

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**COMPLAINT NO. 00-079**

**MANDATORY PENALTY  
IN THE MATTER OF  
VALLEJO SANITATION AND FLOOD CONTROL DISTRICT  
SOLANO COUNTY**

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385(h) and/or (i) is issued to the Vallejo Sanitation and Flood Control District (hereafter Discharger) based on a finding of violations of Waste Discharger Requirements Order No. 88-153 and Order 00-026 (NPDES No. 0037810).

The Executive Officer finds the following:

1. On October 19, 1988 and April 19, 2000, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 88-153 and Order No. 00-026 (NPDES No. 0037810), respectively, for the Vallejo Sanitation and Flood Control District to regulate discharges of waste from the wastewater treatment plant.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code section 13385(i)(2) requires the Regional Board to assess a mandatory penalty 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 any six-month period:
  - a. Exceeds 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. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
4. Order No. 88-153 includes the following effluent limitations:

## "B. EFFLUENT LIMITATIONS

1. The effluent shall not exceed the following limits:

| <u>Constituent</u>              | <u>Units</u> | <u>Monthly Average</u> | <u>Weekly Average</u> | <u>Daily Maximum</u> | <u>Instantaneous Maximum</u> |
|---------------------------------|--------------|------------------------|-----------------------|----------------------|------------------------------|
| b. Total Suspended Solids (TSS) | mg/L         | 30                     | 45                    | 60                   | --                           |
| d. Settleable Matter            | ml/L-<br>hr  | 0.1                    | --                    | --                   | 0.2                          |
| e. Total Chlorine Residual (1)  | mg/L         | --                     | --                    | --                   | 0.0                          |

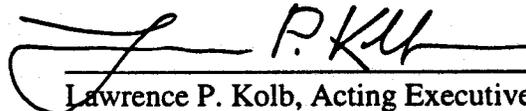
4. Coliform Bacteria:  
The moving median value for the Most Probable Number (MPN) of total coliform bacteria in any five (5) consecutive effluent samples shall not exceed 240 MPN per 100 milliliters (240 MPN/100 ml). Any single sample shall not exceed 10,000 MPN/100 ml."
5. According to monitoring reports submitted by the Discharger, the Discharger committed one (1) serious violation by exceeding Effluent Limitation B.1.b, Total Suspended Solids (TSS) daily maximum (a Category I pollutant), once during the six-month period beginning January 1, 2000 and ending on June 30, 2000. On January 24, 2000, the TSS concentration was 90 mg/L, which exceeded the daily maximum limit of 60 mg/L by more than 40%. On this same day, January 24, the Discharger also exceeded Effluent Limitation B.1.d, settleable matter, and B.4, total coliform (daily maximum). However, these violations were all due to the same high rainfall event that caused a treatment plant upset. As stated in the discharger's monthly self-monitoring report for January, the treatment plant was designed for a peak hour flow of 60 mgd, and a peak day wet weather flow of 37 mgd. The treatment facility processed 57.41 million gallons on January 24, 2000, which is 35% more flow than the facility was designed to treat. Thus, the amount of the mandatory penalty for this violation is \$3,000 or, in lieu of the penalty, the discharger may spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
6. According to the monitoring reports submitted by the Discharger, the Discharger committed six (6) non-serious effluent limitation violations by exceeding Effluent Limitation B.4, total coliform, three (3) times and Effluent Limitation B.1.e, chlorine residual, three (3) times during the six-month period beginning January 1, 2000 and ending on June 30, 2000. On February 14, 2000, the total coliform count from effluent discharged to Carquinez Strait was 16,000 MPN/100 mL, which exceeded the daily maximum of 10,000 MPN/100 mL. On February 14 and 15, 2000, the 5-day moving median total coliform for Mare Island Strait effluent was 280 MPN/100 mL, which exceeded the limit of 240 MPN/100 mL. On February 13, 2000, the chlorine residual instantaneous maximum limit of zero was exceeded three times by a measurement of 1.56 mg/L for 29 minutes, 0.11 mg/L for 6 minutes, and 0.3 mg/L for 20 minutes at the Mare Island Strait outfall. These 3 violations in one day are considered one event. On March 5, 2000, the chlorine residual was 1.99 mg/L for 34 minutes at the Mare Island Strait outfall. On June 19, 2000, (under Order 00-026, which has the same limit) the chlorine residual was 0.88 mg/L for 4 minutes at the Carquinez Strait outfall. Since the one

serious violation also counts as one chronic violation, two of the above six violations are not finable. Thus, the amount of the mandatory penalty for four (4) chronic violations is \$12,000.

7. The total amount of the mandatory penalty is \$15,000.

**THE VALLEJO SANITATION AND FLOOD CONTROL DISTRICT IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$15,000.
2. The Regional Board shall hold a hearing on October 18, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$15,000 in full.
3. In lieu of the mandatory penalty for the first serious violation, the Executive Officer may allow the Discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The Discharger must make such a request by September 29, 2000.
4. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check the appropriate box and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty, or a proposal pursuant to paragraph 3 above, to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, by September 29, 2000.

  
\_\_\_\_\_  
Lawrence P. Kolb, Acting Executive Officer

9/13/2000  
Date

**WAIVER**

By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-079 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the \$15,000 civil liability imposed under Complaint No. 00-079 by September 29, 2000.

By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-079, to remit payment for the \$12,000 civil liability imposed under Complaint No. 00-079 by September 29, 2000, and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the \$3,000 civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the \$3,000 civil liability within 30 days of a letter from the Executive Officer denying approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title/Organization



# California Regional Water Quality Control Board

## San Francisco Bay Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis  
Governor

**TO:** Lawrence Kolb  
Acting Executive Officer

*Tobi Tyler*

**FROM:** Tobi Tyler  
Water Resource Control Engineer

**DATE:** September 11, 2000

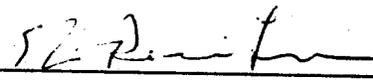
**SUBJECT:** MANDATORY MINIMUM PENALTIES FOR VALLEJO SANITATION AND  
FLOOD CONTROL DISTRICT

On January 24, 2000 the Vallejo Sanitation and Flood Control District exceeded their daily maximum Total Suspended Solids (TSS) limit of 60 mg/L by more than 40%; thus, the plant is subject to mandatory minimum penalties under Water Code Section 13385(h) for serious violations. The Discharger also had six (6) non-serious (chronic) violations, of which four are subject to mandatory penalties under Water Code Section 13385(i) for chronic violations. For the following reasons I recommend that the Discharger be assessed a minimum Mandatory Penalty in the amount of \$15,000:

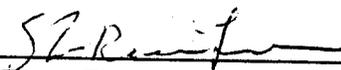
1. There definitely was one serious violation of the TSS daily maximum during the first half of 2000. The discharger has not raised any contention regarding the violations.
2. This was the only serious violation, as defined by Water Code Section 13385(h), during the first six months of 2000.
3. There have been no TSS daily maximum limit violations since January of 1997. Thus, the plant is normally able to meet effluent limits under operating conditions within the control of the plant.
4. Two other violations that occurred on the same day, January 24, 2000, as the above serious TSS violation. These violations were due to a treatment plant upset caused by a high rainfall event, which resulted in 35% more flow through the plant than the facility was designed to treat. Because these three violations were due to the same event, a fine is imposed on only the TSS violation. TSS concentration results were back to normal the following day January 25, 2000.
5. There definitely were six (6) chronic violations, as defined by Water Code Section 13385(i), during the first half of 2000. Three of the six total chronic violations were total

coliform violations that occurred over two days, February 14 and 15, and were a result of the requisite and allowable blending of 75% primary and 25% secondary treated effluent due to high rainfall events. These violations were separate events, for which the discharger has not raised any contention. The other three chronic violations were chlorine residual violations. The three chlorine residual exceedances over 0.0 mg/l on February 13 (one violation) were a result of the sodium bisulfite system (SBS) failing to respond promptly to an increase in chlorine residual. The March 5 and June 19 chlorine residual violations were a result of underdosing of sodium bisulfite, but were relatively short in duration.

If you have any questions please call me at 622-2431.

Concurred by   
Shin-Roei Lee, Section Leader

9/12/02  
Date

Concurred by   
for Teng-Chung Wu, Division Chief

9/12/02  
Date