

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

(PROPOSED) ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2015-0029
IN THE MATTER OF
PETER M. ORMOND
DATE GARDENS MOBILE HOME PARK, WWTP
El Centro – Imperial County

This Order to assess administrative civil liability (ACL) pursuant to California Water Code (Water Code) section 13385 is issued to Peter M. Ormond (hereinafter “Discharger”) based on a finding of violations of Waste Discharge Requirements (WDRs) Order Nos. R7-2003-0054 and R7-2008-0010, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0104841.

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. The Discharger owns and operates the Date Gardens Mobile Home Park (MHP) Wastewater Treatment Plant (hereinafter “Facility”) located at 1020 West Even Hewes Highway, El Centro in Imperial County. The treatment system consists of two activated sludge treatment plants operated in parallel. One of the package plants has a design capacity of 0.005 MGD (“Unit 1”) and the other plant has a design capacity of 0.015 MGD (“Unit 2”). Wastewater exits the activated sludge treatment basin(s) through a pipe into a circular clarifier. Clarifier effluent, e.g. overflow, is then directed through two dual media filters, and then through an ultraviolet (UV) disinfection system prior to being directed through a final effluent channel and weir box. Wastewater is discharged from Discharge Point 001 to Rice Drain No. 3, an Imperial Valley Drain, a water of the United States. Rice Drain No. 3 flows for a distance of approximately 7 miles before entering the New River at a point approximately 30 miles to the Salton Sea.
2. The Colorado River Basin Water Board adopted WDRs Order R7-2003-0054 on May 7, 2003. The purpose of this order is to regulate discharges of wastewater from the Facility. This order includes effluent limitations, receiving water limitations, specifications, and provisions necessary to protect the beneficial uses of surface and ground waters within the Colorado River Basin Region.
3. The Colorado River Basin Water Board rescinded WDRs Order R7-2003-0054 and adopted WDRs Order R7-2008-0010 on June 25, 2008. The purpose of this order is to regulate discharges of wastewater from the Facility. This order includes effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of surface and ground waters within the Colorado River Basin Region.
4. Water Code section 13376 prohibits the discharge of pollutants in violation of effluent limitations set forth in waste discharge requirements.
5. Water Code section 13385, subdivision (h)(1) requires the Colorado River Basin Water Board to assess a MMP of three thousand dollars (\$3,000) for each serious violation.
6. Water Code section 13385, subdivision (h)(2) defines a “serious violation” as “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.”

7. The removal efficiency requirement for total suspended solids is expressed as a minimum effluent limitation, in terms of percent solids removal (i.e., 85 percent removal). To facilitate the determination of whether violations of this limitation are “serious” pursuant to California Water Code section 13385, subdivision (h)(2), the limitation is converted to its equivalent maximum limit, in terms of percent solids remaining (i.e., 15 percent remaining), as shown and noted in Exhibit “A”.
8. For the purposes of Water Code section 13385, subdivision (h), Water Code section 13385.1, subdivision (a) further defines a “serious violation” to include “a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.”
9. Water Code section 13385, subdivision (i)(1) also requires the Colorado River Basin Water Board to assess a MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a period of six consecutive months (hereinafter “chronic violation”):
 - 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; or
 - 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. Water Code section 13385, subdivision (i)(2) defines a “period of six consecutive months” to mean “the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”
11. WDR Order R7-2003-0054 contains the following effluent limitations for Total Suspended Solids (page 4, section A.1.) with which the Discharge is required to maintain compliance at Rice Drain No. 3:

Parameter	Effluent Limitations		
	Units	Average Monthly	Average Weekly
Total Suspended Solids	mg/L	30	45
	lbs/day	5.3	7.9

12. WDRs Order R7-2008-0010 contains the following final effluent limitations for Total Suspended Solids (page 13, section IV.A.1.a.) with which the Discharger is required to maintain compliance at Discharge Point 001:

Parameter	Effluent Limitations		
	Units	Average Monthly	Average Weekly
Total Suspended Solids	mg/L	30	45
	lbs/day	5.0	7.5

Percent Removal. The average monthly percent removal of total suspended solids shall not be less than 85 percent.

13. WDRs Order R7-2008-0010 contains the following final effluent limitations for bacteria (page 13 and 14, section IV.A.1.d.) with which the Discharger is required to maintain compliance at Discharge Point 001:

E. Coli. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 MPN, nor shall any sample exceed the maximum allowable bacterial density of 400.

Fecal Coliform. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.

14. Self-monitoring reports submitted by the Discharger show that the wastewater discharged from the Facility exceeded the effluent limitations for bacteria and total suspended solids set forth in WDRs Order Nos. R7-2003-0054 and R7-2008-0010 on fifteen (15) occasions, as identified in Exhibit "A". Exhibit "A" is attached hereto and is incorporated herein by this reference.
15. The Discharger's May 2011 self-monitoring report was due on July 1, 2011. The Discharger exceeded the due date set forth in R7-2008-0010, as identified in Exhibit "A". The Discharger submitted the May 2011 self-monitoring report on September 6, 2011, making this report 67 days late, (2) complete periods of 30 days following the deadline for submitting the report.
16. A summary of each violation of WDRs Order Nos. R7-2003-0054 and R7-2008-0010 is contained in Exhibit "A", which is incorporated in and made part of the ACL Order No. R7-2015-0029 by reference. This Order only addresses administrative civil liability for violations specifically identified in Exhibit "A" as subject to mandatory minimum penalties (MMPs) under Water Code section 13385.
17. The total amount of MMPs for the violations cited in Exhibit "A" is \$42,000.
18. On February 23, 2015, the Regional Board Assistant Executive Office issued ACL Complaint No. R7-2015-0001 proposing that the Discharger pay forty-two thousand dollars (\$42,000) in mandatory minimum penalties for the violations.
19. The Regional Board notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under Water Code Section 13323, subdivision (b).
20. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2).
21. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control 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 no later than 5:00 p.m., thirty (30) days after the date of this Order, except that if the thirtieth day following the date of this Order 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/. Copies will also be provided upon request.

IT IS HEREBY ORDERED, pursuant to California Water Code section 13385, that:

1. Civil liability is imposed on the Discharger in the amount of \$42,000. That amount includes a mandatory minimum penalty of \$42,000 for violations of WDRs Order Nos. R7-2003-0054 and R7-2008-0010 identified in Exhibit "A".
2. The Discharger shall pay \$42,000 in mandatory minimum penalties. Within thirty (30) days of adoption of this Order, Discharger shall remit, by check, \$42,000 payable to the State Water Resources Control Board Cleanup and Abatement Account, to the following address ("Order No. R7-2015-0029" shall be indicated on the check):

Colorado River Basin Regional Water Quality Control Board
Attn: Maribel Rodriguez
73720 Fred Waring Drive, Ste 100
Palm Desert, CA 92260

3. Fulfillment of the Discharger's obligations under this Order constitutes full and final satisfaction of any and all liability for each violation alleged in Administrative Civil Liability Complaint No. R7-2015-0001, identified in Exhibit "A" attached hereto.
4. If the Discharger fails to make the specified payment to the State Water Pollution Cleanup and Abatement Account within the time limits specified in this Order, the Regional Water Board or its Executive Officer may enforce this Order, including referring the matter to the Attorney General for collection.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 13, 2015.

ROBERT PERDUE, Executive Officer

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY
R7-2015-0029
PETER M. ORMOND
DATE GARDENS MOBILE HOME PARK
WDID 7A131057011 NPDES NO. CA0104841

EXHIBIT "A"

1 of 2

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date*	Constituent	Pollutant Group	Exempted from MMP?	Limitation Period	Limit^	Result/Average^	Units	% Over Limit^	Date 180 Days Prior	Serious** Violation?	Effluent Violations in Past 180 Days	Mandatory Fine?
1	242620	11/30/03	TSS	CAT1	No	Ave Monthly	30	95	mg/L	N/A	06/03/03	Yes	1	\$3,000
2	819719	03/31/09	TSS	CAT1	No	Ave Monthly	15	25	%	67%	10/02/08	Yes	1	\$3,000
3	978507	05/31/09	TSS	CAT1	No	Ave Monthly	15	31.3	%	109%	12/02/08	Yes	1	\$3,000
4	959718	07/31/09	TSS	CAT1	No	Ave Monthly	15	29	%	93%	02/01/09	Yes	2	\$3,000
5	959717	07/31/09	TSS	CAT1	No	Ave Monthly	30	61.5	mg/L	N/A	02/01/09	Yes	3	\$3,000
6	978483	08/01/09	TSS	CAT1	No	Ave Weekly	45	61.5	mg/L	N/A	02/02/09	No	4	\$3,000
7	978482	08/15/09	TSS	CAT1	No	Ave Weekly	45	52.7	mg/L	N/A	02/16/09	No	5	\$3,000
8	959719	08/31/09	TSS	CAT1	No	Ave Monthly	30	52.7	mg/L	N/A	03/04/09	Yes	6	\$3,000
9	978484	12/18/10	TSS	CAT1	No	Ave Weekly	45	75	mg/L	N/A	6/21/10	Yes	7	\$3,000
10	959720	12/31/10	TSS	CAT1	No	Ave Monthly	30	75	mg/L	N/A	7/4/10	Yes	8	\$3,000
11	978512	12/31/11	TSS	CAT1	No	Ave Monthly	15	17	%	13%	7/4/11	No	1	\$0
12	978518	01/30/12	E.Coli	OEV	No	Instantaneous	400	1299.65	MPN/100 MI	N/A	08/03/11	No	2	\$0
13	959726	1/31/12	Fecal Coliform	OEV	No	%	10	20	%	N/A	8/4/11	No	3	\$0
14	924547	3/09/12	E. Coli	OEV	No	Instantaneous	400	547.5	MPN/100 MI	N/A	9/22/11	No	4	\$3,000
15	924548	03/31/12	Fecal Coliform	OEV	No	%	10	17	%	N/A	10/03/11	No	5	\$3,000

Effluent Limitation Violations Penalty: **\$36,000**

Late Report Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Type	Due Date	Received Date	Days Late	# of Complete 30-Day Periods	Serious** Violation?	Water Code Section 13385	Amount Per 30-Day Period	Mandatory Fine?
16	959740	Late Report	7/01/11	09/06/11	67	2	Yes	(h)(1)	\$3,000	\$6,000

Late Report Violations Penalty: \$6,000

* Violation occurs on sample date or last date of averaging period.

** For Group I pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 40%.

For Group II pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 20%.

^ Biochemical oxygen demand removal violation calculation based on percent remaining.

Mandatory Minimum Penalty = (10 Serious Violations x \$3,000) + (4 Non-Serious Violations x \$3,000) = \$42,000