

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

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2014-0035
IN THE MATTER OF
SEELEY COUNTY WATER DISTRICT
SEELEY COUNTY WASTEWATER TREATMENT PLANT
Seeley – Imperial County

This Order to assess administrative civil liability (ACL) pursuant to California Water Code (Water Code) section 13385 is issued to Seeley County Water District (hereinafter Discharger) based on a finding of violations of Waste Discharge Requirements (WDRs) Orders No. 97-049 and R7-2007-0036 (National Pollutant Discharge Elimination System Permit CA0105023).

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

1. Seeley County Water District (Discharger) owns and operates a municipal wastewater treatment plant (Facility) located at 1898 West Main Street, Seeley, CA 92273 in Imperial County. The treatment system consists of a lift station, a drum screen, a bar screen, a “Clemson” aerated pond treatment system with surface aerators, pressure sand filters, and an ultraviolet (UV) disinfection system. The facility’s “Clemson” system consists of five aerated ponds operated in series. Wastewater is discharged from Discharge Point 001 to the New River, a water of the United States, tributary to the Salton Sea, and within the Salton Sea Transboundary Watershed.
2. The Colorado River Basin Water Board adopted WDRs Order 97-049 on June 25, 1997. Order 97-049 was renewed on June 26, 2002 as Order R7-2002-0126, and on September 19, 2007 as Order R7-2007-0036 to regulate discharges of wastewater from the Facility. Each of these orders includes effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
3. Water Code section 13385(i)(1) also requires the Colorado River Basin Water Board to assess a mandatory minimum penalty (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 (hereafter “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.
4. Water Code section 13385(i)(2) states the following: “For the purpose of this Section, a ‘period of six consecutive months’ means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”
5. WDRs Order 97-049 requires the hydrogen ion (pH) of the effluent to be maintained within the limits of 6.0 and 9.0 and contains the following final effluent limitations for discharges from the Facility to the New River:

Constituent	Unit	30-Day Arithmetic Mean Discharge Rate ²	7-Day Arithmetic Mean Discharge Rate ³
20°C BOD ₅	mg/L ⁴	45	65

² 30-Day Mean – The arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

³ 7-Day Mean – The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

⁴ mg/L – milligrams per Liter.

6. WDRs Order R7-2007-0036 (page 11, section IV.A.1.a. Table 6) contains the following final effluent limitations with which the Discharger is required to maintain compliance at Discharge Point 001:

Parameter	Units	Effluent Limitations	
		Average Monthly	Average Weekly
Biochemical Oxygen Demand (BOD) 5-day @ 20°C	mg/L	45	65
	lbs/day ¹	94	140

¹ The mass-based effluent limitations are based on a design capacity of 0.25 MGD.

WDRs Order R7-2007-0036 also contains the bacteria limits (page 11, section IV.A.1.d.):

Enterococci. 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 33 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 100 MPN per 100 milliliters.

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 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.

7. On or about and between May 29, 2002 and June 23, 2002, self-monitoring reports submitted by the Discharger show that wastewater discharged from the Facility exceeded effluent limitations set forth in WDRs 97-049 in May and June 2002 as follows:
- (a) Maximum pH on one (1) occasion and
 - (b) 7-day arithmetic mean BOD discharge rate on three (3) occasions.
8. On or about and between May 31, 2011 and June 30, 2011, self-monitoring reports submitted by the Discharger show that wastewater discharged from the Facility exceeded effluent limitations set forth in WDRs R7-2007-0036 as follows:
- (a) Monthly average BOD concentration on one (1) occasion;
 - (b) 30-day percentage of fecal coliform results in excess of 400 MPN/100 mL on one (1) occasion;
 - (c) 30-day geometric mean of *Enterococci* results on one (1) occasion; and
 - (d) Maximum *Enterococci* result on two (2) occasions.
9. A summary of each violation of WDRs Orders 97-049 and R7-2007-0036 is contained in Attachment A, which is incorporated in and made part of this Order by reference. This Order only addresses administrative civil liability for violations specifically identified in Attachment A as subject to mandatory minimum penalty.

10. The total amount of the MMP for the violations cited in Attachment A is \$6,000.
11. On January 10, 2014, the Colorado River Basin Water Board Assistant Executive Officer issued ACL Complaint No. R7-2014-0022 proposing that the Discharger pay six thousand dollars (\$6,000) in mandatory minimum penalties for the violations.
12. The Colorado River Basin Water 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(b). The Discharger submitted the signed waiver and payment in full of the civil liability imposed by ACL Complaint R7-2014-0022. Together the signed waiver and payment constitute a settlement of this matter.
13. On March 20, 2014, the Colorado River Basin Water Board considered all comments pertaining to this matter and approved the settlement of this matter at its public meeting held on March 20, 2014 in Brawley, California.
14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.
15. Any person aggrieved by this action of the Colorado River Basin 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 THAT, pursuant to Water Code section 13385, Seeley County Water District is assessed an administrative civil liability of six thousand dollars (\$6,000) in mandatory minimum penalties for the violations set forth in Attachment A.

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 March 20, 2014.



ROBERT PERDUE, Executive Officer