

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2012-0549

MANDATORY PENALTY
IN THE MATTER OF

CITY OF LIVE OAK
WASTEWATER TREATMENT PLANT
SUTTER COUNTY

This Order is issued to the City of Live Oak (hereafter Discharger) pursuant to Water Code section 13385, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2004-0096 (NPDES No. CA0079022).

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

1. The Discharger owns and operates a wastewater collection, treatment and disposal system, which provides sewerage service for the City of Live Oak. Municipal wastewater is treated at the City of Live Oak Wastewater Treatment Plant and is discharged to Reclamation District 777 Lateral Drain No. 1, a water of the United States and a tributary to Main Canal, which is a tributary to the Sutter Bypass.
2. On 9 July 2004, the Central Valley Board issued WDRs Order R5-2004-0096, which contained new requirements and rescinded WDRs Order 99-008, except for enforcement purposes. On the same date, the Board issued Cease and Desist Order (CDO) R5-2004-0097. The CDO R5-2004-0097 provided the Discharger with an exemption from mandatory minimum penalties (MMPs) for aluminum, ammonia, diazinon, and organochlorine pesticides for a period of five years through 1 April 2009, as long as the discharge was in compliance with the terms of the CDO.
3. On 24 April 2009, the Board issued CDO R5-2009-0012-01 which rescinded CDO R5-2004-0097. CDO R5-2009-0012-01 established interim effluent limitations for copper, cyanide, total coliform, total suspended solids, and turbidity requirements; required full compliance by 30 September 2012, and provided the Discharger with an exemption from MMPs for violations of effluent limitations if the discharge is in compliance with the terms of the CDO. This Order considers the protection from MMPs for the above five constituents provided by CDO R5-2009-0012-01.
4. On 10 June 2011, the Board issued WDRs Order R5-2011-0034, which contained new requirements and rescinded WDRs Order R5-2004-0096, except for enforcement purposes. On the same date, the Board issued Order R5-2011-0035 (amending CDO R5-2009-0012-02) which provides the Discharger with an exemption from mandatory minimum penalties for BOD, TSS and total coliform organisms through 5 February 2014. The CDO also provides MMP protection for ammonia, dibromochloromethane, dichlorobromomethane, iron, manganese, and nitrate through 10 June 2016, as long as the discharge is in compliance with the terms of the CDO. Although the CDO addresses aluminum, alpha BHC, 4,4'DDE, alpha endosulfan, and endrin aldehyde, it does not

provide MMP protection for these five constituents. This Order considers the protection from MMPs for the above nine constituents (BOD, TSS, total coliform organisms, ammonia, dibromochloromethane, dichlorobromomethane, iron, manganese, and nitrate) provided by CDO R5-2009-0012-02.

5. On 9 December 2009, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability (ACL) Order R5-2009-0587, assessing \$108,000 in mandatory minimum penalties for effluent limitations violations that occurred from 1 July 2003 through 30 June 2009. These specific violations are listed in Attachment A to the Order. The ACL Order allowed the Discharger to apply the penalty toward a compliance project designed to correct the violations within five years. The compliance project consists of constructing a \$20 million upgrade to the wastewater treatment plant.
6. On 4 February 2011, the Assistant Executive Officer issued ACL Order R5-2011-0516, assessing \$627,000 in mandatory minimum penalties for effluent limitation violations from 1 July 2003 through 31 October 2010. These specific violations are listed in Attachment A to the Order. The ACL Order allowed the Discharger to apply the penalty toward the treatment plant compliance project.
7. On 24 June 2011, the Assistant Executive Officer issued ACL Order R5-2011-0583, assessing \$387,000 in mandatory minimum penalties for effluent limitation violations from 1 November 2010 through 28 February 2011. These specific violations are listed in Attachment A to the Order. The ACL Order allowed the Discharger to apply the penalty toward the treatment plant compliance project.
8. This Order addresses administrative civil liability for effluent violations that occurred during the period from 1 March 2011 through 31 March 2012. These violations are specifically identified in Attachment A to this Order as subject to mandatory minimum penalties. Attachment A to this Order is attached hereto and incorporated herein by this reference.
9. On 15 February 2012, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent limitation violations from 1 March 2011 through 30 September 2011. On 6 March 2012, the Discharger responded and agreed with all of the violations and requested that all penalties associated with these violations be applied towards the treatment plant compliance project.
10. Water Code sections 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 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.

11. 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.

12. WDRs Order R5-2004-0096 Effluent Limitations B.2. states, in part:

The effluent shall not exceed the following limitations (from 1 April 2009 forward):

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Aluminum ¹	µg/L	71 ²	--	140 ²	--
	lbs/day ³	0.83	--	1.7	--
Ammonia, Total (as N)	mg/L	Attachment B	Attachment C	--	Attachment D
	lbs/day ⁴	₅	₅	--	₅
Cyanide (total recoverable)	µg/L	4.3 ²	--	8.5 ²	--
	lbs/day ³	0.050	--	0.10	--

¹ Acid-soluble or total.

² To be discerned by a 24-hour composite

³ based upon a design treatment capacity of 1.4 mgd [x µg/L x (1 mg/1000 µg) x 8.345 x 1.4 mgd= y lbs/day]

⁵ The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 1.4 mgd and the unit conversion factor of 8.345 (see footnote 3 for equation).

Note: Attachment B is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Criterion Continuous Concentration, Maximum Average Monthly Concentration."

Attachment C is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Maximum 4-day Average."

Attachment D is a table titled "pH Dependent Effluent Limits for Ammonia Criterion Maximum Concentration, Maximum 1-hour Average."

13. WDRs Order R5-2004-0096 Effluent Limitations B.5. states, in part:

5. The discharge shall not have a pH less than 6.5 nor greater than 8.5.

14. According to the Discharger's self-monitoring reports, the Discharger committed forty-five (45) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2004-0096 during the period beginning 1 March 2011 and ending 31 March 2012, as identified in Attachment A. These violations are defined as serious because the measured concentrations of a Group I constituent exceeded maximum prescribed levels in WDRs Order R5-2004-0096 by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **one hundred thirty-five thousand dollars (\$135,000)**.

15. According to the Discharger's self-monitoring reports, the Discharger committed two (2) serious violations of the above effluent limitations for Group II constituents contained in WDRs Order R5-2004-0096 during the period beginning 1 March 2011 and ending 31 March 2012, also identified in Attachment A. These violations are defined as serious because the measured concentrations of Group II constituents exceeded the maximum prescribed level by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **six thousand dollars (\$6,000)**.

16. According to the Discharger's self-monitoring reports, the Discharger committed forty-nine (49) non-serious violations of the above effluent limitations contained in WDRs Order R5-2004-0096 during the period beginning 1 March 2011 and ending 31 March 2012, also identified in Attachment A. These forty-nine violations are subject to mandatory penalties under Water Code 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 non-serious violations is **one hundred forty-seven thousand dollars (\$147,000)**.

17. The total amount of the mandatory penalties assessed for the cited effluent violations is **two hundred eighty-eight thousand dollars (\$288,000)**. 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.

18. Water Code section 13385 (k) states:

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.

19. On 4 November 2008, the Executive Director of the State Water Resources Control Board transmitted a memorandum determining that the City of Live Oak Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of Water Code section 13385(k)(2). Central Valley Water Board staff has recently confirmed that the treatment plant continues to serve a small community with financial hardship.

20. On 1 September 2009, the Discharger submitted a letter which indicated that it is in the process of spending approximately \$20 million to construct an upgraded wastewater treatment plant designed to bring the facility into compliance with its NPDES permit and enforcement orders. Funding for this project consists of a \$10 million grant (which cannot be applied toward the mandatory minimum penalty assessments), a \$6 million loan, and \$4 million of City funds. The project retains the existing flow capacity, includes a new process control and laboratory building, odor control improvements at the existing headworks, a new process feed pump station, a selector basin and two oxidation ditches,

blowers, two secondary clarifiers, a return activated sludge (RAS) pump station, rapid mix, flocculation basins, cloth media filters, an ultraviolet disinfection system, a solids storage basin, filter drying beds, a plant drain pump station and a stormwater retention basin. The compliance project will allow full compliance with the Board's Orders by 30 September 2012.

21. As described in Findings 5, 6, and 7, the Discharger was allowed to apply the previously assessed mandatory minimum penalties totaling \$1,122,000 toward the construction of treatment plant upgrades, since the construction of the upgrades qualifies as a compliance project within the meaning of Water Code section 13385(k). This Order allows an additional \$288,000 in mandatory minimum penalties to be applied to the same project and contains the same compliance dates as ACL Order R5-2011-0583. After this Order has been issued, the Discharger will have spent a total of \$1,410,000 towards the completion of the treatment plant upgrades in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties.
22. The Central Valley Water Board finds that the Discharger's upgrades to the treatment plant qualify under Water Code 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 Water Quality Enforcement Policy of the State Water Board, and the Discharger has prepared a financing plan to complete the project.
23. 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 and no objections were received.
24. 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.
25. 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 section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

THE CITY OF LIVE OAK IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **two hundred eighty-eight thousand dollars (\$288,000)**.

- The entire penalty shall be deemed satisfied by the Central Valley Water Board through the expenditure of an equivalent or greater amount on the completion of the compliance project described in Finding 20, if the Discharger complies with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Complete construction and commence operation of the new wastewater treatment plant	16 July 2012
Achieve Full Compliance with WDRs	30 September 2012
Submit final documentation of Compliance Project costs	31 December 2012

- A progress report shall be submitted on or before each of the above compliance dates. The progress report shall describe the work undertaken to comply with this Order.
- 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 9 December 2014, which is five years from the date on which Order R5-2009-0587 was approved (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 departures from the project outlined in Finding 20 and the time schedule shown above. Failure to obtain approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.
- 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 upgrade proposal submitted to the Central Valley Water Board on 1 September 2009 (as summarized in Finding 20), 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. If the Discharger is required to pay the suspended liability, the Discharger is not relieved of its independent obligation to take necessary actions to achieve compliance.
- 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.
- 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. 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

KENNETH D. LANDAU, Assistant Executive Officer

22 June 2012

DATE

Attachment A: Record of Violations

**City of Live Oak
 Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 March 2011 - 31 March 2012) MANDATORY PENALTIES
 (Data reported under Monitoring and Reporting Programs R5-2004-0096 and R5-2011-0034)

	<u>Date</u>	<u>Violation</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
<i>Violations under WDRs Order R5-2004-0096</i>								
*	28-Feb-11	Ammonia	lb/day	81.7	137.1	4-day average	1	895911
*	28-Feb-11	Ammonia	lb/day	79	138	1-hour average	1	895918
*	28-Feb-11	Ammonia	lb/day	36.9	93.8	Average Monthly	1	895920
1	2-Mar-11	Ammonia	mg/L	6.8	11	1-hour average	1	900923
2	2-Mar-11	Ammonia	mg/L	6.99	11	4-day average	1	901003
3	2-Mar-11	Ammonia	lb/day	79	119	1-hour average	1	901004
4	2-Mar-11	Ammonia	lb/day	81.7	108	4-day average	4	901005
5	7-Mar-11	Ammonia	mg/L	5.4	10	1-hour average	1	901171
6	7-Mar-11	Ammonia	mg/L	5.91	10	4-day average	1	901172
7	7-Mar-11	Ammonia	lb/day	63	117	1-hour average	1	901173
8	7-Mar-11	Ammonia	lb/day	69	142	4-day average	1	901175
9	9-Mar-11	Ammonia	mg/L	5.9	9.7	1-hour average	1	901193
10	9-Mar-11	Ammonia	mg/L	6.35	9.85	4-day average	1	901195
11	14-Mar-11	Ammonia	mg/L	5.4	7.9	1-hour average	1	901224
12	14-Mar-11	Ammonia	mg/L	5.91	7.9	4-day average	4	901225
13	14-Mar-11	Ammonia	lb/day	63	68	1-hour average	4	901226
14	14-Mar-11	Ammonia	lb/day	69	82	4-day average	4	901227
15	16-Mar-11	Ammonia	mg/L	6.77	8.3	1-hour average	4	901232
16	16-Mar-11	Ammonia	mg/L	6.99	8.1	4-day average	4	901233
17	16-Mar-11	Ammonia	lb/day	79	97	1-hour average	4	901234
18	21-Mar-11	Ammonia	mg/L	6.77	9.7	1-hour average	1	901247
19	21-Mar-11	Ammonia	mg/L	6.99	9.7	4-day average	4	901248
20	23-Mar-11	pH	Std Unit	< 8.5	8.6	Instantaneous Maximum	4	901252
21	23-Mar-11	Ammonia	mg/L	5.62	11	1-hour average	1	901325
22	23-Mar-11	Ammonia	mg/L	6.08	10.35	4-day average	1	901326
23	30-Mar-11	Ammonia	mg/L	6.77	8	1-hour average	4	901352
24	30-Mar-11	Ammonia	mg/L	6.99	7.8	4-day average	4	901353
25	31-Mar-11	Aluminum	mg/L	71	136	Average Monthly	1	901357
26	31-Mar-11	Ammonia	mg/L	6.77	7	1-hour average	4	901359
27	31-Mar-11	Ammonia	mg/L	6.99	7.4	4-day average	4	901360
28	31-Mar-11	Ammonia	mg/L	3.16	9.2	Average Monthly	1	901361
29	6-Apr-11	Ammonia	mg/L	6.85	7.1	4-day average	4	901665
30	11-Apr-11	Ammonia	mg/L	7.4	7.8	1-hour average	4	901679
31	11-Apr-11	Ammonia	mg/L	6.24	7.8	4-day average	4	901680

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2012-0549
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 SUTTER COUNTY

	<u>Date</u>	<u>Violation</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
32	13-Apr-11	Ammonia	mg/L	8.1	8.2	1-hour average	4	901686
33	13-Apr-11	Ammonia	mg/L	7.8	8	4-day average	4	901687
34	18-Apr-11	Ammonia	mg/L	8.1	8.4	1-hour average	4	901706
35	18-Apr-11	Ammonia	mg/L	6.36	8.4	4-day average	4	901707
36	18-Apr-11	Ammonia	lb/day	74.7	89	1-hour average	4	901708
37	18-Apr-11	Ammonia	lb/day	74.3	88.3	4-day average	4	901709
38	20-Apr-11	Ammonia	mg/L	6.7	9.3	1-hour average	4	901718
39	20-Apr-11	Ammonia	mg/L	6.05	8.85	4-day average	1	901719
40	20-Apr-11	Ammonia	lb/day	79	94	1-hour average	4	901720
41	20-Apr-11	Ammonia	lb/day	70.7	97	4-day average	4	901721
42	25-Apr-11	Ammonia	mg/L	6.7	9.4	1-hour average	1	901731
43	25-Apr-11	Ammonia	mg/L	5.95	9.4	4-day average	1	901732
44	25-Apr-11	Ammonia	lb/day	79	92	1-hour average	4	901733
45	25-Apr-11	Ammonia	lb/day	69.4	94.1	4-day average	4	901734
46	27-Apr-11	Ammonia	mg/L	7.4	9.8	1-hour average	4	901738
47	27-Apr-11	Ammonia	mg/L	6.42	9.6	4-day average	1	901739
48	27-Apr-11	Ammonia	lb/day	86.5	91	1-hour average	4	901741
49	27-Apr-11	Ammonia	lb/day	74.9	95.6	4-day average	4	901743
50	30-Apr-11	Aluminum	lb/day	0.83	0.93	Average Monthly	4	901771
51	30-Apr-11	Ammonia	mg/L	6.16	8.4	Average Monthly	4	901772
52	30-Apr-11	Ammonia	lb/day	36.9	95	Average Monthly	1	901773
53	2-May-11	Ammonia	mg/L	7.4	8.7	1-hour average	4	905092
54	2-May-11	Ammonia	mg/L	7.5	9	4-day average	4	905102
55	3-May-11	Aluminum	µg/L	140	250	Average Daily	1	903521
56	3-May-11	Aluminum	lb/day	1.7	1.9	Average Daily	4	905079
57	4-May-11	Ammonia	mg/L	5.6	8.4	1-hour average	1	905093
58	4-May-11	Ammonia	mg/L	5	8.6	4-day average	1	905103
59	4-May-11	Ammonia	lb/day	58.7	64.5	4-day average	4	905115
60	9-May-11	Ammonia	mg/L	6.2	11	1-hour average	1	905094
61	9-May-11	Ammonia	mg/L	5.4	11	4-day average	1	905104
62	9-May-11	Ammonia	lb/day	72	90	1-hour average	4	905112
63	9-May-11	Ammonia	lb/day	62.8	101.8	4-day average	1	905117
64	11-May-11	Ammonia	mg/L	7.4	9.9	1-hour average	4	905096
65	11-May-11	Ammonia	mg/L	5.9	10.5	4-day average	1	905105
66	11-May-11	Ammonia	lb/day	69	94.1	4-day average	4	905118
67	16-May-11	Ammonia	mg/L	8.1	9.9	1-hour average	4	905097
68	16-May-11	Ammonia	mg/L	7.3	9.9	4-day average	4	905106
69	18-May-11	Ammonia	mg/L	8.9	12	1-hour average	4	905098
70	18-May-11	Ammonia	mg/L	7.9	11	4-day average	4	905107
71	23-May-11	Ammonia	mg/L	9.6	13	1-hour average	4	905099

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72	23-May-11	Ammonia	mg/L	6.4	13	4-day average	1	905108
73	23-May-11	Ammonia	lb/day	74.5	92.2	4-day average	4	905119
74	25-May-11	Ammonia	mg/L	6.2	13	1-hour average	1	905100
75	25-May-11	Ammonia	mg/L	4.8	13	4-day average	1	905109
76	25-May-11	Ammonia	lb/day	72	80	1-hour average	4	905113
77	25-May-11	Ammonia	lb/day	56.2	86.7	4-day average	1	905120
78	31-May-11	Aluminum	µg/L	71	250	Average Monthly	1	903523
79	31-May-11	Aluminum	lb/day	0.83	1.9	Average Monthly	1	905080
80	31-May-11	Ammonia	mg/L	6.8	14	1-hour average	1	905101
81	31-May-11	Ammonia	mg/L	5.9	14	4-day average	1	905110
82	31-May-11	Ammonia	mg/L	3.16	11.1	Average Monthly	1	905111
83	31-May-11	Ammonia	lb/day	79	109	1-hour average	4	905114
84	31-May-11	Ammonia	lb/day	68.9	107.4	4-day average	1	905121
85	31-May-11	Ammonia	lb/day	36.9	80.2	Average Monthly	1	905122
86	1-Jun-11	Ammonia	mg/L	9.6	14	1-hour average	1	909071
87	1-Jun-11	Ammonia	mg/L	7.88	14	4-day average	1	905651
88	1-Jun-11	Ammonia	lb/day	92	114.9	4-day average	4	905654
89	6-Jun-11	Ammonia	mg/L	9.6	15	1-hour average	1	909072
90	6-Jun-11	Ammonia	mg/L	7.74	15	4-day average	1	905641
91	6-Jun-11	Ammonia	lb/day	90.4	103.7	4-day average	4	909085
92	6-Jul-11	Aluminum	µg/L	140	186	Average Daily	2	907793
93	6-Jul-11	Cyanide	µg/L	8.5	11	Average Daily	2	907805
94	8-Jun-11	Ammonia	mg/L	9.6	16	1-hour average	1	909074
95	8-Jun-11	Ammonia	mg/L	6.9	16	4-day average	1	909079
96	8-Jun-11	Ammonia	lb/day	80.6	113.1	4-day average	1	909086

WDRs Order R5-2011-0034 effective 30 July 2011

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 not subject to mandatory minimum penalties.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>3/31/12</u>
Group I Serious Violations:	45
Group II Serious Violations:	2
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	49
<u>Total Violations Subject to MMPs:</u>	<u>96</u>

Mandatory Minimum Penalty = (47 serious Violation + 49 Non-Serious Violations) x \$3,000 = \$288,000

* Supporting Violations addressed in ACL Order R5-2011-0583