

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0510

MANDATORY PENALTY
IN THE MATTER OF

CITY OF MT. SHASTA
CITY OF MT. SHASTA WASTEWATER TREATMENT FACILITY
SISKIYOU COUNTY

WDID NO. 5A470105001

This Administrative Civil Liability Order (Order) is issued to the City of Mt. Shasta (hereafter Discharger) pursuant to California Water Code (Water Code) 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) Order Nos. R5-2007-0056 (NPDES No. CA0078051).

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. Discharger owns and operates a wastewater collection system and treatment facility in the City of Mt. Shasta. Treated wastewater is discharged from Discharge Point D-001 to the Sacramento River. The Sacramento River is a water of the United States.
2. On 21 June 2007, the Central Valley Water Board issued Waste Discharge Requirements Order No. R5-2007-0056 (NPDES No. CA0078051), which contained new requirements.
3. WDRs Order No. R5-2007-0056 Final Effluent Limitations IV.A.1. states in part:
 - a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point EFF-001, with compliance measured immediately downstream of the de-chlorination chamber as described in the attached MRP:

Table 6B. Effluent Limitations (15 April through 14 June and 16 September through 15 November)

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper Total Recoverable	ug/L	3.94	--	7.90	--	--

4. Water Code section 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code 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.

Water Code 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.

Water Code section 13385(i)(1) states

Notwithstanding any other provisions 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 requirements 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 California Water Code section 13260;
- c) files an incomplete report pursuant to California Water Code section 13260; or
- d) violates a toxicity effluent limitation contained in the applicable waste discharge pollutant-specific effluent limitations for toxic pollutants.

5. Water Code 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.

6. On 6 September 2013, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint No. R5-2013-0549 for mandatory minimum penalties in the amount of \$3,000 for effluent violations for June 2012. On 16 September 2013, the Discharger submitted the Waiver Form with option 2 checked; which waived the 90-day hearing requirement in order to engage in settlement discussions with the Central Valley Water Board.

7. 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.

8. The State Water Resources Control Board has determined that the Discharger's wastewater treatment plant is a publicly owned treatment works serving a small community within the meaning of Water Code section 13385(k)(2).
9. On 22 November 2013, the Discharger submitted a proposed compliance project. The proposed City of Mt. Shasta has entered into a contract with PACE Engineering to complete a Feasibility Study for wastewater treatment plant compliance (Project). The Project includes will identify new and/or modified treatment processes that will allow the City of Mt. Shasta to comply with, among other constituents, Copper. Following completion of the Feasibility Study, the City of Mt. Shasta will begin seeking funding to design and construct new a wastewater treatment plant capable of removing copper.
10. On 22 November 2013, the Public Works Director, Rod Bryan submitted accounting records showing the Discharger has expended approximately \$42,000 on consulting fees for the Feasibility Study, which is in excess of the mandatory minimum penalty required by water code sections 13385(h) and (i).
11. The Central Valley Water Board finds that the Compliance Project has been designed to correct the violations that led to the issuance of these Administrative Civil Liabilities and that the project is in accordance with the enforcement policy of the State Water Board. The Central Valley Water Board finds that the Compliance Project will correct the violations that led to the issuance of this Administrative Civil Liability Order. The Compliance Project has been completed in accordance with the Enforcement Policy of the State Water Board and that the Discharger had appropriate financing to complete the project.

12. 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). Executive Officer 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.
13. 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 interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.
14. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

IT IS HEREBY ORDERED, pursuant to Water Code sections 13385, that:

1. The City of Mt. Shasta, Mt. Shasta Wastewater Treatment Facility, its agents, successors and assigns, shall be assessed an Administrative Civil Liability in the amount of **three thousand dollars (\$3,000)**.
2. The entire \$3,000 is treated as a Suspended Administrative Liability as the discharger has submitted proof to the Central Valley Water Board that the money spent toward the Compliance Project detailed in Findings 9 and 10 was equal or greater than the Suspended Administrative Liability.

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 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 or will be provided upon request.

This Order is effective immediately upon issuance.



KENNETH LANDAU, Assistant, Executive Officer

28 February 2014

(Date)

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2014-0510

City of Mt. Shasta
Mt. Shasta Wastewater Treatment Facility

RECORD OF VIOLATIONS (June 2012) MANDATORY PENALTIES

Violation Date	Discharge Point	Pollutant/Parameter	Units	Effluent Limit	Analytical Results	Percentage Over	Period	Violation Type	CIWQS Violation	MMP
6/30/2012	D-001	Copper, total recoverable	ug/L	3.94	4.8	21.8	Monthly Average	Serious Group II	937052	\$3,000
								Total Assessment		\$3,000

Notes: Serious Group I: any waste discharge that exceeds the effluent limitations for a group I pollutant by 40% or more.
 Serious Group II: any waste discharge that exceeds the effluent limitations for a group II pollutant by 20% or more.
 Non-Serious Violation: A non-serious violation occurs if the discharger does any one of the following four or more times in any period of 180 days:
 (a) violates a WDR effluent limitation;
 (b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
 (c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or
 (d) violates a whole effluent toxicity limitation where the WDRs do not contain pollutant-specific effluent limitations for any toxic pollutants.
 AMEL: Average Monthly Effluent Limitation
 MDEL: Daily Maximum Effluent Limitation
 N/A: Not Applicable