

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2009-0503

MANDATORY PENALTY  
IN THE MATTER OF

CHESTER PUBLIC UTILITY DISTRICT  
WASTEWATER TREATMENT PLANT  
PLUMAS COUNTY

This Order is issued to the Chester Public Utility District (hereafter 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 R5-2004-0050 (NPDES No. CA0077747).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the town of Chester. Treated municipal wastewater may be discharged to Lake Almanor, a water of the United States, from 1 October to 30 May. Outside this time frame, wastewater may be discharged to constructed wetlands
2. On 23 April 2004, the Central Valley Water Board issued Waste Discharge Requirements Order R5-2004-0050 (NPDES No. CA0077747), to the City of Chester, to regulate the discharge of treated municipal wastewater.
3. CWC section 13385(h) requires assessment of mandatory penalties and states, 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.

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. Order R5-2004-0050 includes the following effluent limitations:

**B. Effluent Limitations (Surface Water)**

1. Effluent discharged to surface waters (Discharge 001) shall not exceed the following:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>4-day Average</u>	<u>Daily Maximum</u>
BOD <sup>1</sup>	mg/L	30 <sup>2</sup>	45 <sup>2</sup>	--	--	90 <sup>2</sup>
	lbs/day <sup>3</sup>	188	282	--	--	563
Total Suspended Solids	mg/L	30 <sup>2</sup>	45 <sup>2</sup>	--	--	90 <sup>2</sup>
	lbs/day <sup>3</sup>	188	282	--	--	563
Total Residual Chlorine	mg/L	--	--	--		0.1 <sup>4</sup>
Total Residual Chlorine	mg/L	--	--	--	0.01 <sup>5</sup>	0.02 <sup>4</sup>
Copper (total recoverable) <sup>6</sup>	µg/L	Must calculate <sup>7,8</sup>	--	--	--	Must calculate <sup>7,8</sup>
	lbs/day <sup>3</sup>					
Total Coliform Organisms	MPN/100 mL	--	--	23	--	500

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1. 5-day, 20°C biochemical oxygen demand.  
 2. To be determined by a 24-hour composite.  
 3. Based on a design treatment capacity of 0.75 mgd.  
 4. The Discharger shall comply with a total chlorine residual of 0.1mg/L daily maximum until 1 October 2005. After 1 October 2005, the Discharger shall comply with a daily maximum of 0.02 mg/L for discreet samples analyzed in the laboratory or a 1-hour average of 0.02 mg/L from a continuous monitoring system.  
 5. After 1 October 2005, the Discharger shall comply with a total chlorine residual 4-day average of 0.01 mg/L.  
 6. These limitations shall take effect on 1 January 2005 unless the Discharger submits a compliance schedule pursuant to Provision H.6.  
 7. Calculate limitation based on Attachment B  
 8. Mass limitations based on design treatment capacity of 0.75 mgd and limitations calculated in Attachment B.

6. According to the Discharger's self-monitoring reports, the Discharger committed one serious violation of the effluent limitations contained in Order R5-2004-0050. On 22 April 2006, effluent chlorine was measured at 0.6 mg/L. Chlorine is a Group II pollutant. This violation is defined as serious because the measured concentration of this Group II constituent exceeded the maximum prescribed level by more than 20 percent on this occasion. The mandatory minimum penalty for this serious violation is **three thousand dollars (\$3,000)**.

7. 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.

8. Staff at the State Water Resources Control Board has determined that the Chester Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2). The 19 February 2002 Water Quality Enforcement Policy lists Plumas County as a rural county with financial hardship. Chester is on the State Water Board's previous list of small communities with a financial hardship.
9. The Discharger is in the process of spending an estimated \$3,000 or more on a compliance project with the purchase and installation of a new Chlorine residual monitor alarm system, which would be incorporated into their SCADA system at the Chester Wastewater Treatment Plant. On 16 December 2008, the Chester Public Utility District General manager submitted a project proposal and project costs. This project proposal is incorporated into this Order by reference. When the compliance project is completed, the Discharger will have expended in excess of the mandatory minimum penalty that is required by CWC sections 13385(h) and (i).
10. 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 one year, that the project is in accordance with the enforcement policy of the State Water Board, and that the Discharger has appropriate financing to complete the project.
11. 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).

12. On 15 March 2007, the Central Valley Water Board explicitly delegated to the Executive Officer the authority to issue orders to assess administrative civil liability where the matter is not contested by the discharger. (Resolution R5-2007-0009).
13. This tentative Order is set to become final on or after **16 March 2009**, provided that significant comments raising issues that would cause the Central Valley Water Board to reconsider this action are not received in the public comment period.
14. 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 of 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 (which includes 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.

**IT IS HEREBY ORDERED**, pursuant to CWC section 13385, that:

1. The Chester Public Utility District, its agents, successors and assigns, shall be assessed an Administrative Civil Liability in the amount of **three thousand dollars (\$3,000)**.
2. The entire \$3,000 penalty shall be suspended if the discharger complies with the following time schedule to complete the compliance project:

<u>Task</u>	<u>Compliance Date</u>
Achieve full compliance with effluent limitations for discharges to surface waters	1 June 2009
Submit documentation of Compliance Project costs	1 June 2009

3. The Executive Officer may extend the abovementioned deadlines 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. Under no circumstances may the completion of the Compliance Project extend past one (1) year from the issuance of this Order

4. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project proposed by the District manager on 16 December 2008. Failure to obtain approval for any significant departures will result in the assessment of the full amount of the suspended mandatory minimum penalty.
5. If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance project in accordance with the specified time schedule or fails to construct the compliance project in accordance with the project proposal without obtaining Central Valley Water Board approval, the suspended mandatory minimum penalty **(\$3,000)** must be paid within 30 days of notification by the Executive Officer of such failure.
6. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, in a newspaper of general circulation in the community, and was provided to all interested parties on 11 February 2009. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.

(original signed by)

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PAMELA C. CREEDON, Executive Officer

18 March 2009

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(Date)

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