

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2013-0580

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF WILLIAMS  
WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

This Order is issued to the City of Williams (Discharger) pursuant to Water Code 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 R5-2008-0185-01 (NPDES No. CA0077933).

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 the City of Williams Wastewater Treatment Plant, which provides sewerage service to the community of Williams in Colusa County. Treated municipal wastewater is discharged to Salt Creek, a water of the United States.
2. On 5 December 2008, effective 5 December 2008, the Central Valley Water Board issued WDRs Order R5-2008-0185 which contained new requirements and rescinded Order R5-01-049, except for enforcement purposes. On 13 August 2009, the Board issued Amended Order R5-2008-0185-01.
3. On 22 June 2012, the Executive Officer issued Administrative Civil Liability (ACL) Order R5-2012-0548, assessing \$222,000 for mandatory minimum penalties (MMPs) for effluent violations occurring between 1 March 2011 and 31 March 2012. The violations are specifically listed in Attachment A to the ACL Order. The Order allowed the entire \$222,000 to be applied towards construction of a new \$23 million wastewater treatment plant (compliance project #1) and \$44,000 towards a second project (compliance project #2) to improve process controls addressing effluent violations that occurred after the new wastewater treatment plant was brought online. The Discharger completed the compliance projects and the Board considers those effluent violations specifically listed in Attachment A to ACL Order R5-2012-0548 to be resolved.
4. This Order addresses administrative civil liability for effluent violations that occurred between 1 April 2012 and 30 April 2013. On 1 July 2013, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations (ROV) for effluent limitation violations occurring between 1 April 2012 and 30 April 2013. On 22 July 2013, the Discharger responded to the ROV and requested that the MMPs be applied towards to a compliance project, as allowed by Water Code section 13385(k).

5. Water Code sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code 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.

Water Code 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.

Water Code 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.”

6. WDRs Order R5-2008-0185-01 Final Effluent Limitations—Discharge Point 001 A.1.a. includes, in part, the following effluent limitation:

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

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Aluminum, Total Recoverable	µg/L	374	--	750	--	--

7. According to the Discharger’s self-monitoring reports, the Discharger committed one (1) non-serious violation of the above effluent limitations contained in WDRs Order R5-2008-0185-01 during the period beginning 1 April 2012 and ending 30 April 2013. This non-serious violation is subject to mandatory penalties under Water Code section 13385

(i)(1) because the violation was preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for this non-serious violation is **three thousand dollars (\$3,000)**.

8. The total amount of the mandatory penalties assessed for the cited effluent violation is **three thousand dollars (\$3,000)**. A detailed list of the cited effluent violation is included in Attachment A. This Order addresses administrative civil liability for violations that are specifically listed in Attachment A.

9. Water Code 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.

10. The 2009 State Water Resources Control Board's *Water Quality Enforcement Policy* delegates to the Regional Boards the authority to determine whether a publicly owned treatment works serves a small community with financial hardship. On 28 June 2013, the Central Valley Water Board determined that the Williams Wastewater Treatment Plant's service area meets the definition of a small community with a financial hardship.

#### Compliance Project - Tertiary Filter Repairs and Training

11. In the 22 July 2013 ROV response, the Discharger stated that the 31 May 2012 aluminum violation was the result of high dosages of an aluminum based coagulant being used in an attempt to reduce turbidity levels.

12. On 22 July 2013 the Discharger submitted documentation showing that it spent approximately \$4,200 making repairs to the tertiary filter system and providing onsite training to staff to optimize filter operations. The onsite training included: trouble shooting,

inspection procedures, and guidance on replacing seals and adjusting the set points on the sludge pumps. The Discharger submitted documentation showing that the repairs and training were completed in June 2012 and payment was approved on 2 July 2012. The repairs and training will eliminate the need to use an aluminum based coagulant at high dosages to reduce turbidity and should therefore prevent future aluminum violations.

### Additional Findings

13. The Central Valley Water Board finds that the Discharger's tertiary filter compliance project qualifies under Water Code section 13385(k) as a compliance project, as the cost of the project is greater than the penalty that is credited, the project was designed to correct the violations that led to the issuance of this ACL Order, and the underlying violation occurred prior to the initiation of the project implementation. The project is in accordance with the Water Quality Enforcement Policy of the State Water Board.
14. This Order allows a total of \$3,000 in mandatory minimum penalties to be credited toward the tertiary filter compliance project in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the mandatory minimum penalties that occurred between 1 April 2012 and 30 April 2013. The Discharger has spent an amount in excess of the mandatory minimum penalty that is required to be assessed by Water Code sections 13385(h) and (i).
15. 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 C.F.R. § 123.27) has expired. No comments were received.
16. 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). 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.
17. Issuance of this Administrative Civil Liability Order to enforce Water Code 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).

### **THE CITY OF WILLIAMS IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **three thousand dollars (\$3,000)**.

2. In accordance with Water Code section 13385(k), the \$3,000 penalty for the aluminum violation included in Attachment A to this Order has been satisfied through the completion of the compliance project described in Finding 12.
3. 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 Water Code 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, 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*

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KENNETH D. LANDAU, Assistant Executive Officer

13 September 2013

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DATE

Attachment A: Record of Violations

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2013-0580**

**City of Williams  
Wastewater Treatment Plant**

DRAFT RECORD OF VIOLATIONS (1 April 2012 - 30 April 2013) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2008-0185-01)

	<u>Date</u>	<u>Violation</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
*	12/5/2011	Total Coliform	MPN/100mL	2.2	8	7-day Median	4	918888
*	12/12/2011	Total Coliform	MPN/100mL	2.2	4	7-day Median	4	918889
*	12/13/2011	Total Coliform	MPN/100mL	2.2	4	7-day Median	4	918890
1	5/31/2012	Aluminum	µg/L	374	420	Monthly Average	4	930465

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.

<u>VIOLATIONS AS OF:</u>	<u>4/30/2013</u>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Violations Not Subject to MMPs:	0
<u>Non-serious Violations Subject to MMPs:</u>	<u>1</u>
<b>Total Violations Subject to MMPs:</b>	<b>1</b>

**Mandatory Minimum Penalty = (1 Non-Serious Violation) x \$3,000 = \$3,000**

\* Supporting Violations addressed in ACL Order R5-2012-0548