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CALIFORNIA RIVER WATCH

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 CALIFORNIA RIVER WATCH, an
IRC Section 501(c)(3), non-profit,
13 public benefit corporation,

14 Plaintiff,

v.

15 CITY OF MOUNT SHASTA, a
16 municipality,

17 Defendant.

Case No.:

**COMPLAINT FOR INJUNCTIVE
RELIEF, CIVIL PENALTIES, AND
DECLARATORY RELIEF**

(Environmental - Clean Water Act
33 U.S.C. § 1251 *et seq.*)

18
19 Plaintiff CALIFORNIA RIVER WATCH (“RIVER WATCH”) hereby brings this civil
20 action pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act
21 (“CWA”), 33 U.S.C. §§ 1251 *et seq.*

22 **I. INTRODUCTION**

23 1. This action is a citizen suit for injunctive relief, civil penalties, and remediation brought
24 against defendant CITY OF MOUNT SHASTA (“MT. SHASTA”) for routinely violating an
25 effluent standard or limitation in an order issued by the State (see CWA §§ 505(a)(1)(A) and (B),
26 33 U.S.C. §§ 1365(a)(1)(A) and (B)), specifically NPDES Permit No. CA0078051 (see CWA
27 § 402, 33 U.S.C. § 1342).

28 2. On or about May 10, 2019, RIVER WATCH provided notice of MT. SHASTA’s

1 violations of the CWA to the (1) Administrator of the United States Environmental Protection
2 Agency (“EPA”), (2) EPA's Regional Administrator for Region Nine, (3) Executive Director of
3 the State Water Resources Control Board (“State Board”), and (4) MT. SHASTA as required by
4 the CWA, 33 U.S.C. § 1365(b)(1)(A). A true and correct copy of RIVER WATCH’s 60-Day
5 Notice of Violations (“Notice”) is attached as **EXHIBIT A** and incorporated by reference. MT.
6 SHASTA, the State Board, the Regional and National Administrators of EPA all received this
7 Notice.

8 3. More than sixty days have passed since RIVER WATCH's Notice was served on MT.
9 SHASTA, the State Board, and the Regional and National EPA Administrators. RIVER
10 WATCH is informed and believes, and thereupon alleges, that the EPA has not commenced or
11 is diligently prosecuting a court action to redress the violations alleged in this Complaint, and
12 that RIVER WATCH’s Complaint seeks relief not otherwise requested by the Regional Water
13 Quality Control Board (Central Valley Region) in its Complaint No. R5-2019-0511 for
14 Administrative Civil Liability (“ACL”) - specifically relief for violations alleged to have
15 occurred prior to and after the time frame of the ACL, and injunctive relief beyond the scope of
16 the remedy detailed in the ACL. This action only requests civil penalties not excluded under
17 CWA § 309(g), 33 U.S.C. § 1319(g).

18 **II. JURISDICTION and VENUE**

19 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331
20 (federal question), and 33 U.S.C. § 1365(a) (CWA citizen suit jurisdiction). The relief requested
21 is authorized pursuant to 28 U.S.C. §§ 2201-2202 (declaratory relief), 33 U.S.C. §§ 1319(b),
22 1365(a) (injunctive relief), and 33 U.S.C. §§ 1319(d), 1365(a) (civil penalties).

23 5. Venue is proper because MT. SHASTA and its Publicly Owned Treatment Works
24 (“POTW”) are located, and the events or omissions giving rise to RIVER WATCH’s claims
25 occurred, in this District. 28 U.S.C. § 1391(b)(1),(2). Venue is also proper because MT.
26 SHASTA’s CWA violations have occurred and are occurring within the District. 33 U.S.C. §
27 1365(c)(1).

28 //

1 **III. PARTIES**

2 6. RIVER WATCH is now, and at all times relative to this Complaint was, an Internal
3 Revenue Code § 501(c)(3) non-profit, public benefit Corporation organized under the laws of
4 the State of California, with headquarters located in Sebastopol, California and mailing address
5 of 290 S. Main Street, #817, Sebastopol, California 95472. The specific purpose of RIVER
6 WATCH is to protect, enhance and help restore surface and groundwaters of California
7 including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated
8 environs, biota, flora and fauna, as well as to educate the public concerning environmental issues
9 associated with these environs. Members of RIVER WATCH have interests in the waters and
10 watersheds which are or may be adversely affected by MT. SHASTA's discharges and violations
11 of the CWA as alleged herein. Said members may use the effected waters and watershed areas
12 for recreation, sports, fishing, swimming, hiking, photography, nature walks and/or the like.
13 Furthermore, the relief sought will redress the injury in fact, likelihood of future injury, and
14 interference with the interests of said members. MT. SHASTA's ongoing violations of the CWA
15 will cause irreparable harm to members of RIVER WATCH for which they have no plain,
16 speedy, or adequate remedy. The relief requested will redress the ongoing injury in fact to
17 RIVER WATCH's members.

18 7. RIVER WATCH is informed and believes, and on such information and belief alleges,
19 that defendant MT. SHASTA is now, and at all times relevant to this Complaint was, a
20 municipality formed under the laws of the State of California, with administrative offices located
21 at 305 No. Mt. Shasta Boulevard, Mount Shasta, California.

22 **IV. FACTUAL ALLEGATIONS WHICH GIVE RISE TO CLAIMS**

23 8. RIVER WATCH incorporates by reference all the foregoing including **EXHIBIT A** as
24 though the same were separately set forth herein. RIVER WATCH takes this action to ensure
25 compliance with the CWA, which regulates the discharge of pollutants into navigable waters.
26 The statute is structured in such a way that all discharges of pollutants are prohibited with the
27 exception of enumerated statutory provisions. One such exception authorizes a discharger, who
28 has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated

1 pollutants at certain levels subject to certain conditions. The effluent discharge standards or
2 limitations specified in a National Pollutant Discharge Elimination System (“NPDES”) permit
3 define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a)
4 prohibition, such that violation of a permit limit places a discharger in violation of the CWA.

5 9. The CWA provides that authority to administer the NPDES permitting system in any
6 given state or region can be delegated by the EPA to a state or to a regional regulatory agency,
7 provided that the applicable state or regional regulatory scheme under which the local agency
8 operates satisfies certain criteria (*see* CWA § 402(b), 33 U.S.C. § 1342(b)). In California, the
9 EPA has granted authorization to a state regulatory apparatus comprised of the State Water
10 Resources Control Board and several subsidiary regional water quality control boards to issue
11 NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating
12 MT. SHASTA’s operations in the region at issue in this Complaint is the Regional Water Quality
13 Control Board, Central Valley Region (“RWQCB”).

14 10. While delegating authority to administer the NPDES permitting system, the CWA
15 provides that enforcement of permitting requirements under the statute relating to effluent
16 standards or limitations imposed by the Regional Boards can be ensured by private parties acting
17 under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). RIVER
18 WATCH is exercising such citizen enforcement to enforce compliance by MT. SHASTA with
19 the CWA.

20 11. RIVER WATCH has identified discharges of sewage from MT. SHASTA’s sewage
21 collection system to waters of the United States in violation of CWA § 301(a), 33 U.S.C.
22 1311(a), which states in relevant part, “Except as in compliance with this section and sections
23 302, 306, 307, 318, 402, and 404 of this Act [33 U.S.C. §§ 1312, 1316, 1317, 1328, 1342, 1344],
24 the discharge of any pollutant by any person shall be unlawful.”

25 12. RIVER WATCH has also identified numerous violations of orders issued by the State
26 with respect to a standard or limitation (*see* CWA § 505(a), 33 U.S.C. § 1365(a), as set forth in
27 Paragraph 13 below. RIVER WATCH contends that from May 1, 2014 through the present, MT.
28 SHASTA has violated the Act and these orders as described in the Notice. The location or

1 locations of the various violations alleged in the Notice are identified in records created and/or
2 maintained by or for MT. SHASTA which relate to the ownership and operation of the sewer
3 collection system and outfalls as described in the Notice. RIVER WATCH contends these
4 violations are continuing or have a likelihood of occurring in the future.

5 13. Central Valley Order No. R5-2012-0086, NPDES Permit No. CA00788051 superceded
6 by Order No. R5-2017-0117, NPDES Permit No. CA0078051 - *Waste Discharge Requirements*
7 *For The City of Mt. Shasta and U.S. Department of Agriculture, Forest Service, City of Mt.*
8 *Shasta Wastewater Treatment Plant, Siskiyou County* (“NPDES Permit”). RIVER WATCH has
9 identified specific violations of MT. SHASTA’s NPDES Permit including raw sewage
10 discharges and failure by MT. SHASTA to either comply with or provide evidence that it has
11 complied with all the terms of its NPDES Permit.

12 The violations of the NPDES Permit are as follows:

13 A. Sanitary Sewer Overflows, Inadequate Reporting, and Failure to Mitigate Impacts

14 i. Sanitary Sewer Overflows Occurrence

15 Sanitary Sewer Overflows (“SSOs”), in which untreated sewage is discharged above
16 ground from the collection system prior to reaching MT. SHASTA’s wastewater treatment plant
17 (“Facility”) are alleged to have occurred both on the dates identified in California Integrated
18 Water Quality System (“CIWQS”) Interactive Public SSO Reports and on the dates when no
19 reports were filed by MT. SHASTA, all in violation of the CWA.

20 MT. SHASTA’s aging sewer collection system has historically experienced high inflow
21 and infiltration (“I/I”) during wet weather. Structural defects which allow I/I into the sewer lines
22 result in a buildup of pressure resulting in SSOs. Overflows caused by blockages and I/I result
23 in the discharge of raw sewage into gutters, canals and storm drains which are connected to
24 adjacent surface waters including Cold Creek, Lake Siskiyou, and the Sacramento River – all
25 waters of the United States.

26 A review of the CIWQS Spill Public Report – Summary Page identifies the “Total
27 Number of SSO locations” as 54, with 2,890,762 “Total Vol. of SSOs (gal).” Of this total
28 volume, MT. SHASTA admits at least 2,886,804 gallons, or 99% of the total, reached a surface

1 water. Of the 2,890,762 gallons of sewage spilled, only 8,730 gallons were reported as being
2 recovered. The remaining volume was discharged into the environment posing both a nuisance
3 pursuant to California Water Code § 13050(m) and an imminent and substantial endangerment
4 to public health and the environment.

5 A review of the CIWQS SSO Reporting Program Database specifically identifies 15
6 recent SSOs reported as having reached a water of the United States, identified by Event ID
7 numbers 843480, 834740, 833771, 833435, 832688, 831614, 831715, 829993, 823851, 823849,
8 818815, 817394, 812250, 811380, and 810159. Included in the 15 reported SSOs are the
9 following incidents:

- 10 • January 01, 2018 (Event ID# 843480) – an SSO estimated at 900 gallons occurred
11 at a McCloud Avenue at South B Street (Coordinates 41.31224 -122.30846). The
12 reported cause of the spill was root intrusion which impacted a gravity mainline.
13 As a result all 900 gallons discharged into an “unnamed tributary of Lake
14 Siskiyou.”
- 15 • January 02, 2017 (Event ID # 831715) – an SSO estimated at 2,690,000 gallons
16 occurred at a sewer interceptor line (Coordinates 41.308268 -122.32127). As a
17 result of a pipe structural failure, all 2,690,000 gallons discharged into Cold Creek
18 and from there to Lake Siskiyou, a tributary of the Sacramento River. The spill
19 was not discovered until January 11, 2017 and was finally contained the following
20 day.
- 21 • January 08, 2017 (Event ID # 831614) – an SSO estimated at 88,030 gallons
22 occurred at Alma Street Manhole # 425 (Coordinates 41.315056 -122.314766), as
23 a result of flow exceeding capacity. According to the report, all 88,030 gallons
24 reached Lake Siskiyou.

25 All of the above-identified discharges are violations of CWA § 301(a), 33 U.S.C. §
26 1311(a), as discharges of a pollutant (sewage) from a point source (sewer collection system) to
27 a water of the United States without complying with any other sections of the Act. Further, these
28 alleged discharges are violations of MT. SHASTA’s NPDES Permit, which states in Section III.

1 Discharge Prohibitions:

- 2 B. “The by-pass or overflow of wastes to surface waters is prohibited, except as
3 allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).
- 4 C. Neither the discharge nor its treatment shall create a nuisance as defined in section
5 13050 of the CWC.
- 6 D. The Discharger shall not allow pollutant-free wastewater to be discharged into the
7 treatment or disposal system in amounts that significantly diminish the system’s
8 capability to comply with this Order. Pollutant-free wastewater means rainfall,
9 groundwater, cooling waters, and condensates that are essentially free of
10 pollutants. ...
- 11 F. The discharge of wastewater to the Sacramento River during the recreation season
12 (15 June through 14 September) is prohibited.”

13 ii. Inadequate Reporting of Discharges

14 a. Incomplete and Inaccurate SSO Reporting

15 Full and complete reporting of SSOs is essential to gauging their impact to public health
16 and the environment. MT. SHASTA’s SSO Reports, which should reveal critical details about
17 each of these SSOs, lack responses to specific questions that would identify the causes and the
18 potential repairs ensuring these violations would not recur.

19 In addition, RIVER WATCH’s expert believes many of the SSOs reported by MT.
20 SHASTA as partially reaching a surface water did so in greater volume than stated. RIVER
21 WATCH’s expert also believes that a careful reading of the time when MT. SHASTA received
22 notification of an SSO, the time of its response, and the time at which the SSO ended, too often
23 appear as unlikely estimations. For example:

- 24 • October 14, 2015 (Event ID #818815) – The spill start time and agency
25 notification time are reported as 06:45. The operator arrival time is reported as
26 07:00, and the spill end time as 07:30. The total volume of the spill is reported as
27 950 gallons, of the total volume, 200 gallons are reported as having been
28 contained, 200 gallons are also reported as having reached land, and 750 gallons

1 are reported as having reached Lake Siskiyou.

- 2 • April 05, 2016 (Event ID # 823849) – The spill start time is reported as 11:00,
3 agency notification time as 12:00, operator arrival time as 12:45, and estimated
4 spill end time as 01:30. Although the spill is reported as lasting two and a half
5 hours, the total volume of the spill reported is only 10 gallons.
- 6 • April 09, 2016 (Event ID # 823851) – The spill start time is reported as 09:00,
7 agency notification time as 10:15, and operator arrival time as 10:20. The spill
8 end time is reported as 11:00. The total volume of the spill reported is 50 gallons
9 which discharged into an “unnamed tributary of Lake Siskiyou.”

10 Given the unlikely accuracy of the times, intervals and spill volumes provided in these
11 reports, it is difficult to consider the stated volumes as accurate. Without accurately reporting
12 the spill start and end time, there is a danger that the duration and volume of a spill will be
13 underestimated.

14 b. Failure to Warn

15 RIVER WATCH contends MT. SHASTA is understating the significance of the impacts
16 of its CWA violations by failing to post health warning signs for the following discharges
17 reaching a surface water: Event ID# 829993, 823851, 823849, 818815, 817394, 812250,
18 811380, and 810159.

19 iii. Failure to Mitigate Impacts

20 RIVER WATCH contends MT. SHASTA fails to adequately mitigate the impacts of
21 SSOs. MT. SHASTA is a permittee under the *Statewide General Requirements for Sanitary*
22 *Sewer Systems, Waste Discharge Requirements*, Order No. 2006-0003-DWQ (“Statewide
23 WDR”) governing the operation of sanitary sewer systems. The Statewide WDR requires MT.
24 SHASTA to take all feasible steps, and perform necessary remedial actions following the
25 occurrence of an SSO, including limiting the volume of waste discharged, terminating the
26 discharge, and recovering as much of the wastewater as possible. Further remedial actions
27 include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO,
28 cleanup of debris at the site, and modification of the collection system to prevent further SSOs

1 at the site.

2 A critical remedial measure is the performance of adequate sampling to determine the
3 nature and the impact of the release. As MT. SHASTA is underestimating SSOs which reach
4 surface waters, RIVER WATCH contends MT. SHASTA is not conducting sampling on most
5 SSOs. The EPA's "*Report to Congress on the Impacts and Control of CSOs SSO*" (EPA, Office
6 of Water (2004)) identifies SSOs as a major source of microbial pathogens and oxygen depleting
7 substances. Numerous critical habitat areas exist within areas of MT. SHASTA's SSOs.
8 Neighboring waterways include sensitive areas for the California Salamander, Shasta Crayfish,
9 Cascades frogs, and Gray wolf. There is no record of MT. SHASTA performing any analysis
10 of the impact of its SSOs on critical habitat of protected species under the ESA, nor any
11 evaluation of the measures needed to restore waterbodies designated as critical habitat from the
12 impacts of SSOs.

13 B. Collection System Subsurface Discharges

14 It is a well-established fact that exfiltration caused by pipeline cracks and other structural
15 defects in a sewer collection system result in discharges to adjacent surface waters via
16 underground hydrological connections. RIVER WATCH contends untreated sewage is
17 discharged from cracks, displaced joints, eroded segments, etc., in MT. SHASTA's sewer
18 collection system into groundwater hydrologically connected to surface waters including, but not
19 limited to, tributaries of the Sacramento River such as Cold Creek and Lake Siskiyou. Surface
20 waters become contaminated with pollutants including human pathogens. Chronic failures in the
21 collection system pose a substantial threat to public health.

22 Studies tracing human markers specific to the human digestive system in surface waters
23 adjacent to defective sewer lines in other systems have verified the contamination of the adjacent
24 waters with untreated sewage. Evidence of exfiltration can also be supported by reviewing mass
25 balance data, I/I data, video inspection, as well as testing of waterways adjacent to sewer lines
26 for nutrients, human pathogens and other human markers such as caffeine. Any exfiltration
27 found is a violation of MT. SHASTA's NPDES Permit and thus the CWA.

28 //

1 C. Violation of Effluent Limitations and Monitoring Requirements

2 A review of MT. SHASTA's Self-Monitoring Reports ("SMRs") identifies the following
3 violations of effluent limitations imposed under MT. SHASTA's NPDES Permit:

4 25 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
5 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
6 Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Average Monthly is 4.6 mg/L.

7 (December 31, 2014) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
8 reported value was 12.8 mg/L at EFF-001.
Event ID# 1057447

9 (January 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
10 reported value was 12.6 mg/L at EFF-001.
Event ID# 1057450

11 (February 26, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
12 reported value was 12.2 mg/L at EFF-001.
Event ID# 1057453

13 (March 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
14 reported value was 12.6 mg/L at EFF-001.
Event ID# 1057460

15 (April 30, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported
16 value was 15.5 mg/L at EFF-001.
Event ID# 1057462

17 (December 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
18 reported value was 14.4 mg/L at EFF-001.
Event ID# 1057463

19 (January 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
20 reported value was 12.9 mg/L at EFF-001.
Event ID# 1057467

21 (February 29, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
22 reported value was 8.84 mg/L at EFF-001.
Event ID# 1057469

23 (March 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
24 reported value was 11.2 mg/L at EFF-001.
Event ID# 1057472

25 (April 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported
26 value was 10.1 mg/L at EFF-001.
Event ID# 1057474

27 (November 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
28 reported value was 12.8 mg/L at EFF-001.
Event ID# 1057476

1 (December 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
2 reported value was 13.8 mg/L at EFF-001.
Event ID# 1057478

3 (January 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
4 reported value was 13.6 mg/L at EFF-001.
Event ID# 1057481

5 (February 28, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
6 reported value was 10.9 mg/L at EFF-001.
Event ID# 1057483

7 (March 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
8 reported value was 7.75 mg/L at EFF-001.
Event ID# 1057484

9 (April 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported
10 value was 9.49 mg/L at EFF-001.
Event ID# 1057486

11 (November 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
12 reported value was 15.7 mg/L at EFF-001.
Event ID# 1057488

13 (December 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
14 reported value was 14.9 mg/L at EFF-001.
Event ID# 1057490

15 (January 31, 2018) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and
16 reported value was 19.5 mg/L at EFF-001.
Event ID# 1057492

17 (November 30, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and
18 reported value was 17.1 mg/L at EFF-001.
Event ID# 1057417

19 (December 31, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and
20 reported value was 16.5 mg/L at EFF-001.
Event ID# 1057420

21 (January 31, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and
22 reported value was 18.5 mg/L at EFF-001.
Event ID# 1057424

23 (February 28, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and
24 reported value was 13.7 mg/L at EFF-001.
Event ID# 1057426

25 (March 07, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and
26 reported value was 8.66 mg/L at EFF-001.
Event ID# 1057615

27 (March 07, 2019) Ammonia, Total (as N) Weekly Average limit is 7.8 mg/L and reported
28 value was 8.66 mg/L at EFF-001.
Event ID# 1057616.

1 28 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
2 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
3 Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Maximum Daily is 8.4 mg/L.

4 (December 08, 2014) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
5 and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057446

6 (January 05, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
7 and reported value was 11.3 mg/L at EFF-001.
Event ID# 1057448

8 (January 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
9 and reported value was 13.9 mg/L at EFF-001.
Event ID# 1057449

10 (February 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
11 and reported value was 15.6 mg/L at EFF-001.
Event ID# 1057451

12 (February 17, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
13 and reported value was 8.8 mg/L at EFF-001.
Event ID# 1057452

14 (March 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
15 reported value was 9.96 mg/L at EFF-001.
Event ID# 1057455

16 (March 11, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
17 reported value was 11 mg/L at EFF-001.
Event ID# 1057456

18 (March 13, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
19 reported value was 12.1 mg/L at EFF-001.
Event ID# 1057457

20 (March 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
21 reported value was 14.8 mg/L at EFF-001.
Event ID# 1057458

22 (March 23, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
23 reported value was 15.2 mg/L at EFF-001.
Event ID# 1057459

24 (April 09, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
25 reported value was 15.5 mg/L at EFF-001.
Event ID# 1057461

26 (December 28, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
27 and reported value was 14.4 mg/L at EFF-001.
Event ID# 1057464

28

1 (January 12, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
2 and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057465

3 (January 26, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
4 and reported value was 10.3 mg/L at EFF-001.
Event ID# 1057466

5 (February 03, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
6 and reported value was 8.84 mg/L at EFF-001.
Event ID# 1057486

7 (March 04, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
8 reported value was 13.6 mg/L at EFF-001.
Event ID# 1057470

9 (March 29, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
10 reported value was 8.7 mg/L at EFF-001.
Event ID# 1057471

11 (April 07, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
12 reported value was 10.1 mg/L at EFF-001.
Event ID# 1057473

13 (November 22, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
14 and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057475

15 (December 05, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
16 and reported value was 13.8 mg/L at EFF-001.
Event ID# 1057477

17 (January 12, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
18 and reported value was 13.5 mg/L at EFF-001.
Event ID# 1057479

19 (January 17, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
20 and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057480

21 (February 07, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
22 and reported value was 10.9 mg/L at EFF-001.
Event ID# 1057482

23 (April 13, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and
24 reported value was 9.49 mg/L at EFF-001.
Event ID# 1057485

25 (November 03, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
26 and reported value was 15.7 mg/L at EFF-001.
Event ID# 1057487

27 (December 01, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L
28 and reported value was 14.9 mg/L at EFF-001.
Event ID# 1057489

1 (January 03, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L
2 and reported value was 18.5 mg/L at EFF-001.
Event ID# 1057423

3 (February 11, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L
4 and reported value was 13. mg/L at EFF-001.
Event ID# 1057425.

5 1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
6 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
7 Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.2 ml/L/hr.

8 (March 09, 2016) Settleable Solids Maximum Daily (MDEL) limit is 0.2 ml/L/hr and
9 reported value was 0.8 ml/L/hr at EFF-001.
Event ID# 1015491.

10 1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
11 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
12 Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.1 ml/L/hr.

13 (March 31, 2016) Settleable Solids Monthly Average limit is 0.1 ml/L/hr and reported
14 value was 0.22 ml/L/hr at EFF-001.
Event ID# 1015492.

15 3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
16 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
17 Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Monthly
18 limit is 10 mg/L.

19 (August 31, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly
20 Average limit is 10 mg/L and reported value was 13 mg/L at REC-001.
Event ID# 1015495

21 (November 30, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)
22 Monthly Average limit is 30 mg/L and reported value was 35.0 mg/L at LND-001.
Event ID# 1035781

23 (December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)
24 Monthly Average limit is 30.0 mg/L and reported value was 35.0 mg/L at EFF-001.
Event ID# 1037541.

25 9 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
26 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
27 Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Weekly
28 limit is 15 mg/L.

1 (August 07, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average limit is 15 mg/L and reported value was 16.59 mg/L at REC-001.
2 Event ID# 1015493

3 (August 14, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average limit is 15 mg/L and reported value was 16.53 mg/L at REC-001.
4 Event ID# 1015494

5 (January 06, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average (Mean) limit is 45 mg/L and reported value was 49.1 mg/L at EFF-001.
6 Event ID# 1039049

7 (January 13, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average (Mean) limit is 45 mg/L and reported value was 53.0 mg/L at EFF-001.
8 Event ID# 1039046

9 (August 29, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average limit is 15 mg/L and reported value was 16.9 mg/L at REC-001.
10 Event ID# 1048653

11 (August 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly
Average (Mean) limit is 10 mg/L and reported value was 11.6 mg/L at REC-001.
12 Event ID# 1050310

13 (September 21, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly
Average limit is 15.0 mg/L and reported value was 22 mg/L at REC-001.
14 Event ID# 1051111

15 (September 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)
Monthly Average limit is 10 mg/L and reported value was 11.9 mg/L at REC-001.
16 Event ID# 1051110

17 (November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)
Monthly Average limit is 30 mg/L and reported value was 37.9 mg/L at EFF-001.
18 Event ID# 1054510.

19 6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
20 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
21 Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Percent Removal
22 limit shall not be less than 85%.

23 (February 28, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent
Reduction limit is 85% and reported value was 83.75% at EFF-001.
24 Event ID# 1027018

25 (December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent
Reduction limit is 85% and reported value was 80% at EFF-001.
26 Event ID# 1037542

27 (January 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent
Reduction limit is 85% and reported value was 65.25% at EFF-001.
28 Event ID# 1039044

1 (November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent
2 Reduction limit is 85% and reported value was 75% at EFF-001.
Event ID# 1054513

3 (January 31, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent
4 Reduction limit is 85% and reported value was 81% at EFF-001.
Event ID# 1055731

5 (February 28, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent
6 Reduction limit is 85% and reported value was 74% at EFF-001.
Event ID# 1056860.

7 1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
8 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
9 Table 6. Effluent Limitations, Turbidity - Maximum Daily limit is 10 NTU.

10 (July 16, 2017) Turbidity Daily Maximum limit is 10 NTU and reported value was 22.5
11 NTU at REC-001.
Event ID# 1029475.

12 6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
13 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
14 Table 6. Effluent Limitations, Total Suspended Solids - Average Monthly limit is 30 mg/L.

15 (November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L
16 and reported value was 41.9 mg/L at LND-001.
Event ID# 1035780

17 (November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L
18 and reported value was 32 mg/L at EFF-001.
Event ID# 1050302

19 (December 31, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30.0 mg/L
20 and reported value was 36.4 mg/L at EFF-001.
Event ID# 1037538

21 (January 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and
22 reported value was 37.75 mg/L at EFF-001.
Event ID# 1039047

23 (February 28, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and
24 reported value was 33.1 mg/L at LND-001.
Event ID# 1040153

25 (March 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and
26 reported value was 30.3 mg/L at LND-001.
Event ID# 1042325.

27 3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
28 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,

1 Table 6. Effluent Limitations, Total Suspended Solids - Average Weekly limit is 45 mg/L.

2 (November 01, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L
3 and reported value was 45.5 mg/L at LND-001.
4 Event ID# 1035779

4 (November 08, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L
5 and reported value was 47.5 mg/L at LND-001.
6 Event ID# 1035782

6 (February 28, 2018) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and
7 reported value was 57.5 mg/L at LND-001.
8 Event ID# 1040150.

8 3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
9 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,

10 Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 9.1 ug/L.

11 (November 30, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported
12 value was 19.9 mg/L at EFF-001.
13 Event ID# 1037600

13 (December 31, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported
14 value was 24.7 mg/L at EFF-001.
15 Event ID# 1037539

15 (January 31, 2018) Copper, Total Monthly Average limit is 9.1 ug/L and reported value
16 was 40.40 ug/L at EFF-001.
17 Event ID# 1039048.

17 5 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge
18 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,

19 Table 4. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 10.0 ug/L.

20 (November 30, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value
21 was 33.3 ug/L at EFF-001.
22 Event ID# 1054512

22 (December 06, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value
23 was 33.9 ug/L at EFF-001.
24 Event ID# 1055203

24 (January 03, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value
25 was 31.1 ug/L at EFF-001.
26 Event ID# 1055729

26 (February 11, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value
27 was 28.1 ug/L at EFF-001.
28 Event ID# 1056862

1 (March 07, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was
2 16.6 ug/L at EFF-001.
Event ID# 1057617.

3 2 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
4 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
5 Table 6. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 19.3 ug/L.

6 (December 01, 2017) Copper, Total Daily Maximum limit is 19.3 mg/L and reported
7 value was 24.7 mg/L at EFF-001.
Event ID# 1037537

8 (January 05, 2018) Copper, Total Daily Maximum limit is 19.3 ug/L and reported value
9 was 40.4 ug/L at EFF-001.
Event ID# 1039051.

10 4 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge
11 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
12 Table 4. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 18.5 ug/L.

13 (November 28, 2018) Copper, Total Recoverable Daily Maximum limit is 18.5 ug/L and
14 reported value was 33.3 ug/L at EFF-001.
Event ID# 1054511

15 (December 06, 2018) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value
16 was 33.9 ug/L at EFF-001.
Event ID# 1055202

17 (January 31, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value
18 was 31.1 ug/L at EFF-001.
Event ID# 1055730

19 (February 11, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value
20 was 028.1 ug/L at EFF-001.
Event ID# 1056861.

21 3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge
22 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
23 Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 12.9 ug/L.

24 (November 30, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value
25 was 17.4 mg/L at EFF-001.
Event ID# 1037602

26 (December 31, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value
27 was 13.4 mg/L at EFF-001.
Event ID# 1037540

28

1 (January 31, 2018) Zinc, Total Monthly Average limit is 12.9 ug/L and reported value
2 was 25.4 ug/L at EFF-001.
Event ID# 1039050.

3 1 violation - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge
4 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
5 e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: iii. 240
6 MPN/100 mL, at any time.

7 (April 10, 2018) Total Coliform Instantaneous Maximum limit is 240 MPN/100 mL and
8 reported value was 300 MPN/100 mL at LND-001.
Event ID# 1043527.

9 10 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge
10 Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations,
11 e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: i. 2.2 most
12 probable number (MPN) per 100 mL, as a 7-day median.

13 (April 10, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
14 value was 11.5 MPN/100 mL at LND-001.
Event ID# 1043531

15 (April 13, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
16 value was 150 MPN/100 mL at LND-001.
Event ID# 1043529

17 (April 16, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
18 value was 13 MPN/100 mL at LND-001.
Event ID# 1043534

19 (April 17, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
20 value was 11 MPN/100 mL at LND-001.
Event ID# 1043532

21 (April 24, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
22 value was 23 MPN/100 mL at LND-001.
Event ID# 1043533

23 (April 26, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported
24 value was 11.5 MPN/100 mL at LND-001.
Event ID# 1043530

25 (November 19, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and
26 reported value was 6.5 MPN/100 mL at LND-001.
Event ID# 1054508

27 (November 20, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and
28 reported value was 8.5 MPN/100 mL at LND-001.
Event ID# 1054507

1 (November 22, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and
2 reported value was 4 MPN/100 mL at LND-001.
Event ID# 1054506

3 (November 23, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and
4 reported value was 3 MPN/100 mL at LND-001.
Event ID# 1054509.

5 D. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

6 The Sacramento River (Box Canyon Dam to Shasta Lake), and the underlying
7 groundwater have numerous beneficial uses as set forth in the RWQCB-Central Valley Basin
8 Plan. SSOs reaching these waters cause prohibited pollution by unreasonably affecting these
9 beneficial uses.

10 The Upper Sacramento River originates from water flowing off Mount Shasta to the north
11 and from the Klamath Mountains to the west. The River flows south for approximately 40 miles,
12 is joined by numerous tributary streams, and empties into Lake Shasta above Shasta Dam. Flows
13 near the City of Mount Shasta are regulated by the 430-acre Lake Siskiyou Reservoir built in
14 1968 for power production and recreation. This watershed also supports extensive timber
15 resources on both public and private lands. The Sacramento River is one of California's premier
16 wild trout waters.

17 Located in the upper watershed, the 26-acre foot Box Canyon Dam/Siskiyou Reservoir
18 is operated by Siskiyou County for hydropower generation and recreation. Local communities
19 capture spring water for domestic supply. There are no defined groundwater basins in this
20 watershed, however, individual domestic wells are located throughout the region, and larger
21 wells supply water to bottling plants in the cities of Mount Shasta and Dunsmuir.

22 Discharges in excess of receiving water and groundwater limitations reaching these
23 waters cause prohibited pollution by unreasonably affecting their beneficial uses. NPDES
24 Permit No. CA0078051, Section V. Receiving Water Limitations, A. Surface Water Limitations,
25 provides "discharge shall not cause the following in the Sacramento River:..."and continues on
26 to list 17 prohibitions. RIVER WATCH finds insufficient information in the public record
27 demonstrating MT. SHASTA has monitored for and complied with these receiving water
28 standards. RIVER WATCH is understandably concerned regarding the effects of discharges to

1 beneficial uses applicable to the Sacramento River and its tributaries, and the effects of both
2 surface and underground SSOs on critical habitat in and around this diverse and sensitive
3 ecosystem.

4 **V. STATUTORY AND REGULATORY BACKGROUND**

5 14. CWA § 301(a), 33 U.S.C. § 1311(a) prohibits discharges of pollutants or activities not
6 authorized by, or in violation of, an effluent standard or limitation or an order issued by the EPA
7 or a State with respect to such a standard or limitation including a NPDES permit issued
8 pursuant to CWA § 402, 33 U.S.C. § 1342. Additional sets of regulations are set forth in the
9 Basin Plan, California Toxics Rule, the Code of Federal Regulations, and other regulations
10 promulgated by the EPA and the State Water Resources Control Board. Sewage is specifically
11 identified in the CWA as a pollutant. The sewer lines and storm water system owned by MT.
12 SHASTA are point sources under the CWA.

13 15. The affected waterways detailed in this Complaint and in the Notice are navigable waters
14 of the United States within the meaning of CWA § 502(7), 33 U.S.C. § 1362(7).

15 16. The Administrator of the EPA has authorized Regional Water Quality Control Boards to
16 issue NPDES permits, subject to specified conditions and requirements, pursuant to CWA § 402,
17 33 U.S.C. § 1342.

18 17. MT. SHASTA is not in possession of an NPDES Permit authorizing it to discharge
19 pollutants into navigable waters of the United States within the meaning of the CWA.

20 18. The Code of Federal Regulations Title 40 Section 122.41 (40 CFR § 122.41) includes
21 conditions or provisions that apply to all NPDES permits. Additional provisions applicable to
22 NPDES permits are found in 4CFR § 122.42 All applicable provisions in 4 CFR § 122.41 and
23 40 CFR § 122.42 are incorporated in MT. SHASTA's MS4. MT. SHASTA must comply with
24 all of the provisions. Pursuant to 40 CFR § 122.41 any permit non-compliance constitutes a
25 violation of the CWA.

26 **VI. VIOLATIONS**

27 19. MT. SHASTA's violations of effluent limitations and monitoring requirements and
28 unpermitted discharges of untreated sewage from its sewage collection system as detailed herein

1 and in the Notice are violations of CWA § 301(a), 33 U.S.C. § 1311(a). The violations are
2 established in RWQCB files for MT. SHASTA's sewage collection system as well as in studies
3 conducted by MT. SHASTA in compliance with orders from regulatory agencies.

4 20. The enumerated violations are detailed in the Notice, incorporated herein by reference,
5 and below, designating the section of the CWA violated by the described activity.

6 **VII. CLAIM FOR RELIEF**

7 **Pursuant to CWA § 505(a)(1)(B), 33 U.S.C. § 1365(a)(1)(B) - Violating the Terms of**
8 **MT. SHASTA's NPDES Permit No. CA0078051**

9 21. RIVER WATCH re-alleges and incorporates by reference the allegations of Paragraphs
10 1 through 20, including EXHIBIT A, as though fully set forth herein.

11 22. MT. SHASTA has violated and continues to violate the CWA as evidenced by self-
12 reported violations of the terms of its NPDES permit No. CA0078051.

13 23. MT. SHASTA has self-reported and certified under oath as to SSOs reaching a water of
14 the United States, as evidenced in CIWQS and its own records. As listed in CIWQS, the event
15 ID number of those violations are identified herein and in the Notice. As detailed herein and in
16 the Notice MT. SHASTA has self-reported and certified under oath exceedances of the effluent
17 limitations in NPDES permit No. CA0078051. As detailed herein and in the Notice MT.
18 SHASTA failed to provide any evidence that is in compliance with receiving water limitations
19 in NPDES permit No. CA0078051.

20 24. Each violation of NPDES permit No. CA0078051 is a separate violation of the Act. Each
21 day a violation continues is a separate violation of the Act.

22 25. The violations of MT. SHASTA as set forth above are ongoing and will continue after
23 the filing of this Complaint. RIVER WATCH alleges herein all violations which may have
24 occurred or will occur prior to trial, but for which data may not have been available or submitted
25 or apparent from the face of the reports or data submitted by MT. SHASTA to the RWQCB.
26 Each of MT. SHASTA's violations is a separate violation of the CWA.

27 26. RIVER WATCH avers and believes and on such belief alleges that without the imposition
28 of appropriate civil penalties and the issuance of appropriate equitable relief, MT. SHASTA will

1 continue to violate the CWA as well as State and Federal standards with respect to the
2 enumerated discharges and releases. RIVER WATCH avers and believes and on such belief
3 alleges that the relief requested in this Complaint will redress the injury to RIVER WATCH's
4 members, prevent future injury, and protect the interests of RIVER WATCH's members which
5 are or may be adversely affected by MT. SHASTA's violations of the CWA, as well as other
6 State and Federal standards.

7 **VIII. RELIEF REQUESTED**

8 WHEREFORE, RIVER WATCH prays that the Court grant the following relief:

9 27. Declare MT. SHASTA to have violated and to be in violation of the CWA.

10 28. Issue an injunction ordering MT. SHASTA to immediately operate its sewage treatment
11 facility and collection system in compliance with the CWA, and implement the following
12 injunctive actions:

13 a. Sanitary Sewer Collection System Investigation and Repair

14 1. Complete a Surface Water Condition Assessment of the collection system
15 gravity sewer lines (not force mains), lift stations, and manholes.

16 2. Within one (1) year after completion of the Surface Water Condition
17 Assessment, as it applies to sewer lines, lift stations, and manholes in the
18 collection system located within two hundred (200) feet of surface waters:

19 i. Repair or replace all gravity sewer lines, lift stations, and/or
20 manholes found to be significantly defective as determined by
21 Pipeline Assessment Certification Program ("PACP") or similar
22 rating. A lift station will be considered significantly defective if it
23 is causing backups or leaking. A manhole will be considered
24 significantly defective if it is increasing Inflow and Infiltration;

25 ii. Repair, replace or take other appropriate action (defined as diverting
26 sewage flow from a sewer line, or abandoning a sewer line in lieu
27 of repair or replacement) for gravity sewer pipe segments
28 containing defects with a PACP rating of 3, if such defects are in

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close proximity to significantly defective pipe segments which are in the process of being repaired or replaced;

iii. Sewer pipe segments containing defects with a PACP rating of 3 which are not repaired or replaced within five (5) years after completion of the Surface Water Condition Assessment are to be re-examined via closed circuit television (“CCTV”) every year to ascertain their condition. If MT. SHASTA determines that the sewer pipe segment has deteriorated or needs to be repaired or replaced, such repair or replacement shall take place within two (2) years after the last CCTV cycle.

3. Complete a Full Condition Assessment, except for those gravity sewer lines that have been CCTV’d within five (5) years prior to the completion of the Full Condition Assessment or constructed within ten (10) years prior to the completion of the Full Condition Assessment.

i. Repair sewer lines and sewer line segments with PACP-5 rated defects within sixty (60) days after discovery, and PACP-4 rated defects within six (6) months after discovery. PACP-3 rated defects shall be re-examined every other year after discovery.

4. Re-inspect all sewer lines, manholes, and pipe segments at least every ten (10) years based upon a condition assessment cycle. This program of re-inspection shall begin one (1) year following the Full Condition Assessment.

b. Sewer System Overflow (“SSO”) Reporting and Response

1. Comply with all training, reporting, and response actions set forth in the State and Federal permits, and regulatory and legislative requirements imposed by the various agencies having jurisdiction over MT. SHASTA’s sewer collection system, and in doing so, provide the following information to the State Water Resources Control Board’s California Integrated Water

1 Quality System (“CIWQS”) State Reporting System:

- 2 i. Method or calculations, and the actual calculations used for
3 estimating total spill volume, spill volume reaching surface waters,
4 and spill volume recovered, as approved by the State Water
5 Resources Control Board.
- 6 ii. The accurate start time of every SSO based upon direct observation
7 and witness inquiry, and not the time the SSO was reported;
- 8 iii. Date and time-stamped photographs of the SSO; and,
- 9 iv. Reporting as an SSO event any section of the sewer line affected by
10 collection system inundation - any weather-related event or other
11 event which causes any manhole cover to become submerged under
12 two (2) or more inches of water.

13 2. Respond to all SSOs on a risk basis, regardless of the size or location of an
14 SSO, prioritizing MT. SHASTA’s response to a specific high-risk location
15 and using all available resources to address the SSO. High risk areas shall
16 include, but not be limited to: the proximity of the SSO to sensitive
17 populations, specifically public and private schools, parks, and recreational
18 areas, as well as high-density commercial and residential locales,
19 discharges to surface waters, especially during the recreation season from
20 May to September, and any other locations which pose an imminent and
21 substantial endangerment to public health or the environment. Staff
22 training shall be undertaken in order to comply with all SSOs on a risk
23 basis and to make such determinations.

24 3. Amend the MT. SHASTA Overflow Emergency Response Plan to provide
25 notification to members of the public for any and all SSOs in excess of
26 either one thousand (1,000) gallons in volume or one (1) hour in duration,
27 if the SSO occurs within the city limits, or reaches a receiving water during
28 the recreational period from May through September.

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4. Certify the MT. SHASTA Sewer System Management Plan (“SSMP”) to include the cleanup and disinfection procedures associated with an SSO event, providing:
 - i. For SSOs reaching surface waters, sampling shall be undertaken for ammonia, fecal coliform, and dissolved oxygen for any SSO greater than one thousand (1,000) gallons or posing a risk to human health or the environment. In the event MT. SHASTA cannot confirm that specific human pathogens from an SSO have been removed or mitigated, appropriate public notification signs and barricades shall be posted and placed to keep vehicle and pedestrian traffic away from contact with any spilled sewage. Sampling and testing shall be undertaken to determine the extent and impact of any SSO entering a surface water or discharging to land and posing a risk to public health or the environment. For any SSO reaching a surface water, MT. SHASTA shall collect and test samples from three (3) locations: 1) the point of discharge, 2) upstream of the point of discharge, and 3) downstream of the point of discharge. Water quality sampling results shall be reported in an appropriate category on the CIWQS reporting form or as required by the State Water Resources Control Board. The absence of sampling or testing requirements by a regulatory agency shall not be considered a conflict with regulatory agency requirements.
 - ii. For any discharge of sewage to a surface water, MT. SHASTA shall perform an analysis of the impact of the SSO on habitat of protected species under the Endangered Species Act, and an evaluation of the measures needed to restore water bodies containing biological habitat which have been compromised or adversely effected by the SSO.

1 5. Create a link from the MT. SHASTA website to the State Water Resources
2 Control Boar CIWQS SSO Public Reports website and publicize the link
3 to customers and members of the public.

4 6. Create and publicize a 24-hour, 7 days per week emergency hotline on the
5 MT. SHASTA website for the purpose of reporting SSOs or obtaining
6 information about an SSO event.

7 7. Contact local media upon the occurrence of a major SSO spill (ten
8 thousand (10,000) gallons or more) which poses an imminent and
9 substantial danger to public health or the environment. Post and maintain
10 public notification signs and barricades keeping vehicle and pedestrian
11 traffic away from contact with any spilled sewage. Signage and barricades
12 shall remain in place until the Department of Health, or other agency with
13 jurisdiction, has determined there is no further risk.

14 c. Chemical Root Control Management - Establish a written root control
15 management program and policy, to be included in the Sewer System Management
16 Plan and kept current, which policy will exclude the use of herbicides or
17 chemicals.

18 d. Sewer System Management Plan and Overflow Emergency Response Plan -
19 Update and keep current MT. SHASTA's Sewer System Management Plan and
20 Overflow Emergency Response Plan including the provision of annual training for
21 all personnel responsible for implementation of the same, and post all documents
22 relating to certification on MT. SHASTA website.

23 e. Capital Improvement Program - Update the MT. SHASTA Capital Improvement
24 Program biennially to identify and prioritize the rehabilitation and replacement of
25 sewer lines in the collection system based on the results of ongoing CCTV
26 inspection and condition assessment programs.

27 f. Reporting to CRW

28 1. Provide annual reporting to CRW, include sampling data, demonstrating

- 1 compliance with MT. SHASTA’s receiving water limitations set forth in
2 the NPDES Permit.
- 3 2. Provide CRW with MS4 monitoring data from the years 2020-2025
4 demonstrating compliance with MT. SHASTA’s MS4 permit.
- 5 g. Supplemental Environmental Project (“SEP”) - Develop a program designed to
6 reduce inflow and infiltration (“I/I”) in lieu of a sanitary sewer lateral inspection
7 repair program.
- 8 29. Order MT. SHASTA to pay civil penalties not excluded under CWA § 309(g), 33 U.S.C.
9 § 1319(g), or in lieu of penalties, fund a supplemental environmental project (SEP).
- 10 30. Order MT. SHASTA to pay the reasonable attorneys’ fees and costs of RIVER WATCH
11 (including expert witness fees), as provided by CWA § 505(d), 33 U.S.C. § 1365(d).
- 12 31. For such other and further relief as the court deems just and proper.

13
14 DATED: January 3, 2020

LAW OFFICE OF JACK SILVER

15 By: /s/ Jack Silver
16 Jack Silver

17 LAW OFFICE OF DAVID J. WEINSOFF

18 By: /s/ David J. Weinsoff
19 David J. Weinsoff

20 Attorneys for Plaintiff
21 CALIFORNIA RIVER WATCH
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EXHIBIT A

Law Office of Jack Silver

708 Gravenstein Hwy. North, # 407, Sebastopol, CA 95472-2808
Phone 707-528-8175 Email: JSilverEnvironmental@gmail.com



***Via Certified Mail –
Return Receipt Requested***

May 10, 2019

Rod Bryan - Public Works Director
Dept. of Public Works
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Bruce Pope - City Manager
Members of City Council
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Brooke Boyer - Lead Plant Operator
Grade 4 Operator & Laboratory Director
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act)

Dear Mr. Bryan, Mr. Pope, Mr. Boyer, and Members of City Council:

STATUTORY NOTICE

This Notice is provided on behalf of California River Watch (“River Watch”) in regard to violations of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and/or operation of the City of Mt. Shasta Wastewater Treatment Plant (“Facility”) and associated sewer collection system.

River Watch hereby places the City of Mt. Shasta, as owner and operator of the Facility and associated sewer collection system (referred to in this Notice as the “Discharger”), on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the Discharger for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the Regional Water Quality Control Board Central Valley Region (“RWQCB-Central Valley”), Water Quality Control Plan (“Basin Plan”), as the result of violations of the Discharger’s National Pollution Discharge Elimination System (“NPDES”) Permit.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, who has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in an NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition such that violation of a permit limit places a polluter in violation of the CWA. River Watch alleges the Discharger is in violation of the CWA by violating the terms of its NPDES permit.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency (“EPA”) to a state or to a regional regulatory agency provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board (“SWRCB”) and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the Discharger’s operations in the region at issue in this Notice is the RWQCB-Central Valley.

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute’s permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by the Discharger with the CWA.

NOTICE REQUIREMENTS

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. The Specified Standard, Limitation, or Order Alleged to Have Been Violated

The order violated is RWQCB-Central Valley Order No. R5-2012-0086, NPDES CA00788051 superceded by Order No. R5-2017-0117, NPDES No. CA0078051, *Waste Discharge Requirements For The City of Mt. Shasta and U.S. Department of Agriculture, Forest Service, City of Mt. Shasta Wastewater Treatment Plant, Siskiyou County*. River Watch has identified specific violations of the Discharger’s NPDES Permit including raw sewage discharges and failure by the Discharger to either comply with or provide evidence that it has complied with all the terms of its NPDES Permit.

2. The Activity Alleged to Constitute a Violation

River Watch contends that from May 01, 2014, to May 01, 2019, the Discharger has violated the Act as described in this Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

A. Sanitary Sewer Overflows, Inadequate Reporting, and Failure to Mitigate Impacts

i. Sanitary Sewer Overflows Occurrence

Sanitary Sewer Overflows (“SSOs”), in which untreated sewage is discharged above ground from the collection system prior to reaching the Facility are alleged to have occurred both on the dates identified in California Integrated Water Quality System (“CIWQS”) Interactive Public SSO Reports and on the dates when no reports were filed by the Discharger, all in violation of the CWA.

The Discharger’s aging sewer collection system has historically experienced high inflow and infiltration (“I/I”) during wet weather. Structural defects which allow I/I into the sewer lines result in a buildup of pressure resulting in SSOs. Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, canals and storm drains which are connected to adjacent surface waters including Cold Creek, Lake Siskiyou, and the Sacramento River – all waters of the United States.

A review of the CIWQS Spill Public Report – Summary Page identifies the “Total Number of SSO locations” as **54**, with 2,890,762 “Total Vol. of SSOs (gal).” Of this total volume, the Discharger admits at least **2,886,804** gallons, or **99%** of the total, reached a surface water. Of the 2,890,762 gallons of sewage spilled, only 8,730 gallons were reported as being recovered. The remaining volume was discharged into the environment posing both a nuisance pursuant to California Water Code § 13050(m) and an imminent and substantial endangerment to public health and the environment.

A review of the CIWQS SSO Reporting Program Database specifically identifies 15 recent SSOs reported as having reached a water of the United States, identified by Event ID numbers 843480, 834740, 833771, 833435, 832688, 831614, 831715, 829993, 823851, 823849, 818815, 817394, 812250, 811380, and 810159. Included in the 15 reported SSOs are the following incidents:

January 01, 2018 (Event ID# 843480) – an SSO estimated at 900 gallons occurred at a McCloud Avenue at South B Street (Coordinates 41.31224 -122.30846). The reported cause of the spill was root intrusion which impacted a gravity mainline. As a result all 900 gallons discharged into an “unnamed tributary of Lake Siskiyou.”

January 02, 2017 (Event ID # 831715) – an SSO estimated at 2,690,000 gallons occurred at a sewer interceptor line (Coordinates 41.308268 -122.32127). As a result of a pipe structural failure, all 2,690,000 gallons discharged into Cold Creek and from there to Lake Siskiyou, a tributary of the Sacramento River. The spill was not discovered until January 11, 2017 and was finally contained the following day.

January 08, 2017 (Event ID # 831614) – an SSO estimated at 88,030 gallons occurred at Alma Street Manhole # 425 (Coordinates 41.315056 -122.314766), as a result of flow exceeding capacity. According to the report, all 88,030 gallons reached Lake Siskiyou.

All of the above-identified discharges are violations of CWA § 301(a), 33 U.S.C. § 1311(a), as discharges of a pollutant (sewage) from a point source (sewer collection system) to a water of the United States without complying with any other sections of the Act. Further, these alleged discharges are

violations of the Discharger's NPDES Permit, which states in Section III. Discharge Prohibitions:

- B. "The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).
- C. Neither the discharge nor its treatment shall create a nuisance as defined in section 13050 of the CWC.
- D. The Discharger shall not allow pollutant-free wastewater to be discharged into the treatment or disposal system in amounts that significantly diminish the system's capability to comply with this Order. Pollutant-free wastewater means rainfall, groundwater, cooling waters, and condensates that are essentially free of pollutants. ...
- F. The discharge of wastewater to the Sacramento River during the recreation season (15 June through 14 September) is prohibited."

River Watch contends these violations are continuing in nature or have a likelihood of occurring in the future.

- ii. Inadequate Reporting of Discharges
 - a. Incomplete and Inaccurate SSO Reporting

Full and complete reporting of SSOs is essential to gauging their impact to public health and the environment. The Discharger's SSO Reports, which should reveal critical details about each of these SSOs, lack responses to specific questions that would identify the causes and the potential repairs ensuring these violations would not recur.

In addition, River Watch's expert believes many of the SSOs reported by the Discharger as partially reaching a surface water did so in greater volume than stated. River Watch's expert also believes that a careful reading of the time when the Discharger received notification of an SSO, the time of its response, and the time at which the SSO ended, too often appear as unlikely estimations. For example:

October 14, 2015 (Event ID #818815) – The spill start time and agency notification time are reported as 06:45. The operator arrival time is reported as 07:00, and the spill end time as 07:30. The total volume of the spill is reported as 950 gallons, of the total volume, 200 gallons are reported as having been contained, 200 gallons are also reported as having reached land, and 750 gallons are reported as having reached Lake Siskiyou.

April 05, 2016 (Event ID # 823849) – The spill start time is reported as 11:00, agency notification time as 12:00, operator arrival time as 12:45, and estimated spill end time as 01:30. Although the spill is reported as lasting two and a half hours, the total volume of the spill reported is only 10 gallons.

April 09, 2016 (Event ID # 823851) – The spill start time is reported as 09:00, agency notification time as 10:15, and operator arrival time as 10:20. The spill end time is reported as 11:00. The total volume of the spill reported is 50 gallons which discharged into an “unnamed tributary of Lake Siskiyou.”

Given the unlikely accuracy of the times, intervals and spill volumes provided in these reports, it is difficult to consider the stated volumes as accurate. Without accurately reporting the spill start and end time, there is a danger that the duration and volume of a spill will be underestimated.

b. Failure to Warn

River Watch contends the Discharger is understating the significance of the impacts of its CWA violations by failing to post health warning signs for the following discharges reaching a surface water: Event ID# 829993, 823851, 823849, 818815, 817394, 812250, 811380, and 810159.

iii. Failure to Mitigate Impacts

River Watch contends the Discharger fails to adequately mitigate the impacts of SSOs. The Discharger is a permittee under the *Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements*, Order No. 2006-0003-DWQ (“Statewide WDR”) governing the operation of sanitary sewer systems. The Statewide WDR requires the Discharger to take all feasible steps, and perform necessary remedial actions following the occurrence of an SSO, including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

A critical remedial measure is the performance of adequate sampling to determine the nature and the impact of the release. As the Discharger is underestimating SSOs which reach surface waters, River Watch contends the Discharger is not conducting sampling on most SSOs. The EPA’s “*Report to Congress on the Impacts and Control of CSOs SSO*” (EPA, Office of Water (2004)) identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. Numerous critical habitat areas exist within areas of the Discharger’s SSOs. Neighboring waterways include sensitive areas for the California Salamander, Shasta Crayfish, Cascades frogs, and Gray wolf. There is no record of the Discharger performing any analysis of the impact of its SSOs on critical habitat of protected species under the ESA, nor any evaluation of the measures needed to restore waterbodies designated as critical habitat from the impacts of SSOs.

B. Collection System Subsurface Discharges

It is a well-established fact that exfiltration caused by pipeline cracks and other structural defects in a sewer collection system result in discharges to adjacent surface waters via underground hydrological connections. River Watch contends untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in the Discharger’s sewer collection system into groundwater hydrologically connected to surface waters including, but not limited to, tributaries of the Sacramento River such as Cold Creek

and Lake Siskiyou. Surface waters become contaminated with pollutants including human pathogens. Chronic failures in the collection system pose a substantial threat to public health.

Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage. Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as testing of waterways adjacent to sewer lines for nutrients, human pathogens and other human markers such as caffeine. Any exfiltration found is a violation of the Discharger's NPDES Permit and thus the CWA.

C. Violation of Effluent Limitations and Monitoring Requirements

A review of the Discharger's Self-Monitoring Reports ("SMRs") identifies the following violations of effluent limitations imposed under the Discharger's NPDES Permit:

25 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Average Monthly is 4.6 mg/L.

(December 31, 2014) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057447

(January 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.6 mg/L at EFF-001.
Event ID# 1057450

(February 26, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.2 mg/L at EFF-001.
Event ID# 1057453

(March 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.6 mg/L at EFF-001.
Event ID# 1057460

(April 30, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057462

(December 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 14.4 mg/L at EFF-001.
Event ID# 1057463

(January 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.9 mg/L at EFF-001.
Event ID# 1057467

(February 29, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 8.84 mg/L at EFF-001.
Event ID# 1057469

(March 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 11.2 mg/L at EFF-001.
Event ID# 1057472

(April 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 10.1 mg/L at EFF-001.
Event ID# 1057474

(November 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057476

(December 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 13.8 mg/L at EFF-001.
Event ID# 1057478

(January 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057481

(February 28, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 10.9 mg/L at EFF-001.
Event ID# 1057483

(March 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 7.75 mg/L at EFF-001.
Event ID# 1057484

(April 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 9.49 mg/L at EFF-001.
Event ID# 1057486

(November 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 15.7 mg/L at EFF-001.
Event ID# 1057488

(December 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 14.9 mg/L at EFF-001.
Event ID# 1057490

(January 31, 2018) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 19.5 mg/L at EFF-001.
Event ID# 1057492

(November 30, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 17.1 mg/L at EFF-001.
Event ID# 1057417

(December 31, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 16.5 mg/L at EFF-001.
Event ID# 1057420

(January 31, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 18.5 mg/L at EFF-001.
Event ID# 1057424

(February 28, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 13.7 mg/L at EFF-001.
Event ID# 1057426

(March 07, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 8.66 mg/L at EFF-001.
Event ID# 1057615

(March 07, 2019) Ammonia, Total (as N) Weekly Average limit is 7.8 mg/L and reported value was 8.66 mg/L at EFF-001.
Event ID# 1057616

28 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Maximum Daily is 8.4 mg/L.

(December 08, 2014) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057446

(January 05, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 11.3 mg/L at EFF-001.
Event ID# 1057448

(January 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.9 mg/L at EFF-001.
Event ID# 1057449

(February 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.6 mg/L at EFF-001.
Event ID# 1057451

(February 17, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.8 mg/L at EFF-001.
Event ID# 1057452

(March 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 9.96 mg/L at EFF-001.
Event ID# 1057455

(March 11, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 11 mg/L at EFF-001.
Event ID# 1057456

(March 13, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.1 mg/L at EFF-001.
Event ID# 1057457

(March 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.8 mg/L at EFF-001.
Event ID# 1057458

(March 23, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.2 mg/L at EFF-001.
Event ID# 1057459

(April 09, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057461

(December 28, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.4 mg/L at EFF-001.
Event ID# 1057464

(January 12, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057465

(January 26, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.3 mg/L at EFF-001.
Event ID# 1057466

(February 03, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.84 mg/L at EFF-001.
Event ID# 1057486

(March 04, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057470

(March 29, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.7 mg/L at EFF-001.
Event ID# 1057471

(April 07, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.1 mg/L at EFF-001.
Event ID# 1057473

(November 22, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057475

(December 05, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.8 mg/L at EFF-001.
Event ID# 1057477

(January 12, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.5 mg/L at EFF-001.
Event ID# 1057479

(January 17, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057480

(February 07, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.9 mg/L at EFF-001.
Event ID# 1057482

(April 13, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 9.49 mg/L at EFF-001.
Event ID# 1057485

(November 03, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.7 mg/L at EFF-001.

Event ID# 1057487

(December 01, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.9 mg/L at EFF-001.

Event ID# 1057489

(January 03, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L and reported value was 18.5 mg/L at EFF-001.

Event ID# 1057423

(February 11, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L and reported value was 13. mg/L at EFF-001.

Event ID# 1057425

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.2 ml/L/hr.

(March 09, 2016) Settleable Solids Maximum Daily (MDEL) limit is 0.2 ml/L/hr and reported value was 0.8 ml/L/hr at EFF-001.

Event ID# 1015491

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.1 ml/L/hr.

(March 31, 2016) Settleable Solids Monthly Average limit is 0.1 ml/L/hr and reported value was 0.22 ml/L/hr at EFF-001.

Event ID# 1015492

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Monthly limit is 10 mg/L.

(August 31, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 10 mg/L and reported value was 13 mg/L at REC-001.

Event ID# 1015495

(November 30, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30 mg/L and reported value was 35.0 mg/L at LND-001.

Event ID# 1035781

(December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30.0 mg/L and reported value was 35.0 mg/L at EFF-001.
Event ID# 1037541

9 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Weekly limit is 15 mg/L.

(August 07, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.59 mg/L at REC-001.
Event ID# 1015493

(August 14, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.53 mg/L at REC-001.
Event ID# 1015494

(January 06, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average (Mean) limit is 45 mg/L and reported value was 49.1 mg/L at EFF-001.
Event ID# 1039049

(January 13, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average (Mean) limit is 45 mg/L and reported value was 53.0 mg/L at EFF-001.
Event ID# 1039046

(August 29, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.9 mg/L at REC-001.
Event ID# 1048653

(August 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average (Mean) limit is 10 mg/L and reported value was 11.6 mg/L at REC-001.
Event ID# 1050310

(September 21, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15.0 mg/L and reported value was 22 mg/L at REC-001.
Event ID# 1051111

(September 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 10 mg/L and reported value was 11.9 mg/L at REC-001.
Event ID# 1051110

(November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30 mg/L and reported value was 37.9 mg/L at EFF-001.
Event ID# 1054510

6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Percent Removal limit shall not be less than 85%.

(February 28, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent Reduction limit is 85% and reported value was 83.75% at EFF-001.
Event ID# 1027018

(December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 80% at EFF-001.
Event ID# 1037542

(January 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 65.25% at EFF-001.
Event ID# 1039044

(November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent Reduction limit is 85% and reported value was 75% at EFF-001.
Event ID# 1054513

(January 31, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 81% at EFF-001.
Event ID# 1055731

(February 28, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 74% at EFF-001.
Event ID# 1056860

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Turbidity - Maximum Daily limit is 10 NTU.

(July 16, 2017) Turbidity Daily Maximum limit is 10 NTU and reported value was 22.5 NTU at REC-001.
Event ID# 1029475

6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Total Suspended Solids - Average Monthly limit is 30 mg/L.

(November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 41.9 mg/L at LND-001.
Event ID# 1035780

(November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 32 mg/L at EFF-001.

Event ID# 1050302

(December 31, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30.0 mg/L and reported value was 36.4 mg/L at EFF-001.

Event ID# 1037538

(January 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 37.75 mg/L at EFF-001.

Event ID# 1039047

(February 28, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 33.1 mg/L at LND-001.

Event ID# 1040153

(March 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 30.3 mg/L at LND-001.

Event ID# 1042325

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Total Suspended Solids - Average Weekly limit is 45 mg/L.

(November 01, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 45.5 mg/L at LND-001.

Event ID# 1035779

(November 08, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 47.5 mg/L at LND-001.

Event ID# 1035782

(February 28, 2018) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 57.5 mg/L at LND-001.

Event ID# 1040150

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 9.1 ug/L.

(November 30, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported value was 19.9 mg/L at EFF-001.

Event ID# 1037600

(December 31, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported value was 24.7 mg/L at EFF-001.
Event ID# 1037539

(January 31, 2018) Copper, Total Monthly Average limit is 9.1 ug/L and reported value was 40.40 ug/L at EFF-001.
Event ID# 1039048

5 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 4. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 10.0 ug/L.

(November 30, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value was 33.3 ug/L at EFF-001.
Event ID# 1054512

(December 06, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value was 33.9 ug/L at EFF-001.
Event ID# 1055203

(January 03, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 31.1 ug/L at EFF-001.
Event ID# 1055729

(February 11, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 28.1 ug/L at EFF-001.
Event ID# 1056862

(March 07, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 16.6 ug/L at EFF-001.
Event ID# 1057617

2 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 19.3 ug/L.

(December 01, 2017) Copper, Total Daily Maximum limit is 19.3 mg/L and reported value was 24.7 mg/L at EFF-001.
Event ID# 1037537

(January 05, 2018) Copper, Total Daily Maximum limit is 19.3 ug/L and reported value was 40.4 ug/L at EFF-001.
Event ID# 1039051

4 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 4. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 18.5 ug/L.

(November 28, 2018) Copper, Total Recoverable Daily Maximum limit is 18.5 ug/L and reported value was 33.3 ug/L at EFF-001.
Event ID# 1054511

(December 06, 2018) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 33.9 ug/L at EFF-001.
Event ID# 1055202

(January 31, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 31.1 ug/L at EFF-001.
Event ID# 1055730

(February 11, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 028.1 ug/L at EFF-001.
Event ID# 1056861

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 12.9 ug/L.

(November 30, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value was 17.4 mg/L at EFF-001.
Event ID# 1037602

(December 31, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value was 13.4 mg/L at EFF-001.
Event ID# 1037540

(January 31, 2018) Zinc, Total Monthly Average limit is 12.9 ug/L and reported value was 25.4 ug/L at EFF-001.
Event ID# 1039050

1 violation - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: iii. 240 MPN/100 mL, at any time.

(April 10, 2018) Total Coliform Instantaneous Maximum limit is 240 MPN/100 mL and reported value was 300 MPN/100 mL at LND-001.
Event ID# 1043527

10 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median.

(April 10, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11.5 MPN/100 mL at LND-001.

Event ID# 1043531

(April 13, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 150 MPN/100 mL at LND-001.

Event ID# 1043529

(April 16, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 13 MPN/100 mL at LND-001.

Event ID# 1043534

(April 17, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11 MPN/100 mL at LND-001.

Event ID# 1043532

(April 24, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 23 MPN/100 mL at LND-001.

Event ID# 1043533

(April 26, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11.5 MPN/100 mL at LND-001.

Event ID# 1043530

(November 19, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 6.5 MPN/100 mL at LND-001.

Event ID# 1054508

(November 20, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 8.5 MPN/100 mL at LND-001.

Event ID# 1054507

(November 22, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4 MPN/100 mL at LND-001.

Event ID# 1054506

(November 23, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 3 MPN/100 mL at LND-001.

Event ID# 1054509

D. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

The Sacramento River (Box Canyon Dam to Shasta Lake), and the underlying groundwater have numerous beneficial uses as set forth in the RWQCB-Central Valley Basin Plan. SSOs reaching these waters cause prohibited pollution by unreasonably affecting these beneficial uses.

The Upper Sacramento River originates from water flowing off Mount Shasta to the north and from the Klamath Mountains to the west. The River flows south for approximately 40 miles, is joined by numerous tributary streams, and empties into Lake Shasta above Shasta Dam. Flows near the City of Mt. Shasta are regulated by the 430-acre Lake Siskiyou Reservoir built in 1968 for power production and recreation. This watershed also supports extensive timber resources on both public and private lands. The Sacramento River is one of California's premier wild trout waters.

Located in the upper watershed, the 26-acre foot Box Canyon Dam/Siskiyou Reservoir is operated by Siskiyou County for hydropower generation and recreation. Local communities capture spring water for domestic supply. There are no defined groundwater basins in this watershed, however, individual domestic wells are located throughout the region, and larger wells supply water to bottling plants in the cities of Mt. Shasta and Dunsmuir.

Discharges in excess of receiving water and groundwater limitations reaching these waters cause prohibited pollution by unreasonably affecting their beneficial uses. NPDES Permit No. CA0078051, Section V. Receiving Water Limitations, A. Surface Water Limitations, provides "discharge shall not cause the following in the Sacramento River:..."and continues on to list 17 prohibitions. River Watch finds insufficient information in the public record demonstrating the Discharger has monitored for and complied with these receiving water standards. River Watch is understandably concerned regarding the effects of discharges to beneficial uses applicable to the Sacramento River and its tributaries, and the effects of both surface and underground SSOs on critical habitat in and around this diverse and sensitive ecosystem.

3. The Person or Persons Responsible for the Alleged Violation

The entity responsible for the alleged violations identified in this Notice is the City of Mt. Shasta and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

4. The Location of the Alleged Violation

The location or locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the Discharger which relate to its ownership and operation of the Facility and associated sewer collection system, as further described in this Notice.

The City of Mt. Shasta is located approximately 9 miles southwest of the summit of Mount Shasta volcano, 3,600 feet above sea level. Rising 14,179 feet, Mount Shasta is the second highest volcano in the continental United States and a prominent landmark along the historic Siskiyou Trail. The population of the City of Mt. Shasta was 3,394 in the 2000 census.

A. Sanitary Sewer System

Order No. R5-2012-0086 contained effluent limitations on the discharges from the Discharger's sanitary sewer system to the Sacramento River which required advanced-secondary treatment throughout the spring, fall, and winter discharge periods; however, interim effluent limits and accompanying compliance schedules were provided in the NPDES Permit which allowed for effluent requiring only secondary treatment to be discharged during the winter period, which is considered to be November 16 through April 14. Surface water discharge during the summer months is prohibited.

B. Facility

The Facility is located approximately 2 miles south of the City of Mt. Shasta on the west side of Interstate 5, adjacent to the Sacramento River immediately downstream of Box Canyon Dam and Lake Siskiyou. The Facility discharges wastewater to the Sacramento River within the upper Sacramento Hydrologic Unit, Mount Shasta Hydrologic Area, Box Canyon Hydrologic Subarea.

Wastewater influent is primarily domestic. The design average daily dry weather flow capacity of the Facility is 0.8 million gallons per day (mgd). The peak wet weather flow capacity of the Facility is 2.1 mgd based on secondary treatment only. The Facility's current average daily dry weather flow is 0.57 mgd and the average peak wet weather flow is 1.91 mgd. The highest peak wet weather flow was recorded on February 9, 2017 at 2.61 mgd.

Treated wastewater can be discharged to any of 3 locations depending on water quality and time of year: the Sacramento River, a leach field located adjacent to highway 89, or the Mt. Shasta Resort Golf Course.

The outfall to the Sacramento River is located at the base of a steep canyon approximately 200 feet below the elevation of the Facility. Treated effluent is discharged from the Facility through a combination 15-inch and 10-inch diameter gravity outfall pipeline to an energy dissipater. The angle of entry to the River is approximately 30 degrees. Effluent is discharged to the River through a multipoint diffuser. Treated municipal wastewater is discharged at Discharge Point No. 001 to the Sacramento River at a point latitude 41° 16' 35.18" N and longitude 122° 19' 6.98" W. The discharge is approximately 0.6 miles downstream of Box Canyon Dam.

Order R5-2012-0086 required the Discharger to submit a work plan and repair the outfall and diffuser deficiencies by November of 2017. Although that work plan was submitted, to date the repairs to the outfall pipeline and diffuser have not been completed. It is the understanding of River Watch that the Discharger does not expect these repairs to be completed until approximately 2021 due to the funding time frames associated with other upgrade projects for the Facility.

Land disposal of discharges is to a 42-acre leachfield located on United States Forest Service property and located approximately 3 miles east of the Facility and the Sacramento River. The leachfield has a design average dry weather flow of 0.7 mgd. The disposal area consists of 2 intermittent leachfields with a total of 20,000 lineal feet of percolation trenches, varying from 8 to 12 feet in depth, with perforated leach pipe generally installed at a depth of 5 feet. A series of splitter boxes allows distribution of flow

evenly through the field and to alternate loading and rest periods. As required by Order No. R5-2012-0086, the Discharger completed a Leachfield Design Evaluation in February of 2014 concluding that the soils and geologic materials underlying the leachfield site would not provide any further treatment to the effluent beyond that which it receives at the Facility. Treated municipal wastewater is discharged at Discharge Point No. 002, a land discharge to the leachfield south of Highway 89 at latitude 41° 17' 8.34" N and longitude 122° 16' 24.65" W.

Aside from sludge buildup over time in the lagoons and the material skimmed from the dissolved air floatation thickener unit, the Facility does not generate or handle solids other than what is removed manually from the headworks. An estimated 15 cubic yards of debris is removed from the headworks annually. Solids are hauled to a disposal site in Oregon. In 2016, the Discharger hauled approximately 90 tons of material pulled from the algae ponds to Heard Farms in Roseburg, Oregon.

Pursuant to an Agreement with the owner of Mt. Shasta Resort Golf Course, treated municipal wastewater from the Facility is provided to the golf course for irrigation, discharged at Discharge Point No. 003, a recycled water discharge, to the golf course at latitude 41° 16' 59.16" N and longitude 122° 19' 7.80" W.

5. Reasonable Range of Dates During Which the Alleged Activity Occurred

The range of dates covered by this Notice is May 01, 2014 through May 01, 2019. This Notice also includes all violations of the CWA by the Discharger which occur during and after this Notice period up to and including the time of trial.

6. The Full Name, Address, and Telephone Number of the Person Giving Notice

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California with headquarters and main office located in Sebastopol. Its mailing address is 290 South Main Street, #817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and groundwaters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed to counsel identified below:

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RECOMMENDED REMEDIAL MEASURES

River Watch looks forward to meeting with Discharger's staff to tailor remedial measures to the specific operation of the Facility and associated sewage collection system.

CONCLUSION

The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, fishing, horseback riding, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person", including a governmental instrumentality or agency, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$54,833.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** "notice period" to promote resolution of disputes. River Watch strongly encourages the Discharger to contact counsel for River Watch within **20 days** after receipt of this Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,



Jack Silver

JS:lm

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