

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0510

MANDATORY PENALTY
IN THE MATTER OF
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Complaint is issued to Placer County Sewer Maintenance District No. 3 (hereafter Discharger) pursuant to California Water Code (CWC) Section 13385, which authorizes the imposition of Administrative Civil Liability, CWC Section 13323, which authorizes the Executive Officer to issue this complaint, and CWC Section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. 5-00-118 (NPDES No. CA0079367).

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

1. The Discharger owns and operates a Wastewater Treatment Plant (WWTP) which provides sewerage service to the Granite Bay area in Placer County. Treated domestic, commercial, and industrial wastewater is discharged to Miners Ravine, a water of the United States.
2. On 16 June 2000, the Regional Water Board adopted WDRs Order No. 5-00-118 to regulate discharges of waste from the WWTP. The WDRs include effluent limitations and other requirements regarding the waste discharge.
3. CWC Section 13385(h) and (i) require assessment of mandatory 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.*

4. 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.

5. WDRs Order No. 5-00-118 Effluent Limitations No. B.1 includes, in part, the following effluent limitations:

<i>Constituent</i>	<i>Units</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>7-day Median</i>	<i>Daily Maximum</i>
<i>Total Coliform</i>	<i>MPN/100ml</i>	—	—	2.2	23
<i>Turbidity⁶</i>	<i>NTU</i>	2	—	—	5
<i>Nitrates (NO3)</i>	<i>mg/l</i>	45	—	—	—
<i>Chlorine Residual</i>	<i>mg/l</i>	—	0.01	—	0.02

⁶*When high flows provide a minimum 20-to-1 dilution ratio, receiving stream to effluent, the filters will be used to the maximum extent possible and the effluent turbidity limit does not apply. The receiving water turbidity limitation remains intact.*

6. WDRs Order No. 5-00-118 Effluent Limitations No. B.4 includes the following effluent limitation: *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*

7. According to the Discharger’s self-monitoring reports, the Discharger committed twenty (20) serious violations of the above effluent limitations contained in WDRs Order No. 5-00-118 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because the discharge violated the effluent limitations contained in the applicable waste discharge requirements for Group I pollutants by 40 percent or more on these occasions. The mandatory minimum penalty for these Group I serious violations is **sixty thousand dollars (\$60,000)**.

8. According to the Discharger’s self-monitoring reports, the Discharger committed seven (7) serious violations of the above effluent limitations contained in WDRs Order No. 5-00-118 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because the discharge violated the effluent

limitations contained in the applicable waste discharge requirements for Group II pollutants by 20 percent or more on these occasions. The mandatory minimum penalty for these Group II serious violations is **twenty-one thousand dollars (\$21,000)**.

9. According to the Discharger's self-monitoring reports, the Discharger committed thirty (30) non-serious violations of the above effluent limitations contained in WDRs Order No. 5-00-118 during the period beginning 1 January 2000 and ending 31 December 2007. Twenty-four (24) of 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 these non-serious violations is **seventy-two thousand dollars (\$72,000)**.
10. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred fifty-three thousand dollars (\$153,000)**. A detailed list of all the effluent violations is included in Attachment A, which is made a part of this Order.
11. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et. seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3 IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an administrative civil liability in the amount of **one hundred fifty-three thousand dollars (\$153,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **12/13 June 2008**, unless the Discharger agrees to complete the following by **17 April 2008**:
 - a) Waive the hearing by completing the attached form and returning it to the Regional Water Board; and
 - b) Pay the proposed civil liability of **one hundred fifty-three thousand dollars (\$153,000)** in full.

3. If a hearing on this matter is held, then 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.

JACK E DEL CONTE, Assistant Executive Officer

18 March 2008

Attachment A: Record of Violations

SMJ: 18 March 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 Placer County Sewer Maintenance District No. 3 (hereafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0510 (hereinafter the "Complaint");
2. I am informed of the right provided by California Water Code Section 13323, subdivision (b), to a hearing within ninety (90) days of service 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 service of the Complaint; and
4. I certify that the Discharger will remit payment for the civil liability imposed in the amount of one hundred fifty-three thousand dollars (\$153,000) by check, which contains a reference to "ACL Complaint No. R5-2008-0510" and is made payable to the "*State Water Pollution Cleanup and Abatement Account.*"
5. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulation (40 CFR 123.27) expires. Should the Regional Water Board receive new information during this comment period, the Regional Water Board may withdraw the complaint, return payment, and issue a new complaint.
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.

(Print Name and Title)

(Signature)

(Date)

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0510

Placer County Sewer Maintenance District No. 3
Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2000– 31 December 2007) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program No. 5-00-118)

#	Date	Violation Type	Units	Limit	Measured	Period Type	Remarks
1	22-Aug-2000	Total Coliform	MPN/100ml	23	80	Daily Maximum	3
2	28-Feb-2001	Total Coliform	MPN/100ml	23	240	Daily Maximum	3
3	21-Jul-2001	pH	pH units	6.5	6.1	Instantaneous	3
4	26-Jan-2002	Chlorine Residual	mg/l	0.02	0.9	Daily Maximum	2
5	05-Jul-2003	Total Coliform	MPN/100ml	2.2	4	7-day Median	3
6	05-Aug-2003	Total Coliform	MPN/100ml	23	130	Daily Maximum	3
7	09-Aug-2003	Total Coliform	MPN/100ml	2.2	13	7-day Median	4
8	10-Aug-2003	Chlorine Residual	mg/l	0.02	0.03	Daily Maximum	2
9	13-Sep-2003	Chlorine Residual	mg/l	0.02	0.04	Daily Maximum	2
10	06-Oct-2003	Chlorine Residual	mg/l	0.02	2	Daily Maximum	2
11	04-Nov-2003	Chlorine Residual	mg/l	0.02	0.5	Daily Maximum	2
12	10-Nov-2003	Turbidity	NTU	5	6	Daily Maximum	4
13	11-Nov-2003	Turbidity	NTU	5	6	Daily Maximum	4
14	13-Nov-2003	Turbidity	NTU	5	7	Daily Maximum	1
15	30-Nov-2003	Turbidity	NTU	2	4	Monthly Average	4
16	31-Jan-2004	Nitrates (NO3)	mg/l	45	73	Monthly Average	1
17	29-Feb-2004	Nitrates (NO3)	mg/l	45	71	Monthly Average	1
18	31-Mar-2004	Nitrates (NO3)	mg/l	45	49	Monthly Average	4
19	30-Apr-2004	Nitrates (NO3)	mg/l	45	73	Monthly Average	1
20	31-May-2004	Nitrates (NO3)	mg/l	45	64	Monthly Average	1
21	15-Jun-2004	Turbidity	mg/l	5	6	Instantaneous	4
22	30-Jun-2004	Nitrates (NO3)	mg/l	45	89	Monthly Average	1
23	31-Jul-2004	Nitrates (NO3)	mg/l	45	96	Monthly Average	1
24	23-Aug-2004	Total Coliform	MPN/100ml	23	240	Daily Maximum	4
25	24-Aug-2004	Total Coliform	MPN/100ml	23	80	Daily Maximum	4
26	28-Aug-2004	Total Coliform	MPN/100ml	2.2	80	7-day Median	4
27	31-Aug-2004	Nitrates (NO3)	mg/l	45	74	Monthly Average	1
28	30-Sep-2004	Nitrates (NO3)	mg/l	45	71	Monthly Average	1
29	31-Oct-2004	Nitrates (NO3)	mg/l	45	68	Monthly Average	1
30	04-Nov-2004	Chlorine Residual	mg/l	0.02	0.9	Daily Maximum	2
31	30-Nov-2004	Nitrates (NO3)	mg/l	45	76	Monthly Average	1
32	31-Dec-2004	Nitrates (NO3)	mg/l	45	76	Monthly Average	1
33	31-Jan-2005	Nitrates (NO3)	mg/l	45	51	Monthly Average	4
34	28-Feb-2005	Nitrates (NO3)	mg/l	45	53	Monthly Average	4
35	31-Mar-2005	Nitrates (NO3)	mg/l	45	47	Monthly Average	4
36	30-Apr-2005	Nitrates (NO3)	mg/l	45	54	Monthly Average	4
37	31-May-2005	Nitrates (NO3)	mg/l	45	67	Monthly Average	1
38	30-Jun-2005	Nitrates (NO3)	mg/l	45	57	Monthly Average	4
39	31-Jul-2005	Nitrates (NO3)	mg/l	45	51	Monthly Average	4
40	31-Aug-2005	Nitrates (NO3)	mg/l	45	66	Monthly Average	1
41	30-Sep-2005	Nitrates (NO3)	mg/l	45	55	Monthly Average	4
42	31-Oct-2005	Nitrates (NO3)	mg/l	45	59	Monthly Average	4
43	30-Nov-2005	Nitrates (NO3)	mg/l	45	69	Monthly Average	1
44	31-Dec-2005	Nitrates (NO3)	mg/l	45	66	Monthly Average	1
45	28-Feb-2006	Nitrates (NO3)	mg/l	45	48	Monthly Average	4
46	31-Mar-2006	Nitrates (NO3)	mg/l	45	47	Monthly Average	4
47	30-Sep-2006	Nitrates (NO3)	mg/l	45	50	Monthly Average	3
48	31-Oct-2006	Nitrates (NO3)	mg/l	45	73	Monthly Average	1
49	30-Nov-2006	Nitrates (NO3)	mg/l	45	72	Monthly Average	1
50	31-Dec-2006	Nitrates (NO3)	mg/l	45	70	Monthly Average	1
51	30-Jan-2007	Nitrates (NO3)	mg/l	45	53	Monthly Average	4
52	28-Feb-2007	Nitrates (NO3)	mg/l	45	59	Monthly Average	4

#	Date	Violation Type	Units	Limit	Measured	Period Type	Remarks
53	15-Feb-2007	Chlorine Residual	mg/l	0.02	0.11	Daily Maximum	2
54	30-Mar-2007	Nitrates (NO3)	mg/l	45	49	Monthly Average	4
55	30-Apr-2007	Nitrates (NO3)	mg/l	45	74	Monthly Average	1
56	25-Jul-2007	Coliform	MPN/100ml	23	30	Daily Maximum	4
57	31-Jul-2007	Nitrates (NO3)	mg/l	45	46	Monthly Average	4

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 violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

VIOLATIONS AS OF: 31 December 2007

Group I Serious Violations:	20
Group II Serious Violations:	7
Non-Serious Exempt from MPs:	6
Non-serious Violations Subject to MPs:	24
<u>Total Violations Subject to MPs:</u>	<u>51</u>

Mandatory Minimum Penalty = (27 Serious Violations + 24 Non-Serious Violations) × \$3,000 = \$153,000