

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ACL COMPLAINT NO. R5-2004-0513

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF

WEIMAR INSTITUTE, INC.
WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Administrative Civil Liability Complaint (hereafter Complaint) is issued to Weimar Institute, Inc. (hereafter known as “Discharger”) based on a finding of failure to submit technical reports pursuant to California Water Code (CWC) Section 13267 and based on provisions of CWC Section 13267(b)(1) and Sections 13268(a) and (b), which authorize the imposition of an Administrative Civil Liability.

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) finds, with respect to the Discharger's acts, or failure to act, the following:

1. Weimar Institute, Inc. owns and operates a wastewater treatment and disposal facility at 20601 Paoli Lane in Weimar. The facility and associated disposal fields are in Section 28, T14N, R9E, MDB&M.
2. The wastewater treatment and disposal facility covers approximately ten acres and includes an Imhoff Tank, trickling filter, three oxidation ponds, and subsurface disposal using approximately 3,450 feet of leach lines.
3. Waste Discharge Requirements (WDRs) Order No. 95-179, adopted by the Regional Board on 23 June 1995, regulate the storage and disposal of process wastewater at the facility.

HISTORY OF VIOLATIONS

4. On 13 June 2002, staff performed an inspection of the facility and was informed by the Discharger that wastewater had surfaced within the leachfield area and was probably the result of a leachline failure.
5. On 26 July 2002, staff issued a Notice of Violation (NOV) for the non-submittal of the February 2001 through July 2002 monthly self monitoring reports required by the WDRs. In addition, the NOV required that the Discharger submit a technical report providing an explanation of the failed leachline and describing actions taken to correct the leachline failure.
6. On 9 September 2002, staff received the July and August 2002 monthly self-monitoring reports, and an explanation that the other missing monitoring reports were never submitted to the Regional Board. In addition, the Discharger indicated that the leachline had been capped off so it would not receive any wastewater.
7. On 26 March 2003, the Executive Officer issued a California Water Code (CWC) 13267 Order requiring that the Discharger submit a technical report that addressed (a) the reason for

decommissioning the leachline, (b) the hydraulic loading to the leachline system, (c) an evaluation of the depth to groundwater, (d) a water balance for the entire treatment, storage, and disposal system, (e) measures taken to prevent future leachline failures, (f) operation and maintenance procedures, and (g) an evaluation of the wastewater treatment system. This report was due by 15 June 2003.

8. On 2 June 2003, Weimar Institute submitted a letter requesting an extension for the submittal of the technical report to a time when its financial situation was more favorable.
9. During a site inspection conducted on 15 July 2003, staff observed abundant vegetation on the surface of the ponds, and the Discharger indicated that the sludge in pond No. 1 had been removed and buried on-site. In addition, staff's review of the flow rate record for the month of December 2002 found that the average influent flow was 51,741 gallons per day (gpd), which greatly exceeded the average flow of 12,800 gpd as stated in the WDRs.
10. On 30 July 2003, staff issued a NOV to the Discharger for violating (a) Sludge Disposal Specification No. C.1 due to the burial of sludge on-site and (b) Discharge Specification No. B.5 for the abundant vegetation observed on the surface of the ponds. In addition, the NOV was issued for the non-submittal as of March 2003. The NOV required the Discharger to provide an explanation of the missing monitoring reports, submit future monitoring reports in compliance with the WDRs, submit a Sludge Management Plan, and submit a report that documenting the removal of vegetation within the ponds.
11. Due to the material change in the volume of wastewater generated at the facility, on 30 July 2003, staff requested that the Discharger submit a Report of Waste Discharge (RWD). The RWD was to include a technical report prepared by a California Registered Engineer was to be submitted by 1 October 2003.
12. On 10 September 2003, the Discharger submitted a Sludge Management Plan describing how sludge will be removed from ponds, dried, and transported to a landfill for appropriate disposal. In addition, the Discharger submitted the missing monthly self-monitoring reports for the months of March 2003 to August 2003.
13. On 3 October 2003, the Discharger submitted a request for extension for the technical report required by the 26 March 2003 CWC 13267 Order. The technical report was due by 15 June 2003; the Discharger requested an extension to 15 January 2004. The report was subsequently received on 15 December 2003, and verified that the facility's flows are well in excess of those permitted by the WDRs.
14. On 16 December 2003, the Discharger notified staff that it had discovered a wastewater spill the prior day. The spill was estimated at approximately 65,000 gallons of raw sewage, and was the result of a blockage in the sewer pipeline downstream of an unknown hole in the pipe. The Discharger indicated that an unknown portion of wastewater entered Coyote Creek.

15. During a site inspection conducted on 18 December 2003, staff noted that the pipeline had been repaired. The Discharger had undertaken some efforts to clean up the wastewater spill; however, due to equipment problems, the cleanup had not yet been completed. Staff's evaluation found that significantly more than 65,000 gallons may have been lost, as the Discharger only inspects its treatment plant once per week. Staff discussed with the Discharger the need to inspect on a more frequent basis or to install remote sensors. Finally, the Discharger indicated that it had not yet signed a contract with an engineering firm to complete the RWD.
16. On 22 December 2003, the Executive Officer issued a CWC 13267 Order requiring that the RWD be submitted by 31 January 2004.
17. On 28 January 2004, staff issued a NOV for the raw sewage spill and required the Discharger to implement its spill remediation, namely to conduct daily inspections of the sewer system. The NOV also reminded the Discharger that the RWD was to be submitted by 31 January 2004.
18. The October 2002 through January 2004 monthly self-monitoring reports show that the Discharger has exceeded the average flow rate of 12,800 gpd as described in the WDRs. The December 2003 engineer's report states that flows range from 16,600 gpd in the dry season to 34,800 gpd in the wet season.
19. The Discharger has failed to submit the RWD as required by the 22 December 2003 CWC 13267 Order. This RWD is necessary due to the leachfield violations observed during the July 2003 site inspection, the December 2003 sewage spill, and the increase in influent wastewater flows. In addition, the RWD should evaluate whether improvements to the wastewater collection system are necessary to prevent future spills.

REGULATORY CONSIDERATIONS

20. By the acts and omissions cited above, the Discharger has violated Provisions of Section 13267 (b)(1) of the California Water Code, 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...."
21. Water Code Section 13268 (a) 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)."
22. Water Code 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."

23. Water Code Section 13327 states: "In determining the amount of civil liability, the regional board ... shall take into consideration the nature, circumstance, 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 violation, and other matters as justice may require."
24. Water Code Section 13268(b)(1) authorizes Administrative Civil Liability not exceeding one thousand dollars (\$1,000) for each day of failure to submit technical reports as required by subdivision (b) of Section 13267. The Discharger has failed to submit the RWD that was due on 31 January 2004.
25. Based on the 28 January 2004 CWC 13267 letter, as of 6 April 2004 the RWD is 66 days late.
26. The maximum liability for this nonsubmittal of the RWD is sixty six thousand dollars (\$66,000). No minimum liability is required to be imposed under Section 13268(b)(1).
27. 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.

WEIMAR INSTITUTE, INC. IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed Administrative Civil Liability in the amount of fifteen thousand dollars (\$15,000). The amount of the liability proposed is based upon a review of the factors set forth in Water Code Section 13327 cited in Finding No. 23 above, and includes consideration of the economic benefit or savings resulting from the violations.
2. A hearing shall be held on **3/4 June 2004** unless the Discharger agrees to waive the hearing and pay the imposed civil liability in full.
3. If a hearing is held, the Regional 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 hearing, please sign the enclosed waiver and return it with the full amount of civil liability (in a check made payable to the *State Water Resources Control Board*), to the Regional Board's office at 11020 Sun Center Drive, Rancho Cordova, Sacramento, CA 95670, by **4 May 2004**.

THOMAS R. PINKOS, Executive Officer

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT ORDER NO. R5-2004-0513
WEIMAR INSTITUTE, INC.
WASTEWATER TREATMENT PLANT
PLACER COUNTY

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(Date)

**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 Weimar Institute (hereinafter “Discharger”) in connection with Administrative Civil Liability Complaint No. R5-2004-0513 (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. Without admitting liability for the matters alleged in the Complaint, I otherwise agree to remit payment for the civil liability imposed in the amount of fifteen thousand dollars (\$15,000) by check, which contains a reference to “ACL Complaint No. R5-2004-0513” 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 the Executive Officer has complete discretion to modify or terminate this settlement during the 30-day public comment period, which began on the date of the Complaint.
7. 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.

(Name)

(Title)

(Date)