

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0517

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF WILLIAMS  
WASTEWATER TREATMENT PLANT  
COLUSA COUNTY

This Order is issued to the City of Williams (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") Orders 5-01-049, R5-2008-0185, and R5-2008-0185-01 (NPDES No. CA0077933).

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region ("Central Valley Water Board" or "Board") finds the following:

1. The Discharger owns and operates the City of Williams Wastewater Treatment Plant ("WWTP"), which provides sewerage service to the community of Williams in Colusa County. Treated municipal wastewater is discharged to Salt Creek, a water of the United States.
2. On 16 March 2001, the Central Valley Water Board issued WDRs Order 5-01-049, which contained new requirements and rescinded WDRs Order No. 96-148. The WDRs included effluent limitations and other requirements regarding the waste discharge. The WDRs also included a time schedule to upgrade the facility to meet new effluent limitations for BOD, suspended solids, total coliform, turbidity, ammonia, and other requirements by 1 January 2006. On 5 December 2008, effective 5 December 2008, the Central Valley Water Board issued WDRs Order R5-2008-185 which contained new requirements and rescinded Order 5-01-049. On 13 August 2009, the Board issued Amended Order R5-2008-0185-01.
3. On 2 August 2007, the Central Valley Water Board adopted Time Schedule Order ("TSO") No. R5-2007-0096, which provided a time schedule to comply with the effluent limitations for BOD, suspended solids, total coliform, turbidity, ammonia and other requirements by 1 October 2010.
4. On 18 September 2008, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Order ("ACLO") R5-2008-0560. The ACLO assessed civil liability in the amount of \$2,109,000, which represented mandatory minimum penalties for effluent violations from 1 January 2000 through 1 December 2007. Pursuant to CWC section 13385(k), the ACLO allowed the Discharger to apply the assessed penalty toward a compliance project designed to correct the violations. The compliance project consists of constructing a new \$23 million wastewater treatment plant. The ACLO also contained a time schedule, under which the Discharger was to have completed the project by October of 2010. The project was delayed, and, in December of 2009, the Discharger submitted a letter to the Board's Executive Officer requesting that the time schedule be modified to reflect a final completion date of December of 2011. The Executive Officer

approved this request, and the final deadline for completion of the new treatment plant is now December of 2011. The project is under construction, and the Discharger is currently on schedule to finish the new treatment plant by the revised deadline.

5. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, 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.

CWC section 13385(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."

6. 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."

7. WDRs Order 5-01-049 Effluent Limitations B.1A. states, in part,

Effluent shall not exceed the following limits until 30 December 2005:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	--	0.01	--	0.02
<u>Ammonia</u>	mg/L	--	Attach B	--	Attach C

Note: Attachment B is a table entitled "Temperature- and pH-Dependant Effluent Limits for Ammonia Criterion Continuous Concentration, Average Monthly Concentration."

Attachment C is a table entitled "Temperature and pH-Dependant Effluent Limits for Ammonia Criterion Continuous Concentration, Maximum."

The applicable effluent limitations from Attachments B and C of Order 5-01-049, based upon appropriate discharge temperature and pH, are as listed in Attachment A of this Order.

8. WDRs Order R5-2008-0185 Final Effluent Limitations—Discharge Point 001 A.1.a. include, in part, the following effluent limitation:

- a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
TSS	mg/L	10	15	20	--	--
	lbs/day <sup>1</sup>	40	63	83	--	--
Aluminum, Total Recoverable	µg/L	374	--	750	--	--
Chlorodibromomethane	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane	µg/L	0.56	--	1.12	--	--
pH	std units	--	--	--	6.5	8.5
Settleable Solids	mL/L-hr	0.1	--	0.2	--	--

<sup>1</sup> Based on a design flow of 0.5 mgd

- 9. According to the Discharger's self-monitoring reports, the Discharger committed one (1) serious violation of the effluent limitations for Group I constituents contained in Order 5-01-049 on 29 February 2004 and seventeen (17) serious violations of the effluent limitations for Group I constituents contained in Orders R5-2008-0185 and R5-2008-0185-01 during the period beginning 5 December 2008 and ending 31 October 2010. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these 18 serious violations is **fifty four thousand dollars (\$54,000)**.
- 10. According to the Discharger's self-monitoring reports, the Discharger committed one (1) serious violation of the above effluent limitations for Group II constituents contained in Order 5-01-049 on 18 April 2001. The Discharger also committed fourteen (14) serious

violations of the above effluent limitations for Group II constituents contained in Orders R5-2008-0185 and R5-2008-0185-01 during the period beginning 1 January 2008 and ending 31 October 2010. These violations are defined as serious because the measured concentration of Group II constituents exceeded the maximum prescribed level by more than 20 percent on this occasion. The mandatory minimum penalty for these 15 serious violations is **forty five thousand dollars (\$45,000)**.

11. According to the Discharger's self-monitoring reports, the Discharger committed ten (10) non-serious violations of the above effluent limitations contained in Orders R5-2008-0185 and R5-2008-0185-01 during the period beginning 1 January 2008 and ending 31 October 2010. Nine (9) non-serious violations are subject to mandatory penalties under CWC section 13385 (i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these 9 non-serious violations is **twenty seven thousand dollars (\$27,000)**.
12. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred twenty six thousand dollars (\$126,000)**. A detailed list of the cited effluent violations is included in Attachment A. This Order addresses administrative civil liability for violations that are specifically listed in Attachment A as subject to mandatory minimum penalties.
13. 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.
14. On 6 March 2008, staff at the State Water Resources Control Board transmitted a memorandum determining that the City of Williams Wastewater Treatment Plant is a publicly owned treatment works serving a small community with a financial hardship

within the meaning of CWC section 13385(k)(2). On 4 August 2008, the Executive Director of the State Water Board confirmed this determination.

15. The Discharger is in the process of spending an estimated \$23 million on the construction of a new wastewater treatment plant which will meet permitted effluent limitations, thereby correcting the violations that led to the assessment of the ACL penalties. The new treatment plant will include traditional secondary treatment, cloth filters, and ultra-violet disinfection system. On 17 April 2008, the City Administrator submitted the project outline, the compliance project schedule, and the estimated total project costs. The submittal also included a financing plan for the project, including applying for a State Revolving Fund loan on 5 March 2008, and proposing to increase sewer rates to \$90-\$100 per month to pay for the loan. This project outline and financing plan is incorporated into this Order by reference. When the compliance project is completed, the Discharger will have expended in excess of the mandatory minimum penalties that have been assessed pursuant to CWC sections 13385(h) and (i).
16. As described in Finding No. 4, the Discharger was allowed to apply its previous \$2,109,000 mandatory penalty toward the construction of the new treatment plant, as the construction of the new treatment plant qualifies as a compliance project within the meaning of CWC section 13385(k). This Order allows an additional \$126,000 in mandatory penalties to be applied to the same project. After this Order has been issued, the Discharger will have been credited with contributing a total of \$2,235,000 towards the construction of the new treatment plant in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties. This Order also incorporates the extended "full compliance" deadline from ACLO R5-2008-0560, which has been moved from 1 October 2010 to December 2011. The Discharger is in the process of spending over \$23 million on the construction of the new plant, which is an amount far in excess of the mandatory minimum penalty that is required to be assessed by CWC sections 13385(h) and (i).
17. The Central Valley Water Board finds that the Discharger's construction of a new treatment plant qualifies under CWC section 13385(k) as a compliance project, as the project has been designed to correct the violations that have led to the issuance of this ACLO within five years, the project in accordance with the enforcement policy of the State Water Board, and the Discharger has prepared a financing plan to complete the project.
18. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 C.F.R. § 123.27) has expired. No comments were received.
19. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Pamela Creedon is serving as the head of the Board's Prosecution Team for this matter, and

therefore Assistant Executive Officer Kenneth Landau has the authority to issue this Order.

20. 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 § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**THE CITY OF WILLIAMS IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **one hundred twenty six thousand dollars (\$126,000)**.
2. The entire \$126,000 penalty shall be deemed satisfied by the Central Valley Water Board if the Discharger complies with the following time schedule to complete its compliance project:

<u>Task</u>	<u>Compliance Date</u>
Full compliance with Effluent Limitations B.1.B., B.2., B.3., and B.4.	30 December 2011
Submit final documentation of Compliance Project costs	28 February 2012

A progress report shall be submitted on or before each of the above compliance dates. The report shall describe the work undertaken to comply with this Order.

3. The Assistant Executive Officer may extend the deadlines contained in this Order 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 at least 30 days prior to the deadline. Under no circumstances may the completion of the Compliance Project extend past 18 September 2013, which is five years from the date that ACLO R5-2008-0560 was issued (i.e., the initial order allowing the Discharger's MMPs to be directed toward the Compliance Project). The Discharger must obtain written approval from the Assistant Executive Officer for any significant departure from the project described in Finding No. 15 and the time schedule shown above. Failure to obtain written approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.
4. If in the judgment of the Assistant Executive Officer, the Discharger fails to complete the compliance project by the due date listed above (including any extensions approved by the Assistant Executive Officer), or fails to construct the compliance project in accordance with the project described in Finding No. 15 and the time schedule shown above (without first obtaining Central Valley Water Board approval), the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the compliance project that has not been satisfactorily completed. Payment must be made within 30 days of such a demand.

5. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
6. This Order is final upon signature.

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 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, 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.

Original signed by  
\_\_\_\_\_  
KENNETH D. LANDAU, Assistant Executive Officer

\_\_\_\_\_  
4 February 2011

Attachment A: Record of Violations

ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2011-0517

**City of Williams  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (18 April 2001, 29 February 2004, and 1 January 2008 – 31 October 2010)

MANDATORY PENALTIES

(Data reported under Monitoring and Reporting Programs 5-01-149, R5-2008-0185, and R5-2008-0185-01)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
Violations of Order 5-01-149 not previously assessed								
1	18-Apr-01	Chlorine Residual	mg/L	0.02	0.1	Daily	2	193837
2	29-Feb-04	Ammonia	mg/L	3.8	10.1	Weekly	1	404997
Violations of Order R5-2008-0185-01								
3	22-Dec-09	Settleable Solids	mL/L	0.2	3.5	Daily	1	874850
4	31-Dec-09	Settleable Solids	mL/L	0.1	0.8	Monthly	1	874853
5	28-Feb-10	Aluminum	µg/L	374	393	Monthly Ave	3	874862
6	13-Apr-10	pH	su	6.5	6.4	Instant. Min	4	875136
8	30-Apr-10	Aluminum	µg/L	750	767	Daily Max	4	875139
7	30-Apr-10	Aluminum	µg/L	374	767	Monthly Ave	1	875142
9	31-May-10	Aluminum	µg/L	750	980	Daily Max	4	876609
10	31-May-10	Aluminum	µg/L	374	980	Monthly Ave	1	876610
11	15-Jun-10	Chlorodibromomethane	µg/L	0.82	17	Daily Max	2	877773
12	15-Jun-10	Dichlorobromomethane	µg/L	1.12	22	Daily Max	2	877774
13	30-Jun-10	Chlorodibromomethane	µg/L	0.41	17	Monthly Ave	2	877776
14	30-Jun-10	Dichlorobromomethane	µg/L	0.56	22	Monthly Ave	2	877777
15	15-Jul-10	Chlorodibromomethane	µg/L	0.82	29	Daily Max	2	881578
16	15-Jul-10	Dichlorobromomethane	µg/L	1.12	42	Daily Max	2	881580
17	31-Jul-10	Chlorodibromomethane	µg/L	0.41	29	Monthly Ave	2	881579
18	31-Jul-10	Dichlorobromomethane	µg/L	0.56	42	Monthly Ave	2	881581
19	3-Aug-10	pH	su	6.5	6.4	Instant. Min	4	884962
20	4-Aug-10	Chlorodibromomethane	µg/L	0.82	18	Daily Max	2	884963
21	4-Aug-10	Dichlorobromomethane	µg/L	1.12	24	Daily Max	1	884964
22	31-Aug-10	Chlorodibromomethane	µg/L	0.41	18	Monthly Ave	2	884970
23	31-Aug-10	Aluminum	µg/L	374	560	Monthly Ave	1	884971
24	31-Aug-10	Dichlorobromomethane	µg/L	0.56	24	Monthly Ave	1	884972
25	1-Sep-10	Chlorodibromomethane	µg/L	0.82	16	Daily Max	2	887233
26	1-Sep-10	Dichlorobromomethane	µg/L	1.12	32	Daily Max	1	887234
27	30-Sep-10	Chlorodibromomethane	µg/L	0.41	16	Monthly Ave	2	887235
28	30-Sep-10	Aluminum	µg/L	374	420	Monthly Ave	4	887236
29	30-Sep-10	Dichlorobromomethane	µg/L	0.56	32	Monthly Ave	1	887237
30	5-Oct-10	Chlorodibromomethane	µg/L	0.82	31	Daily Max	2	887238
31	5-Oct-10	Dichlorobromomethane	µg/L	1.12	40	Daily Max	1	887240
32	7-Oct-10	TSS	mg/L	20	25	Daily Max	4	887242
33	9-Oct-10	TSS	mg/L	15	25	Weekly Ave	1	887249
34	9-Oct-10	TSS	lbs/day	63	66	Weekly Ave	4	887252

35	23-Oct-10	TSS	mg/L	15	20	Weekly Ave	4	887250
36	28-Oct-10	TSS	mg/L	20	28	Daily Max	1	887244
37	28-Oct-10	TSS	lbs/day	83	92	Daily Max	4	887245
38	30-Oct-10	TSS	lbs/day	40	62	Monthly Ave	1	887248
39	30-Oct-10	TSS	mg/L	15	28	Weekly Ave	1	887251
40	30-Oct-10	TSS	lbs/day	63	93	Weekly Ave	1	887253
41	31-Oct-10	TSS	mg/L	10	22	Monthly Ave	1	887247
		Chlorodibromomethan						
42	31-Oct-10	e	µg/L	0.41	31	Monthly Ave	2	887239
43	31-Oct-10	Dichlorobromomethane	µg/L	0.56	40	Monthly Ave	1	887241

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>10/31/2010</u></b>
Group I Serious Violations:	18
Group II Serious Violations:	15
Non-Serious Exempt from MPs:	1
Non-serious Violations Subject to MPs:	9
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>42</u></b>

**Mandatory Minimum Penalty = (33 Serious Violations + 9 Non-Serious Violations) x \$3,000 = \$126,000**