

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2007-0529

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF

PLACER COUNTY SERVICE AREA NO.28, ZONE NO. 6
SHERIDAN WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Order is issued to Placer County (hereafter referred to as Discharger) based on a finding of violations of Waste Discharge Requirements (WDR) Order No. 93-232 (NPDES No. CA0079341) and WDR Order No. R5-2002-0208 (NPDES No. CA0079341), pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of administrative civil liability.

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

1. The Discharger owns and operates the Placer County Service Area No. 28, Zone No. 6, Wastewater Treatment Plant (WWTP), which provides sewerage service to the community of Sheridan in Placer County. Treated domestic, commercial and industrial wastewater is discharged to Yankee Slough, a water of the United States, and tributary to the Bear River.
2. On 3 December 1993, the Regional Water Board adopted WDR Order No. 93-232 to regulate discharges of waste from the WWTP. On 6 December 2002, the Regional Water Board adopted WDR Order No. R5-2002-0208, rescinding Order No. 93-232.
3. On 6 December 2002, the Regional Water Board adopted Cease and Desist Order No. R5-2002-0209 requiring the Discharger to comply with the effluent limitations for ammonia, nitrate plus nitrite, nitrite, and aluminum to surface waters and to achieve full compliance with the surface water discharge limitations set forth in WDR Order No. R5-2002-0208 (NPDES CA0079341) by 30 December 2006.
4. CWC section 13385, subdivisions (h) and (i) require the Regional Water Board to assess mandatory minimum penalties of three thousand dollars for each specified violation of effluent limitations and state, in part, the following:

CWC section 13385, subdivision (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, subdivision (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, subdivision (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.*

5. CWC section 13385.1, subdivision (a)(1) states the following:

For the purposes of subdivision (h) of Section 13385, a "serious violation" also means 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.

6. CWC section 13385, subdivision (k)(1) provides an alternative to assessing mandatory penalties against a publicly owned treatment works (POTW) serving a small community, as defined in CWC 13385(k). Under this alternative, the Regional Water Board may require the POTW to spend an amount equivalent to the mandatory penalty toward a compliance project that is designed to correct the violations. 13385(k)(1) states, in part, the following:

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 toward 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.

7. CWC section 13385, subdivision (k)(2) defines a small community as follows: *a publicly owned treatment works serving a population of 10,000 persons or less, 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. The Water Quality Enforcement Policy, adopted by the State Water Resources Control Board on 19 February 2002 states, in part, the following: *It is the policy of the SWRCB that "financial hardship" means that the median annual household income for the*

community is less than 80% of the California median annual household income. It is the policy of the SWRCB that “median annual household income” means the median annual household income of the community based on the most recent census data or a local survey approved by the SWRCB... The SWRCB will maintain a current list of designated small communities with a financial hardship.

9. On 2 November 2006, the State Water Resources Control Board designated Placer County Service Area 28, Zone No. 8 as a Small Community with a Financial Hardship.
10. WDR Order No. 93-232 Effluent Limitations No. B.1. includes, in part, the following effluent limitations:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Total Suspended Solids	mg/L	45	60	90
Chlorine Residual	mg/L	--	--	0.02

11. WDR Order No. 93-232 Effluent Limitations No. B.2. states: *The arithmetic mean of 20 C BOD (5-day) and the total suspended solids in effluent samples collected over a monthly period shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).*
12. WDR Order No. R5-2002-208 Effluent Limitations No. B.1. includes, in part, the following effluent limitations:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Average 4-Day</u>	<u>Daily Maximum</u>
Total Suspended Solids	mg/L	45 ¹	60 ¹		90 ¹
	lbs/day ²	23	30		46
BOD	mg/L	45 ¹	60 ¹		90 ¹
	lbs/day ²	23	30		46
Aluminum	µg/L	--	87		750
	lbs/day		0.043		0.375
Iron	µg/L	300			
	lbs/day	0.15			
Manganese	µg/L	50	--	--	--
	lbs/day	0.03			
Total Chlorine Residual	mg/L	--	--	0.01	0.02
	lbs/day ²			0.005	0.01

¹ To be ascertained by a 24-hour composite.

² Based upon design treatment capacity of 0.06 mgd (χ mg/L x 8.345 x 0.06mgd = γ lbs/day).

13. WDR Order No. R5-2002-0208 Effluent Limitations No. B.4. states: *The discharge shall not have a pH less than 6.5 nor greater than 8.5.*

14. According to the Discharger's self-monitoring reports, the Discharger committed fifty-eight (58) serious violations of the effluent limitations contained in Order No. 93-232 and Order No. R5-2002-208 during the period beginning 1 March 2000 and ending 31 December 2006. The mandatory minimum penalty for these serious violations is **one hundred seventy-four thousand dollars (\$174,000)**.
15. According to the Discharger's self-monitoring reports, the Discharger committed thirty-eight (38) non-serious violations of the effluent limitations contained in Order No. 93-232 and Order No. R5-2002-208 during the period beginning 1 March 2000 and ending 31 December 2006. Thirty (30) of the non-serious violations are subject to mandatory penalties under CWC Section 13385 (i)(1). The mandatory minimum penalty for these non-serious violations is **ninety thousand dollars (\$90,000)**.
16. According to the Discharger's self-monitoring reports, the Discharger committed two (2) serious reporting violations during 2006. The mandatory minimum penalty for these serious violations is **six thousand dollars (\$6,000)**.
17. The total amount of the mandatory penalties assessed for the cited effluent and reporting violations is **two hundred seventy thousand dollars (\$270,000)**. A detailed list of all the effluent violations is included in Attachment A, a part of this Order.
18. The Executive Officer on 2 April 2007 issued Administrative Civil Liability Complaint No. R5-2007-0510 proposing to assess two hundred seventy thousand dollars (\$270,000) against the Discharger. The Complaint notified the Discharger and interested agencies and persons that a public hearing would be held on 21/22 June 2007 unless the Discharger either agreed to waive the hearing and pay in full the \$270,000 liability or enter into a stipulated administrative civil liability order to spend at least \$270,000 to complete a compliance project to achieve compliance with Order No. R5-2002-0208.
19. The Discharger submitted a letter dated 2 May 2007 to waive its right to a hearing and requesting that the \$270,000 be applied to a compliance project. The Discharger submitted another letter dated 17 May 2007 to report that it had recently spent \$1,042,000 on a construction project involving expansion of the storage capacity sufficient to contain a 100-year seasonal influent flow and requested it be allowed as the compliance project. The Discharger further certified that it no longer discharges to surface waters.
20. Construction of the new storage pond to prevent surface water discharge constitutes a compliance project to achieve full compliance with the surface water discharge limitations set forth in WDRs Order No. R5-2002-0208 (NPDES CA0079341), complies with Cease and Desist Order No. R5-2002-0209, and is in accordance with the Water Quality Enforcement Policy.
21. 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 (Public Resources Code Section 21000, et. seq.), in accordance with Title 14 California Code of Regulations, Enforcement Actions by Regulatory Agencies, Section 15321(a)(2).

22. On 15 March 2007, the Regional 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.)

IT IS HEREBY ORDERED pursuant to CWC sections 13385(a), (h), (i), and (k), and Resolution R5-2007-0009, that:

1. Placer County Service Area No. 28, Zone No. 6, Sheridan Wastewater Treatment Plant (hereafter Discharger), its agents, successors, and assigns, shall be assessed a Mandatory Minimum Penalty of **two hundred seventy thousand dollars (\$270,000)**.
2. **Two hundred seventy thousand dollars (\$270,000) of the Mandatory Minimum Penalty is permanently suspended as follows:**
 - a) **Two hundred seventy thousand dollars (\$270,000)** shall be credited toward the Mandatory Minimum Penalty amount as having been spent by the Discharger to complete the compliance Project (Finding No. 19) to bring the Discharger into compliance with the NPDES permit and prevent further effluent limit violations.

This Order is effective immediately upon issuance by the Executive Officer of the Regional Water Quality Control Board, Central Valley Region.

PAMELA C. CREEDON, Executive Officer

2 November 2007

Date

ATTACHMENT A

PLACER COUNTY SERVICE AREA NO. 28, ZONE NO. 6

Sheridan Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 March 2000 – 31 December 2006) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program No. 93-232 and R5-2002-0208)

EFFLUENT VIOLATIONS

<u>Violation Number</u>	<u>Occurrence Date</u>	<u>Violation Type</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>
1	3/1/2000	Chlorine Residual	0.02 mg/L	10.6 mg/L	Daily	2
2	3/2/2000	Chlorine Residual	0.02 mg/L	8.4 mg/L	Daily	2
3	3/6/2000	Total Suspended Solids	60 mg/L	84 mg/L	Weekly	1
4	3/6/2000	Chlorine Residual	0.02 mg/L	14.6 mg/L	Daily	2
5	3/7/2000	Chlorine Residual	0.02 mg/L	4.5 mg/L	Daily	2
6	3/8/2000	Chlorine Residual	0.02 mg/L	9.5 mg/L	Daily	2
7	3/9/2000	Chlorine Residual	0.02 mg/L	6.2 mg/L	Daily	2
8	3/10/2000	Chlorine Residual	0.02 mg/L	6.8 mg/L	Daily	2
9	3/11/2000	Chlorine Residual	0.02 mg/L	7.5 mg/L	Daily	2
10	3/12/2000	Chlorine Residual	0.02 mg/L	14.8 mg/L	Daily	2
11	3/31/2000	Total Suspended Solids	85 % removal	32 % removal	Monthly	1
12	3/31/2000	Total Suspended Solids	45 mg/L	71 mg/L	Monthly	1
13	3/12/2002	Chlorine Residual	0.02 mg/L	6.2 mg/L	Daily	2
14	3/16/2002	Total Suspended Solids	60 mg/L	71 mg/L	Weekly	3
15	3/20/2002	Chlorine Residual	0.02 mg/L	10.2 mg/L	Daily	2
16	3/21/2002	Chlorine Residual	0.02 mg/L	11.3 mg/L	Daily	2
17	3/23/2002	Total Suspended Solids	60 mg/L	70 mg/L	Weekly	4
18	3/25/2002	Chlorine Residual	0.02 mg/L	10.1 mg/L	Daily	2
19	3/26/2002	Chlorine Residual	0.02 mg/L	10.6 mg/L	Daily	2
20	3/27/2002	Chlorine Residual	0.02 mg/L	8.8 mg/L	Daily	2
21	3/29/2002	Chlorine Residual	0.02 mg/L	7.2 mg/L	Daily	2
22	3/30/2002	Total Suspended Solids	60 mg/L	70 mg/L	Weekly	4
23	3/31/2002	Total Suspended Solids	85 % removal	76 % removal	Monthly	4
24	3/31/2002	Total Suspended Solids	45 mg/L	70.2 mg/L	Monthly	1
25	4/18/2003	pH	8.5 pH units	9.2 pH units	Daily	3
26	4/18/2003	Total Suspended Solids	46 lbs/day	48 lbs/day	Daily	3
27	4/18/2003	Total Suspended Solids	90 mg/L	99.4 mg/L	Daily	3
28	4/19/2003	Total Suspended Solids	30 lbs/day	36 lbs/day	Weekly	4
29	4/19/2003	Total Suspended Solids	60 mg/L	75 mg/L	Weekly	4
30	4/23/2003	pH	8.5 pH units	9.3 pH units	Daily	4
31	4/24/2003	pH	8.5 pH units	9.3 pH units	Daily	4
32	4/24/2003	Total Suspended Solids	46 lbs/day	50 lbs/day	Daily	4
33	4/24/2003	Total Suspended Solids	90 mg/L	103 mg/L	Daily	4
34	4/26/2003	Total Suspended Solids	30 lbs/day	47 lbs/day	Weekly	1
35	4/26/2003	Total Suspended Solids	60 mg/L	92 mg/L	Weekly	1

EFFLUENT VIOLATIONS

<u>Violation Number</u>	<u>Occurrence Date</u>	<u>Violation Type</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>
36	4/28/2003	pH	8.5 pH units	9.1 pH units	Daily	4
37	4/29/2003	pH	8.5 pH units	9.2 pH units	Daily	4
38	4/29/2003	Total Suspended Solids	46 lbs/day	51 lbs/day	Daily	4
39	4/29/2003	Total Suspended Solids	90 mg/L	106 mg/L	Daily	4
40	4/30/2003	Iron	300 µg/L	460 µg/L	Monthly	1
41	4/30/2003	Manganese	50 mg/L	180 mg/L	Monthly	1
42	4/30/2003	pH	8.5 pH units	9.2 pH units	Daily	4
43	4/30/2003	Total Suspended Solids	85 % removal	7. % removal	Monthly	1
44	4/30/2003	Total Suspended Solids	23 lbs/day	43 lbs/day	Monthly	1
45	4/30/2003	Total Suspended Solids	45 mg/L	89 mg/L	Monthly	1
46	5/1/2003	pH	8.5 pH units	9.3 pH units	Daily	3
47	5/1/2003	Total Suspended Solids	90 mg/L	101 mg/L	Daily	3
48	5/2/2003	pH	8.5 pH units	9.4 pH units	Daily	3
49	5/2/2003	Total Suspended Solids	90 mg/L	94 mg/L	Daily	4
50	5/3/2003	Total Suspended Solids	46 lbs/day	49 lbs/day	Daily	4
51	5/3/2003	Total Suspended Solids	30 lbs/day	49 lbs/day	Weekly	1
52	5/3/2003	Total Suspended Solids	60 mg/L	98 mg/L	Weekly	1
53	5/6/2003	Total Suspended Solids	90 mg/L	93 mg/L	Daily	4
54	5/7/2003	pH	8.5 pH units	9.4 pH units	Daily	4
55	5/8/2003	pH	8.5 pH units	9.3 pH units	Daily	4
56	5/8/2003	Total Suspended Solids	46 lbs/day	51 lbs/day	Daily	4
57	5/8/2003	Total Suspended Solids	90 mg/L	106 mg/L	Daily	4
58	5/10/2003	Total Suspended Solids	30 lbs/day	47 lbs/day	Weekly	1
59	5/10/2003	Total Suspended Solids	60 mg/L	92 mg/L	Weekly	1
60	5/31/2003	Iron	300 µg/L	310 µg/L	Monthly	4
61	5/31/2003	Manganese	50 mg/L	120 mg/L	Monthly	1
62	5/31/2003	Total Suspended Solids	85 % removal	31 % removal	Monthly	1
63	5/31/2003	Total Suspended Solids	23 lbs/day	48 lbs/day	Monthly	1
64	5/31/2003	Total Suspended Solids	45 mg/L	94 mg/L	Monthly	1
65	3/4/2005	Total Suspended Solids	46 lbs/day	63 lbs/day	Daily	3
66	3/5/2005	Total Suspended Solids	30 lbs/day	63 lbs/day	Weekly	1
67	3/7/2005	Total Suspended Solids	46 lbs/day	111 lbs/day	Daily	1
68	3/9/2005	Total Suspended Solids	46 lbs/day	100 lbs/day	Daily	1
69	3/11/2005	Total Suspended Solids	46 lbs/day	99 lbs/day	Daily	1
70	3/12/2005	Total Suspended Solids	30 lbs/day	103 lbs/day	Weekly	1
71	3/12/2005	Total Suspended Solids	60 mg/L	73 mg/L	Weekly	4
72	3/14/2005	Total Suspended Solids	46 lbs/day	122 lbs/day	Daily	1
73	3/19/2005	Total Suspended Solids	30 lbs/day	122 lbs/day	Weekly	1
74	3/19/2005	Total Suspended Solids	60 mg/L	89 mg/L	Weekly	1
75	3/31/2005	BOD	23 lbs/day	27 lbs/day	Monthly	4

EFFLUENT VIOLATIONS

<u>Violation Number</u>	<u>Occurrence Date</u>	<u>Violation Type</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>
76	3/31/2005	Manganese	50 mg/L	52 mg/L	Monthly	4
77	3/31/2005	Total Suspended Solids	85 % removal	57 % removal	Monthly	4
78	3/31/2005	Total Suspended Solids	23 lbs/day	99 lbs/day	Monthly	1
79	3/31/2005	Total Suspended Solids	45 mg/L	71 mg/L	Monthly	1
80	4/13/2005	Total Suspended Solids	46 lbs/day	118 lbs/day	Daily	1
81	4/15/2005	Total Suspended Solids	46 lbs/day	74 lbs/day	Daily	1
82	4/16/2005	Total Suspended Solids	30 lbs/day	96 lbs/day	Weekly	1
83	4/16/2005	Total Suspended Solids	60 mg/L	74 mg/L	Weekly	4
84	4/18/2005	Total Suspended Solids	46 lbs/day	99 lbs/day	Daily	1
85	4/20/2005	Total Suspended Solids	46 lbs/day	83 lbs/day	Daily	1
86	4/23/2005	Total Suspended Solids	30 lbs/day	91 lbs/day	Weekly	1
87	4/23/2005	Total Suspended Solids	60 mg/L	62 mg/L	Weekly	4
88	4/30/2005	Manganese	50 mg/L	94 mg/L	Monthly	1
89	4/30/2005	Total Suspended Solids	85 % removal	63 % removal	Monthly	4
90	4/30/2005	Total Suspended Solids	23 lbs/day	94 lbs/day	Monthly	1
91	4/30/2005	Total Suspended Solids	45 mg/L	68 mg/L	Monthly	1
92	4/6/2006	Iron	300 µg/L	520 ug/L	Monthly	1
93	4/6/2006	Iron	0.15 lbs/d	0.25 lbs/d	Monthly	1
94	4/6/2006	Manganese	50 µg/L	160 ug/L	Monthly	1
95	4/6/2006	Manganese	0.03 lbs/day	0.08 lbs/day	Monthly	1
96	4/19/2006	pH	8.5 pH units	8.6 pH units	Daily	4

Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 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

EFFLUENT LIMITATIONS VIOLATIONS AS OF: 12/31/2006

Group 1 Serious Violations:	42
Group 2 Serious Violations:	16
Non-serious Violations Exempt from MPs:	8
Non-serious Violations Subject to MPs:	30
<u>Total Effluent Limitation Violations Subject to MPs:</u>	88

MONITORING VIOLATIONS

<u>Violation Number</u>	<u>Report Due</u>	<u>Report Received</u>	<u>Days Late</u>	<u>30-Day Periods Late</u>
1	1-Jul-2006	22-Aug-2006	52	1
2	1-Dec-2006	10-Jan-2007	40	1

MONITORING REPORTING VIOLATIONS AS OF: 12/31/06

Total Monitoring Reporting Violations Subject to MPs: 2

Mandatory Minimum Penalty = (58 Serious Violations + 30 Non-Serious Violations +2 Monitoring Reporting Violations) × \$3,000 = \$270,000