

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

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2014-0036
IN THE MATTER OF
VALLEY SANITARY DISTRICT
VALLEY SANITARY WASTEWATER TREATMENT PLANT
Indio – Riverside County

This Order to assess administrative civil liability (ACL) pursuant to California Water Code (Water Code) section 13385 is issued to Valley Sanitary District (hereinafter Discharger) based on a finding of violations of Waste Discharge Requirements (WDRs) Order No. R7-2010-0019 (National Pollutant Discharge Elimination System Permit CA0104477).

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

1. The Discharger owns and operates the Valley Sanitary District Wastewater Treatment Plant (Plant). The Plant consists of three separate treatment systems: 1) an activated sludge system, 2) an oxidation pond system, and 3) a wetlands system. Influent enters the main influent pumping station and is screened through mechanical bar screens. Then, the influent is apportioned between the activated sludge system, oxidation pond system, and wetlands system as circumstances necessitate. Effluent from the activated sludge system is chlorinated and dechlorinated and discharged to the Coachella Valley Storm Water Channel, a water of the United States within the Salton Sea Watershed, at Discharge Point 001. Effluent from the oxidation pond system is routed directly to the wetlands system, then chlorinated and dechlorinated and discharged to the Coachella Valley Storm Water Channel at Discharge Point 001. Effluent from the wetlands system is combined with the effluent from the oxidation pond system to be chlorinated and dechlorinated and discharged to the Coachella Valley Storm Water Channel at Discharge Point 001.
2. On June 17, 2010, the Colorado River Basin Water Board adopted WDRs Order R7-2010-0019, for the Discharger to regulate discharges of wastewater from the Plant. WDRs Order R7-2010-0019 specifies effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region. Also on June 17, 2010, the Colorado River Basin Water Board issued Cease and Desist Order (CDO) R7-2010-0037 to the Discharger, which established interim effluent limitations for heptachlor.
3. Water Code section 13385(h)(1) requires the Colorado River Basin Water Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
4. Water Code section 13385(h)(2) states, in part, the following: "For the purpose of this Section, a 'serious violation' means any waste discharge that violates the effluent limitations...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."
5. Water Code section 13385(i)(1) also requires the Colorado River Basin Water Board to assess an 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.
6. 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.”
7. WDRs Order R7-2010-0019 (page 13, section IV.A.1.c, Table 8) contains the following final effluent limitations for discharges from the oxidation ponds and wetlands treatment systems with which the Discharger is required to maintain compliance at Discharge Point 001 with compliance measured at Monitoring Location EFF-001B:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
CBOD (5 day @ 20 Deg. C)	mg/L	40	60	---	---	---
	lbs/day ¹	1,168	1,751	---	---	---

¹ The mass-based effluent limitations are based on a design capacity of 3.5 MGD.

Percent Removal: The average monthly percent removal of CBOD 5-day 20°C and total suspended solids (TSS) shall not be less than 65 percent.

8. WDRs Order R7-2010-0019 (page 14, section IV.A.1.d, Table 9) contains the following final effluent limitations for the combined discharges from the activated sludge, oxidation ponds, and wetlands treatment systems with which the Discharger is required to maintain compliance at Discharge Point 001 with compliance measured at Monitoring Point EFF-001C:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Residual Chlorine	mg/L	0.01	---	---	---	0.02
	lbs/day ¹	0.92	---	---	---	1.8
Oil and Grease	mg/L	---	---	25	---	---
	lbs/day ¹	---	---	2,294	---	---
Heptachlor	µg/L	0.00021	---	0.00042	---	---
	lbs/day ¹	0.000019	---	0.000039	---	---

¹ The mass-based effluent limitations are based on a design capacity of 11.0 MGD.

9. WDRs Order R7-2010-0019 (page 15, section IV.A.1.g) contains the following final effluent limitations for the combined discharges from the activated sludge, oxidation ponds, and wetlands treatment systems with which the Discharger is required to maintain compliance at Discharge Point 001 with compliance measured at Monitoring Point EFF-001C:
 - i. **E. Coli.** 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 Most Probable Number (MPN) of 126 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 400 per 100 milliliters.
 - ii. **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 per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed a MPN of 400 per 100 milliliters.
10. Cease and Desist Order (CDO) No. R7-2010-0037 established interim effluent limitations for heptachlor and included a finding that “pursuant to CWC Section 13382(j)(3)(B)(i), mandatory minimum penalties under 13385 (h) and (i) will not apply to the copper and heptachlor effluent limitations violations in WDRs Order No. R7-2010-0017 where the discharge is in compliance with this CDO.” Order R7-2010-0037 satisfied the criteria established in Water Code section 13385(j)(3), because it was issued after January 1, 2000, specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i), the Colorado River Basin Water Board found that the Discharger was not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements, and the Colorado River Basin Water Board established a time schedule for bringing the waste discharge into compliance with the effluent limitations by June 30, 2013 (i.e., within five years).
11. The interim effluent limitations for heptachlor established in R7-2010-0037 are as follows:

Parameter	Units	Interim Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Heptachlor	µg/L	0.03	---	0.04	---	---
	lbs/day ¹	0.0028	---	0.0037	---	---

¹ The mass-based effluent limitations are based on a design capacity of 11.0 MGD.

To date, the Discharger has complied with the interim effluent limits for heptachlor.

12. On or about and between August 1, 2010 and October 31, 2013, self-monitoring reports submitted by the Discharger show that the wastewater discharged from the Plant exceeded effluent limitations set forth in WDRs Order R7-2010-0019 for:
 - (a) carbonaceous biochemical oxygen demand (5 day @ 20 Deg. C) [CBOD] average monthly concentration at Monitoring Location EFF-001B on three (3) occasions;
 - (b) residual chlorine instantaneous maximum concentration at Monitoring Location EFF-001C on six (6) occasions;

- (c) residual chlorine instantaneous maximum mass loading at Monitoring Location EFF-001C on one (1) occasion;
- (d) *Escherichia coli* (*E. coli*) maximum allowable bacterial density at Monitoring Location EFF-001C on two (2) occasions;
- (e) fecal coliform maximum allowable bacterial density of total samples during a 30-day period at Monitoring Location EFF-001C on one (1) occasion;
- (f) oil and grease maximum daily concentration at Monitoring Location EFF-001C on one (1) occasion;
- (g) total suspended solids (TSS) average monthly percent removal at Monitoring Location EFF-001B on two (2) occasions;
- (h) heptachlor maximum daily concentration at Monitoring Location EFF-001C on one (1) occasion;
- (i) heptachlor maximum daily mass loading at Monitoring Location EFF-001C on one (1) occasion;
- (j) heptachlor average monthly concentration at Monitoring Location EFF-001C on one (1) occasion; and
- (k) heptachlor average monthly mass loading at Monitoring Location EFF-001C on one (1) occasion.

These effluent limitation exceedances are identified and detailed in Attachment A. Attachment A is attached hereto and incorporated herein by this reference. This Complaint only addresses administrative civil liability for violations specifically identified in Attachment A as subject to mandatory minimum penalty (MMP).

13. A summary of each violation of WDRs Order R7-2010-0019 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.
14. The total amount of the MMP for the violations cited in Attachment A is \$36,000.
15. On January 9, 2014, the Colorado River Basin Water Board Assistant Executive Officer issued ACL Complaint No. R7-2014-0023 proposing that the Discharger pay thirty-six thousand dollars (\$36,000) in mandatory minimum penalties for the violations.
16. 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 R7-2014-0023. Together the signed waiver and payment constitute a settlement of this matter.
17. 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 in Brawley, California.

18. 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.
19. 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 *et seq.*. 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, Valley Sanitary District is assessed an administrative civil liability for thirty-six thousand dollars (\$36,000) 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