

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0527

MANDATORY PENALTY
IN THE MATTER OF

SAN ANDREAS SANITARY DISTRICT
WASTEWATER TREATMENT PLANT
CALAVERAS COUNTY

This Order is issued to the San Andreas Sanitary District (Discharger) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL) and Water Code section 13323 which authorizes the Executive Officer to issue this Order. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders R5-2009-0007 and R5-2014-0104 (NPDES CA0079464).

The 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 a domestic wastewater collection, treatment, and disposal system, and provides sewerage service to the community of San Andreas, in Calaveras County. Secondary treated effluent is discharged solely to a designated land disposal area from 1 May through 31 October of each year. Between 1 November and 30 April of each year, the secondary treated effluent is discharged to the land disposal area (to the extent feasible) or is discharged to the North Fork of the Calaveras River, a water of the United States.
2. On 5 February 2009, the Central Valley Water Board issued WDRs Order R5-2009-0007 and Time Schedule Order (TSO) R5-2009-0008 to regulate discharges of waste from the San Andreas Sanitary District's Wastewater Treatment Plant (Facility). At the same time, the Board rescinded WDRs Order R5-2003-0151 and Cease and Desist Order R5-2003-0152, except for enforcement purposes.
3. On 8 August 2014, effective 1 October 2014, Board issued WDRs Order R5-2014-0104, which contained new requirements and rescinded WDRs Order R5-2009-0007, except for enforcement purposes.
4. On 15 January 2014, the Board issued TSO R5-2014-0900 and rescinded TSO R5-2008-0008. TSO R5-2014-0900 provides a time schedule until 30 November 2018 to comply with effluent limitations for cyanide, copper and zinc. This Order considers the protection from mandatory minimum penalties (MMPs) provided by the TSO.
5. On 8 May 2014, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability (ACL) Order R5-2014-0532. The ACL Order charged the Discharger with civil liability in the amount of \$6,000, which represented the sum of the statutory MMPs for effluent limitation violations that occurred at the Facility from 1 May

2010 to 31 December 2013. The Discharger completed a compliance project to satisfy the ALC Order and the Board considers the effluent violations specifically listed in Attachment A to Order R5-2014-0532 resolved.

6. This Order addresses violations subject to MMPs which occurred during the period of 1 January 2014 through 31 December 2014. On 5 January 2015, Central Valley Water Board staff issued the Discharger a Notice of Violation (NOV) and draft Record of Violations (ROV) for the period of 1 January 2014 through 31 October 2014. On 23 January 2015, the Discharger responded to the ROV and requested that the MMPs be applied toward a compliance project to offset the MMPs, as allowed by Water Code section 13385(k). This Order extends the period of violations through 31 December 2014, and as a result, one additional violation has been added to this Order.
7. Water Code section 13385 subdivisions (h) and (i) require assessment of mandatory minimum penalties and state, in relevant part, the following:

Water Code section 13385 subdivision (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.

Water Code section 13385 subdivision (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.

Water Code section 13385 subdivision (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.

8. WDRs Order R5-2009-0007 Effluent Limitations IV.A.1.e include, in part, the following effluent limitations:
 - e. Total Residual Chlorine. Effluent total residual chlorine shall not exceed:
 - i. 0.011 mg/L, as a 4-day average; and
 - ii. 0.019 mg/L, as a 1-hour average.

9. WDRs Order R5-2014-0104 Effluent Limitations IV.A.1.e include, in part, the following effluent limitations:
 - e. Total Residual Chlorine. Effluent total residual chlorine shall not exceed:
 - i. 0.011 mg/L, as a 4-day average; and
 - ii. 0.019 mg/L, as a 1-hour average.

10. According to the Discharger's self-monitoring reports, the Discharger committed two (2) violations of the above effluent limitations during the period from 1 January 2014 through 31 December 2014. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by twenty percent (20%) or more. The mandatory minimum penalty for these serious violations is **six thousand dollars (\$6,000)**.

11. The total amount of the mandatory minimum penalties assessed for the cited effluent violation is **six thousand dollars (\$6,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Order addresses administrative civil liability for violations that are specifically listed in Attachment A as subject to mandatory minimum penalties.

12. Water Code 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.

13. The 2009 State Water Resources Control Board's *Water Quality Enforcement Policy* delegates the Regional Boards the authority to determine whether a publicly owned treatment works serves a small community with financial hardship. On 6 January 2014, the Central Valley Water Board determined that the San Andreas Sanitary District meets the definition of a small community with a financial hardship.
14. In a 12 February 2015 letter, the Discharger proposed a compliance project to improve the existing sodium bisulfite injection system by relocating the bisulfite injection point and feed pumps, insulating bisulfite lines, providing carrier water for sodium bisulfite system, and adding a total chlorine residual monitoring location at the end of the chlorine contact basin to ensure proper dechlorination. The proposed project will ensure to provide a better mixing zone, longer contact time between injection points, minimize bisulfite crystallization, and provide reliable dechlorination, thus eliminating any future total chlorine residual effluent violations.
15. Board staff finds that the proposed compliance project qualifies as a compliance project within the meaning of Water Code section 13385 (k) because it will result in compliance with the total residual chlorine effluent limitation.
16. The Central Valley Water Board finds that the compliance project will remedy the violations for total residual chlorine. The compliance project has been designed to correct these violations within five years, the timeline for the compliance project is as short as possible, and the compliance project has been designed in accordance with the State Water Board's Water Quality Enforcement Policy. The amount that the Discharger has expended or plans to expend on the compliance project is in excess of the mandatory minimum penalty that the Board is required to assess under Water Code sections 13385(h) and (i) for the violations that are to be addressed by the compliance project.
17. 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.
18. Issuance of this Administrative Civil Liability Order to enforce Water Code 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, sections 15307, 15308 and 15321(a)(2).

THE SAN ANDREAS SANITARY DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability of **six thousand dollars (\$6,000)**.
2. The entire \$6,000 penalty shall be considered satisfied through the expenditure of an equivalent or greater amount on the completion of the compliance project described in Finding 14, if the Discharger complies with time schedule and deliverables listed in Attachment B to this Order.
3. 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.
4. The 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 any of the approved compliance projects extend past five (5) years from the issuance of this Order.
5. The Discharger must obtain written approval from the Executive Officer for any significant departures from the project outlines and the time schedules 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.
6. If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance project in accordance with the due dates listed above (including any extensions approved by the Executive Officer), the 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.
7. Should the Discharger fail to take any of the above actions, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order. The Board reserves the right to take any enforcement action authorized by law.
8. 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 Water Code 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.

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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 or will be provided upon request.

Original Signed by Adam Laputz for

PAMELA C. CREEDON, Executive Officer

11 June 2015

DATE

Attachment A: Record of Violations
Attachment B: Compliance Project

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0527

San Andreas Sanitary District
San Andreas Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2014 - 31 December 2014) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2009-0007 and R5-2014-0104)

	<u>Date</u>	<u>Parameter</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
1	18-Feb-14	Total Residual Chlorine	mg/L	0.019	0.023	1-hour Average	2	966076
2	12-Dec-14	Total Residual Chlorine	mg/L	0.019	0.099	1-hour Average	2	984839

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 180-day period, thus is not subject to mandatory minimum penalties. Penalties that may be assessed for this violation are discretionary. This violation is not addressed or resolved in this ROV.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>12/31/14</u>
Group I Serious Violations:	0
Group II Serious Violations:	2
Non-Serious Violations Not Subject to MMPs:	0
<u>Non-serious Violations Subject to MMPs:</u>	<u>0</u>
Total Violations Subject to MMPs:	2

Mandatory Minimum Penalty = (2 Group II Serious Violation) x \$3,000 = \$6,000

**ATTACHMENT B
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0527**

Compliance Project Description

Project Description:

The purpose of the proposed improvements to improve chlorine and sodium bisulfite dosing practices and to provide additional redundancy to the final disinfection and dechlorination process to eliminate future violations.

Proposed Improvements

- I. Relocate sodium bisulfite injection point: The proposed new sodium bisulfite injection point will be at the chlorine contact basin outlet, just downstream from the weir. This improvement will provide better mixing and longer contact time between injection point and the sampling point, which will provide a more consistent, representative effluent sample.
- II. Relocate sodium bisulfite feed pump: This improvement will provide feed system redundancy and increases system robustness.
- III. Heat trace sodium bisulfite recirculation lines: The sodium bisulfite recirculation pump will be installed and will be used to recirculate contents of the sodium bisulfite storage tank to minimize occurrence of crystallization of the product.
- IV. Provide carrier water for sodium bisulfite: This will ensure uniform sodium bisulfite dosing and reduce crystallization in the tubing.
- V. New chlorine residual monitoring location: The proposed improvements include installing a sample pump, chlorine residual analyzer, and required piping in the Facility's water pump station. The sample pump will draw from the chlorine contact basin just upstream of the effluent weir and recirculate it back to the basin. The sample analyzer will draw from the sample recirculation line. The output signal from this chlorine residual will be used to control the bisulfite feed pump to achieve dechlorination prior to the point of compliance.

Water Bodies, Beneficial Uses and/or Pollutants Addressed by this Project:

The Facility discharges to North Fork Calaveras River a water of the United States, tributary to New Hogan Reservoir within Upper Calaveras Watershed. The proposed improvements will ensure to provide a better mixing zone, longer contact time between injection points, minimize bisulfite crystallization, and provide reliable dechlorination, thus eliminating any future total chlorine residual effluent violations. The following existing and potential beneficial uses apply: municipal and domestic supply, recreation, non-contact water recreation; warm freshwater habitat; cold freshwater habitat migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat.

**ATTACHMENT B
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0527**

The proposed improvement will help to prevent any elevated chlorine residual in effluent discharge, therefore, eliminating any adverse effect from high chlorine residual to beneficial uses.

Project Tasks and Budget:

The goals of the compliance project are to prevent future chlorine residual exceedances as previously described. The compliance project is expected to cost approximately \$25,000. The project is to be carried out by San Andreas Sanitary District staff. Milestones include completion of project component layout and design, construction/implementation, and start-up.

Project construction is expected to be complete by 30 September 2015 with start-up to commence mid-December to mid-January.

Deliverables:

Notification of Sodium Bisulfite Modifications: The Discharger shall submit written notification to the Central Valley Water Board that modifications to relocate the sodium bisulfite injection point and installation of a chlorine sample pump, chlorine residual analyzer, and required piping in the Facility's water pump station has begun.

Due Date: 1 November 2015

Progress Report – Sodium Bisulfite System and Chlorine Monitoring Improvements: The Discharger will submit a progress report summarizing construction and improvements the Discharger has completed to improve the dechlorination system. At minimum, the progress report shall include the status of relocating the sodium bisulfite feed pumps, installation of heat trace sodium bisulfite recirculation lines, provide carrier water for sodium bisulfite and the new chlorine residual monitoring location and equipment installation.

Due Date: 1 December 2015

Final Report: The final report will document that the compliance project has been completed and include a summary of all completed tasks and a post project accounting of all expenditures. The accounting must clearly show whether the final cost of the successfully completed compliance project is less than, equal to, or more than the liability suspended amount. The following statement must be included above the signature line of the report: "I certify under penalty of perjury that the foregoing is true and correct."

Due Date: 31 December 2015