction. The reports shall describe the construction tasks completed to date and provide an updated schedule. In addition, a progress report shall be submitted on or before each of the above compliance dates. The progress report shall describe the work undertaken to comply with this Order.
4. The Assistant Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. Under no circumstances may the completion of the Compliance Project extend past 18 September 2013, which is five years from the date on which Order R5-2008-0561 was approved (i.e., the initial order allowing the Discharger's MMPs to be directed towards the Compliance Project). The Discharger must obtain written approval from the Assistant Executive Officer for any significant departures from the project outlined in Finding No. 18 and the time schedule shown above. Failure to obtain approval for any

significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.

5. If, in the judgment of the Assistant Executive Officer, the Discharger fails to complete the Compliance Project in accordance with the due date listed above (including any extensions approved by the Assistant Executive Officer), or fails to construct the compliance project in accordance with the updated schedule submitted to the Central Valley Water Board on 8 November 2010, the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the compliance project that has not been satisfactorily completed. Payment must be made within 30 days of such a demand.
6. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
7. This Order is final upon signature.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original signed by

\_\_\_\_\_  
KENNETH D. LANDAU, Assistant Executive Officer

\_\_\_\_\_  
24 June 2011

DATE

ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0581

**Maxwell Public Utility District  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 October 2010 -28 February 2011) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2009-0009)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
*	30-Sep-10	BOD	mg/L	10	24	Monthly Ave	1*	884286
*	30-Sep-10	TSS	mg/L	10	93	Monthly Ave	1*	884339
*	30-Sep-10	TSS	lbs/day	17	37	Monthly Ave	4*	884330
1	1-Oct-10	Coliform	MPN/100 mL	2.2	9	7-Day Mdn	4	890131
2	1-Oct-10	TSS	mg/L	20	26	Daily Max	4	890136
3	1-Oct-10	pH	SU	8.5	9.2	Instant Max	4	890134
4	2-Oct-10	BOD	mg/L	15	19	Weekly Ave	4	890124
5	2-Oct-10	TSS	mg/L	15	26	Weekly Ave	1	890154
6	6-Oct-10	Coliform	MPN/100 mL	2.2	5	7-Day Mdn	4	890132
7	8-Oct-10	BOD	mg/L	20	30	Daily Max	1	890121
8	8-Oct-10	TSS	mg/L	20	62	Daily Max	1	890139
9	9-Oct-10	BOD	mg/L	15	30	Weekly Ave	1	890125
10	9-Oct-10	TSS	mg/L	15	62	Weekly Ave	1	890155
11	15-Oct-10	BOD	mg/L	20	35	Daily Max	1	890122
12	15-Oct-10	TSS	mg/L	20	45	Daily Max	1	890140
13	16-Oct-10	BOD	mg/L	15	35	Weekly Ave	1	890126
14	16-Oct-10	TSS	mg/L	15	45	Weekly Ave	1	890159
15	22-Oct-10	TSS	mg/L	20	26	Daily Max	4	890141
16	23-Oct-10	BOD	mg/L	15	21	Weekly Ave	1	890127
17	23-Oct-10	TSS	mg/L	15	26	Weekly Ave	1	890160
18	27-Oct-10	pH	SU	8.5	8.6	Instant Max	4	890135
19	27-Oct-10	Coliform	MPN/100 mL	240	1600	Instant Max	4	890133
20	29-Oct-10	Ammonia	mg/L	1.5	5.2	Daily Max	1	890112
21	29-Oct-10	TSS	mg/L	20	43	Daily Max	1	890142
22	29-Oct-10	Ammonia	lbs/day	2.5	6.2	Daily Max	1	890119
23	29-Oct-10	TSS	lbs/day	33	51	Daily Max	1	890143
24	30-Oct-10	BOD	mg/L	15	20	Weekly Ave	4	890129
25	30-Oct-10	TSS	mg/L	15	43	Weekly Ave	1	890161
26	30-Oct-10	TSS	lbs/day	25	32	Weekly Ave	4	890162
27	31-Oct-10	Ammonia	mg/L	0.6	1.7	Monthly Ave	1	890120
28	31-Oct-10	BOD	mg/L	10	25	Monthly Ave	1	890123
29	31-Oct-10	TSS	mg/L	10	40	Monthly Ave	1	890145
30	31-Oct-10	TSS	lbs/day	17	18	Monthly Ave	4	890146
31	3-Nov-10	pH	SU	8.5	9	Instant Max	4	890176
32	5-Nov-10	TSS	mg/L	20	23	Daily Max	4	890184
33	5-Nov-10	pH	SU	8.5	9.1	Instant Max	4	890177
34	6-Nov-10	BOD	mg/L	15	16	Weekly Ave	4	890165
35	6-Nov-10	TSS	mg/L	15	23	Weekly Ave	1	890188
36	10-Nov-10	pH	SU	8.5	9	Instant Max	4	890178
37	12-Nov-10	Coliform	MPN/100 mL	23	80	>1x/30d	4	890169
38	12-Nov-10	pH	SU	8.5	9	Instant Max	4	890180
39	13-Nov-10	BOD	mg/L	15	16	Weekly Ave	4	890166
40	13-Nov-10	TSS	mg/L	15	16	Weekly Ave	4	890189



ATTACHMENT A  
TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0581  
MANDATORY PENALTY  
MAXWELL PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
41	17-Nov-10	Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	890171
42	17-Nov-10	pH	SU	8.5	8.7	Instant Max	4	890182
43	18-Nov-10	pH	SU	8.5	8.7	Instant Max	4	890183
44	19-Nov-10	Coliform	MPN/100 mL	2.2	9	7-Day Mdn	4	890172
45	19-Nov-10	BOD	mg/L	20	24	Daily Max	4	890163
46	19-Nov-10	TSS	mg/L	20	25	Daily Max	4	890185
47	20-Nov-10	BOD	mg/L	15	24	Weekly Ave	1	890167
48	20-Nov-10	TSS	mg/L	15	25	Weekly Ave	1	890190
49	22-Nov-10	Coliform	MPN/100 mL	23	30	>1x/30d	4	890170
50	22-Nov-10	Coliform	MPN/100 mL	2.2	8.5	7-Day Mdn	4	890173
51	22-Nov-10	TSS	mg/L	20	28	Daily Max	1	890186
52	24-Nov-10	Coliform	MPN/100 mL	2.2	9	7-Day Mdn	4	890174
53	27-Nov-10	BOD	mg/L	15	16	Weekly Ave	4	890168
54	27-Nov-10	TSS	mg/L	15	28	Weekly Ave	1	890191
55	30-Nov-10	BOD	mg/L	10	18	Monthly Ave	1	890164
56	30-Nov-10	TSS	mg/L	10	23	Monthly Ave	1	890187
57	1-Dec-10	Coliform	MPN/100 mL	2.2	9	7-Day Mdn	4	893323
58	3-Dec-10	Coliform	MPN/100 mL	2.2	8	7-Day Mdn	4	893324
59	3-Dec-10	Ammonia	mg/L	1.5	3.44	Daily Max	1	893776
60	3-Dec-10	BOD	mg/L	20	26	Daily Max	4	893767
61	4-Dec-10	BOD	mg/L	15	26	Weekly Ave	1	893768
62	4-Dec-10	TSS	mg/L	15	19	Weekly Ave	4	893791
63	8-Dec-10	Coliform	MPN/100 mL	2.2	3	7-Day Mdn	4	893325
64	8-Dec-10	pH	SU	8.5	8.7	Instant Max	4	893808
65	10-Dec-10	Ammonia	mg/L	1.5	6.73	Daily Max	1	893777
66	10-Dec-10	Ammonia	lbs/day	2.5	4.94	Daily Max	1	893782
67	11-Dec-10	BOD	mg/L	15	17	Weekly Ave	4	893769
68	17-Dec-10	Ammonia	mg/L	1.5	7.33	Daily Max	1	893778
69	17-Dec-10	Ammonia	lbs/day	2.5	7.89	Daily Max	1	893783
70	17-Dec-10	pH	SU	8.5	8.7	Instant Max	4	893811
71	18-Dec-10	BOD	mg/L	15	20	Weekly Ave	4	893770
72	18-Dec-10	TSS	mg/L	15	18	Weekly Ave	4	893793
73	20-Dec-10	Ammonia	mg/L	1.5	6.95	Daily Max	1	893779
74	20-Dec-10	Ammonia	lbs/day	2.5	9.85	Daily Max	1	893784
75	20-Dec-10	TSS	mg/L	20	33	Daily Max	1	893787
76	20-Dec-10	TSS	lbs/day	33	47	Daily Max	1	893800
77	20-Dec-10	pH	SU	8.5	8.6	Instant Max	4	893813
78	22-Dec-10	pH	SU	8.5	8.8	Instant Max	4	893815
79	25-Dec-10	BOD	mg/L	15	18	Weekly Ave	4	893771
80	25-Dec-10	BOD	lbs/day	25	26	Weekly Ave	4	893774
81	25-Dec-10	TSS	mg/L	15	33	Weekly Ave	1	893794
82	25-Dec-10	TSS	lbs/day	25	47	Weekly Ave	1	893804
83	27-Dec-10	Ammonia	mg/L	1.5	7.37	Daily Max	1	893780
84	27-Dec-10	Ammonia	lbs/day	2.5	11.37	Daily Max	1	893785
85	27-Dec-10	TSS	mg/L	20	26	Daily Max	4	893788

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MAXWELL PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
86	27-Dec-10	TSS	lbs/day	33	40	Daily Max	4	893803
87	27-Dec-10	pH	SU	8.5	8.7	Instant Max	4	893816
88	29-Dec-10	Coliform	MPN/100 mL	240	1600	Instant Max	4	893326
89	31-Dec-10	BOD	mg/L	15	16	Weekly Ave	4	893772
90	31-Dec-10	TSS	mg/L	15	26	Weekly Ave	1	893796
91	31-Dec-10	BOD	mg/L	10	19	Monthly Ave	1	893773
92	31-Dec-10	BOD	lbs/day	17	20	Monthly Ave	4	893775
93	31-Dec-10	Ammonia	mg/L	0.6	6.36	Monthly Ave	1	893781
94	31-Dec-10	Ammonia	lbs/day	1	7.16	Monthly Ave	1	893786
95	31-Dec-10	TSS	mg/L	10	22	Monthly Ave	1	893798
97	31-Dec-10	TSS	lbs/day	17	25	Monthly Ave	1	893806
98	5-Jan-11	pH	SU	8.5	9	Instant Max	4	898188
99	7-Jan-11	Ammonia	mg/L	1.5	3.5	Daily Max	1	898190
100	7-Jan-11	Ammonia	lbs/day	2.5	5.6	Daily Max	1	898191
101	7-Jan-11	pH	SU	8.5	9	Instant Max	4	898193
102	12-Jan-11	pH	SU	8.5	8.9	Instant Max	4	898195
103	14-Jan-11	Ammonia	mg/L	1.5	3.3	Daily Max	1	898196
104	14-Jan-11	Ammonia	lbs/day	2.5	4	Daily Max	1	898197
105	14-Jan-11	pH	SU	8.5	8.9	Instant Max	4	898199
106	21-Jan-11	Ammonia	mg/L	1.5	2.2	Daily Max	1	898198
107	21-Jan-11	BOD	mg/L	20	39	Daily Max	1	898200
108	21-Jan-11	BOD	mg/L	15	39	Weekly Ave	1	898201
109	21-Jan-11	pH	SU	8.5	9.2	Instant Max	4	898205
110	21-Jan-11	TSS	mg/L	20	27	Daily Max	4	898206
111	21-Jan-11	TSS	mg/L	15	27	Weekly Ave	1	898208
112	26-Jan-11	pH	SU	8.5	9.2	Instant Max	4	898210
113	28-Jan-11	BOD	mg/L	20	37	Daily Max	1	898211
114	28-Jan-11	BOD	mg/L	15	37	Weekly Ave	1	898212
115	28-Jan-11	pH	SU	8.5	9.3	Instant Max	4	898215
116	28-Jan-11	TSS	mg/L	20	29	Daily Max	1	898217
117	28-Jan-11	TSS	mg/L	15	29	Weekly Ave	1	898219
118	31-Jan-11	Ammonia	mg/L	0.6	2.5	Monthly Ave	1	898221
119	31-Jan-11	Ammonia	lbs/day	1	3.1	Monthly Ave	1	898222
120	31-Jan-11	BOD	mg/L	10	25	Monthly Ave	1	898223
121	31-Jan-11	BOD	lbs/day	17	27	Monthly Ave	1	898224
122	31-Jan-11	TSS	mg/L	10	20	Monthly Ave	1	898225
123	31-Jan-11	TSS	lbs/day	17	21	Monthly Ave	4	898226
124	2-Feb-11	pH	SU	8.5	9.2	Instant Max	4	898227
125	4-Feb-11	BOD	mg/L	20	22	Daily Max	4	898235
126	4-Feb-11	pH	SU	8.5	9.4	Instant Max	4	898228
127	7-Feb-11	BOD	mg/L	15	22	Weekly Ave	1	898236
128	9-Feb-11	pH	SU	8.5	9.2	Instant Max	4	898229
129	10-Feb-11	BOD	mg/L	20	29	Daily Max	1	898237
130	10-Feb-11	pH	SU	8.5	9.5	Instant Max	4	898230
131	10-Feb-11	TSS	mg/L	20	44	Daily Max	1	898238

ATTACHMENT A  
TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0581  
MANDATORY PENALTY  
MAXWELL PUBLIC UTILITY DISTRICT WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
132	14-Feb-11	BOD	mg/L	15	29	Weekly Ave	1	898239
133	14-Feb-11	TSS	mg/L	15	44	Weekly Ave	1	898240
134	16-Feb-11	pH	SU	8.5	9.3	Instant Max	4	898231
135	18-Feb-11	Ammonia	mg/L	1.5	2.8	Daily Max	1	898242
136	18-Feb-11	pH	SU	8.5	9.2	Instant Max	4	898232
137	18-Feb-11	TSS	mg/L	20	21	Daily Max	4	898244
138	21-Feb-11	TSS	mg/L	15	21	Weekly Ave	1	898246
139	23-Feb-11	pH	SU	8.5	9.2	Instant Max	4	898233
140	25-Feb-11	Ammonia	mg/L	1.5	4.4	Daily Max	1	898248
141	25-Feb-11	BOD	mg/L	20	53	Daily Max	1	898250
142	25-Feb-11	pH	SU	8.5	9.2	Instant Max	4	898234
143	25-Feb-11	TSS	mg/L	20	31	Daily Max	1	898253
144	28-Feb-11	Ammonia	mg/L	0.6	2.1	Monthly Ave	1	898257
145	28-Feb-11	BOD	mg/L	15	53	Weekly Ave	1	898260
146	28-Feb-11	BOD	mg/L	10	29	Monthly Ave	1	898264
147	28-Feb-11	TSS	mg/L	15	31	Weekly Ave	1	898267
148	28-Feb-11	TSS	mg/L	10	28	Monthly Ave	1	898269

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties.
4. Non-serious violation subject to mandatory minimum penalties.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>2/28/11</u></b>
Group I Serious Violations:	78
Group II Serious Violations:	0
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	69
<b><u>Total Violations Subject to MMPs:</u></b>	<b><u>147</u></b>

**Mandatory Minimum Penalty = (78 serious Violation + 69 Non-Serious Violations) x \$3,000 = \$441,000**

\* Supporting Violations addressed in ACL Order R5-2011-0518