

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

**COMPLAINT NO. 00-080**

**MANDATORY PENALTY  
IN THE MATTER OF  
CITY OF BENICIA WASTEWATER TREATMENT PLANT  
SOLANO COUNTY**

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385(h) and/or (i) is issued to the City of Benicia Wastewater Treatment Plant (hereafter Discharger) based on a finding of violations of Waste Discharger Requirements Order No. 94-094 (NPDES No. 0038091).

The Executive Officer finds the following:

1. On August 17, 1994, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 94-094 (NPDES No. 0038091), for the City of Benicia, to regulate discharges of waste from the City of Benicia Wastewater Treatment Plant.
2. 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.
3. Order No. 94-094 includes the following effluent limitations:

## B. EFFLUENT LIMITATIONS

"The term "effluent" in the following limitations means the fully treated wastewater effluent from the discharger's wastewater treatment facility, as discharged to Carquinez Strait.

1. The effluent shall not exceed the following limits:

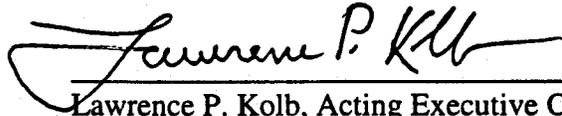
<i>Constituent</i>	<i>Units</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Chlorine Residual <sup>1</sup>	mg/L	--	--	--	0.0

<sup>1</sup> Requirement defined as below the limit of detection in standard test methods.

- ...
3. Total Coliform Bacteria:  
The treated wastewater, at some point in the treatment process prior to discharge, shall meet the following limits of bacteriological quality:
- a. The moving median value for the Most Probable Number (MPN) of total coliform bacteria in any five (5) consecutive samples shall not exceed 240 MPN/100 mL; and
  - b. Any single sample shall not exceed 10,000 MPN/100 mL."
4. According to monitoring reports submitted by the Discharger, the Discharger exceeded Effluent Limitation B.1, chlorine residual, three (3) times and Effluent Limitation B.3.b, single sample maximum, one time during the six-month period beginning January 1, 2000 and ending on June 30, 2000. On February 2, March 1, and May 31 chlorine residuals of 7, 7.2, and <1 mg/L, respectively, were measured in the effluent prior to discharge. On March 19, 2000 the total coliform count was 16,000 MPN/100 ml, which exceeded the 10,000 MPN/100 ml limit. Of the above four (4) chronic violations, penalties are assessed for the fourth violation. Therefore, the amount of the mandatory penalty for one chronic violation is \$3,000.
5. The total amount of the mandatory penalty is \$3,000.

**THE CITY OF BENICIA WASTEWATER TREATMENT PLANT 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 \$3,000.
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 \$3,000 in full.
3. 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 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

9/12/2000

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. 00-080 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 civil liability imposed under Complaint No. 00-080 by September 29, 2000.

\_\_\_\_\_  
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

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

**DATE:** September 11, 2000

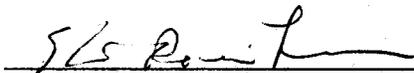
**SUBJECT:** MANDATORY MINIMUM PENALTIES FOR THE CITY OF BENICIA

On February 2, March 1, and May 31, the City of Benicia (the discharger) exceeded their instantaneous maximum chlorine residual limit. In March, the discharger exceeded their total coliform single sample maximum limit of 10,000 MPN/100 ml. The plant is therefore subject to penalties under Water Code Section 13385 for one chronic violation. For the following reasons I recommend we impose only the minimum penalty of \$3,000 for this permit violation:

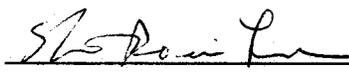
There definitely were four (4) non-serious violations during the period from January through June 2000 (3 chlorine residual and 1 total coliform violation). The chlorine residual violations were a result of the following: an electrical contractor cut the mid-plant flow signal in February, the sodium bisulfite pump failed in March, and an operator error occurred in May. The single-sample total coliform limit, which occurred in March, was due to another pump failure (sodium hypochlorite pump). Both March violations were due to start-up problems with a new disinfection system. These violations were not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention regarding the violations.

There were no serious violations, as defined under Water Code Section 13385(i), during the first six months of 2000.

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

Concurred by   
Shin-Roei Lee, Section Leader

9/12/00  
Date

Concurred by   
for Teng-Chung Wu, Division Chief

9/12/00  
Date